Record of Non-Applicability For Clean Air Act Conformity San Diego County

The Proposed Action, falls under the Record of Non-Applicability (RONA) category and is documented with this RONA.

The U.S. Environmental Protection Agency (USEPA) published *Determining Conformity of General Federal Actions to State of Federal Implementation Plans; Final Rule* on November 30, 1990 (58 Federal Register [FR] 63214; 40 Code of Federal Regulations [CFR] Parts 6, 51, and 93). The U.S. Department of the Navy (Navy) published Navy Guidance for Compliance with the Clean Air Act (CAA) General Conformity Rule (30 July 2013), as referenced in Chief of Naval Operations Instruction 5090.1E, *Environmental Readiness Program Manual* dated 25 June 2021. These publications provide implementing guidance to document CAA Conformity Determination requirements.

Federal regulations state that no department, agency, or instrumentality of the Federal Government shall engage in, support in any way or provide financial assistance for, license to permit, or approve any activity that does not conform to an applicable implementation plan. It is the responsibility of the federal agency to determine whether a federal action conforms to the applicable implementation plan, before the action is taken (40 CFR Section 51.850[a]).

The General Conformity Rule applies to federal actions proposed within areas that are designated as either *nonattainment* or *maintenance* for a National Ambient Air Quality Standard (NAAQS) for any of the criteria pollutants. Emissions of criteria pollutants within an area that is designated as *attainment* are exempt from general conformity analyses.

Federal actions within *nonattainment* or *maintenance* areas may be exempt from conformity determinations if their emissions of criteria pollutants do not exceed designated *de minimis* thresholds for the criteria pollutants (40 CFR Section 51.853[b]). The San Diego Air Basin has been determined by USEPA a severe nonattainment area for 8-hour O3 under the 2008 and 2015 standards. San Diego County is classified by USEPA as in attainment/unclassified for all other criteria pollutants. The applicable *de minimis* thresholds for San Diego Air Basin are listed in Table 1.

Table 1 - *de minimis* Levels for Criteria Pollutants in the San Diego Air Basin

Criteria Pollutants	*de minimis Thresholds (tons per year [tpy])*
Volatile Organic Compounds (VOC)	25
Oxides of Nitrogen (NO_x)	25

Note: VOC and NO_x emissions are used to represent O_3 generation because they are precursors of O_3.

PROPOSED ACTION

Action Proponent: Naval Facilities Engineering Command Southwest, Naval Base San Diego (NBSD)

Title of Proposed Action: NBSD Mole Pier South Berth Floating Dry Dock

Project Location: NBSD Mole Pier South Berth

Proposed Action and Emissions Summary: The Navy is proposing emplacement and operation of a floating dry dock, including all required dredging and sediment disposal as well as all required demolition and construction activities, necessary to support the forecasted surface ship dry docking at NBSD as identified by the Commander of the U.S. Pacific Fleet (CPF). The emplacement and operation of dry dock space is necessary to ensure NBSD's capability to conduct berth-side complex repair and maintenance of Navy vessels.

The Navy's Proposed Action is the emplacement of a floating dry dock at the South Berth of the Mole Pier.

Air Emissions Summary: The proposed emplacement and operation of a floating dry dock would result in air emissions from dredging, sediment disposal, in-water and landside construction, transit, and ship maintenance operations. It was determined that dredge material disposal would occur both at an approved upland disposal site, and at an ocean disposal site (ODMDS LA-5) on the basis of sampling and laboratory test results and pursuant to the U.S. Environmental Protection Agency (USEPA) and U.S. Army Corps of Engineers (USACE) Green Book (1991) and Inland Testing Manual (1998). Further, it was determined that the project sediment characterization and chemistry results did not meet allowable parameters for beneficial reuse.

Annual operations emission estimates were developed for both the FDD transit operations and a typical annual operations year. The emission calculation methodology was developed using the San Diego Air Pollution Control District Air Emissions Inventory Procedures, the US EPA Ports Emissions Inventory Guidance, and the Port of Long Beach Annual Air Emissions Inventory (San Pedro Bay Ports Emissions Inventory Methodology Report). For purposes of General Conformity, the worst-case potential estimated annual emissions includes one year of estimated ship maintenance operations and usage combined with transit emissions within 3 nautical miles of San Diego.

The results of the air emissions modeling for all elements of the Mole Pier South Berth Floating Dry Dock project are shown in Table 2.

Table 2- Project Emissions and Comparison to de minimis Thresholds

Year	*Emissions (tpy)*					
	CO	*VOC*	*NO_x*	*SO_x*	*PM_{10}*	*$PM_{2.5}$*
2024 Demolition, Construction, Dredge and Combined Ocean & Upland Disposal	2.7	0.4	3.6	0.1	0.3	0.3
2025 Construction and Annual Operations*	0.7	0.3	4.5	2.6	10.1	10.0
de minimis Threshold/Major Source Threshold	100	25	25	100	100	100
Exceeds Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

* Emissions associated with annual operation of the Proposed Action are presented excluding emissions from operations that would be subject to SDAPCD permitting. Sources subject to SDAPCD permitting are not required to be included in a General Conformity *de minimis* threshold comparison. The specific sources to be permitted by SDAPCD include marine coating application operations, emergency generators, and portable equipment registered under the Portable Equipment Registration Program (PERP).

Based on the air quality analysis summarized in Table 2, the maximum estimated emissions would be below the conformity *de minimis* levels.

Date RONA Prepared: 29 Nov 2023

EMISSIONS EVALUATION AND CONCLUSION

The Proposed Action would involve minor construction and operational emissions; all emissions are *de minimis*.

The Navy concludes that *de minimis* thresholds for applicable criteria pollutants would not be exceeded as a result of implementation of the Proposed Action. The emissions modeling data supporting the conclusion shown in Tables 2, is included in the attachment to the RONA. Therefore, the Navy concludes that further formal Conformity Determination procedures are not required, resulting in this RONA.

RONA APPROVAL

To the best of my knowledge, the information presented in this RONA is correct and accurate and I concur with the finding that the Proposed Action is not subject to the General Conformity Rule.

(Intentionally left unsigned in draft EA)

Date

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