

Air Quality Management for Alternatives – Clean Air Act General Conformity Compliance

July 15, 2005

Objectives - Agency Collaboration, Draft PEIR, and Compliance with Legislation and Regulations

- ◆ ID Alternative with
Maximum Feasible
Attainment of Legislated
Objective: **“Elimination of
air quality impacts from
the restoration projects”**
- ◆ General Conformity
Demonstration
- ◆ Best Available Control
Measures, Compliance
with Local Regulations



Construction Emissions

- ◆ **Project Alternatives would involve varying levels of construction**
- ◆ **Construction equipment exhaust would contribute emissions of nonattainment pollutants or their precursors (NO_x, VOC, PM₁₀, PM_{2.5})**
- ◆ **“General Conformity” requires evaluation of operations and construction emissions from Federal Actions in areas designated as NA or Maintenance for NAAQS**

Federal Clean Air Act General Conformity Requirements

Clean Air Act (CAA) section 176(c) requires Federal actions to conform to applicable State or Federal Implementation Plans (SIPs or FIPs) to ensure the actions do not interfere with strategies employed to attain National Ambient Air Quality Standards (NAAQS).

Clean Air Act, Section 176

“Limitation on Certain Federal Assistance”,
No department, agency, or instrumentality of the Federal Government shall engage in, support, in any way or provide financial assistance for, licenses or permit, or approve, any activity which does not conform to an implementation plan after it has been approved or promulgated under section 110.

Conformity with State Implementation Plans

Conforming activities or actions should not, through additional air pollutant emissions, result in the following:

- ⌘ Cause or contribute to new violations
- ⌘ Increase the frequency or severity of existing violations
- ⌘ Delay timely attainment or interim emission reductions

Portions of the Salton Sea Watershed With Air Concentrations that Exceed National and California Ambient Air Quality Standards (NAAQS and CAAQS)

County (or Portion of)	Carbon Monoxide	Fine Particulate Matter (PM10)	Fine Particulate Matter (PM2.5)	Ozone
Imperial	C	N and C		N and C
Riverside		N and C		N and C
San Bernardino		N and C	N and C	N and C
San Diego		C	N and C	N and C

N = Ambient air concentrations exceed the National Ambient Air Quality Standards
 C = Ambient air concentrations exceed the California Ambient Air Quality Standards
 Source: California Air Resources Board, Area Designations, www.arb.ca.gov

General Conformity "*de minimis*" Thresholds for Non-Attainment Areas (NAAs)

Pollutant	Tons Per Year
<u>Ozone (VOCs or NOx)</u>	
Serious NAAs	50
Severe NAAs	25
Extreme NAAs	10
Moderate/Transitional NAAs	100
<u>PM-10</u>	
Moderate NAAs	100
Serious NAAs	70

Projects under thresholds are presumed to conform;
 Projects that exceed thresholds must demonstrate conformity

General Conformity Conformity Determination

◆ **Methods for Determining Conformity**

- ⌘ Phase project construction and operation to keep emissions below *de minimis* thresholds
- ⌘ Specifically identified and accounted for in the applicable State Implementation Plan (SIP)
- ⌘ Emissions **fully** offset through reductions elsewhere in the same non-attainment or maintenance area
- ⌘ Air quality modeling to demonstrate emissions do not cause or contribute to NAAQS violations
- ⌘ Emissions don't exceed applicable SIP budgets
- ⌘ State commitment to revise SIP

General Conformity and CEQA

- ◆ **Conformity and CEQA are separate requirements that may be completed separately, but likely need to be done concurrently**
- ◆ **CEQA documents should clearly state conformity requirements**
- ◆ **Many local air agencies have adopted federal conformity regulations by reference, so conformity thresholds serve as CEQA significance criteria**
- ◆ **Conformity demonstration is not required for all CEQA alternatives, only the Proposed Action**
- ◆ **Some agencies may require conformity demonstration as appendix to CEQA documents**