

CLEAN AIR ACT DRAFT STATEMENT OF CONFORMITY  
For Permit Application No. 2004-01167-OD  
by the New Jersey Department of Transportation Office of Maritime Resources

The 1990 Clean Air Act Amendments include the provision of Federal Conformity, which is a regulation that ensures that Federal Actions (funding, permitting, licensing, etc.) conform with a non-attainment area's State Implementation Plan (SIP) thus not adversely impacting the area's progress toward attaining the National Ambient Air Quality Standards (NAAQS). The Federal Action in this case is initiated by the permit application by the New Jersey Department of Transportation Office of Maritime Resources (NJDOT/OMR) for dredging within the existing consolidated Port Jersey Channel (Contract 3) in the Cities of Bayonne and Jersey City, Hudson County, New Jersey.

There are two types of Federal Conformity: 1) Transportation Conformity and 2) General Conformity (GC). Transportation Conformity does not apply to this project because it is not funded by the Federal Highway Administration and does not impact the onroad transportation system. However, this project does trigger a GC review because of the permit application for new dredging (Federal Action).

The construction activities associated with this project occur within the State of New Jersey. Dredged material transit will occur in both New York and New Jersey waters. Transit emissions, which occur in both states, are de minimis in New York. All transit emissions will be accounted for in the emissions analysis.

Based on a review of the emissions analysis (summarized in Dredge and Dredged Material Transport Emission Estimates and Statement of General Conformity for the New Jersey Department of Transportation Office of Maritime Resources, Port Jersey Channel Deepening Project, October 2004) provided to the U.S. Army Corps of Engineers, New York District (NYD) by the Port Authority of New York and New Jersey (PANY&NJ), NOx emissions in 2005, 2006 and 2007 will be above de minimis levels (NOx at 25 tons per year) for General Conformity in severe ozone nonattainment areas.

In order to offset project emissions the PANY&NJ has proposed a program to repower local tugboats with cleaner engines. Complete emissions offsets will be required as a condition of any permit issued by the NYD. Therefore, conformity will be met for the entire project.

In summary, conformity for NOx will be achieved through offsetting of the project's emissions. Compensation will occur through prioritizing the use of emission reduction technologies where practicable and with the repowering of local tugboats. I have determined that this project can meet General Conformity provided that the impacts generated as a result of dredging and dredged material management activities are reduced through the measures outlined in this statement.

2/18/2005  
Date

  
Richard L. Tomer  
Chief, Regulatory Branch