CALIFORNIA
High-Speed Rail Authority

July 7, 2021

Glen Stephens
Eastern Kern Air Pollution Control District
2700 “M” Street, Suite 302
Bakersfield, California 93301-2370

Re: General Conformity for the Bakersfield to Palmdale Section of California High-Speed Rail

Dear Glen Stephens:

Purpose

The purpose of this letter is to document the commitment to satisfy General Conformity (GC) for the Bakersfield to Palmdale Section of the California High-Speed Rail project with the Eastern Kern Air Pollution Control District (EKAPCD).

Project

The California High-Speed Rail (HSR) System will provide intercity, high-speed service on more than 800 miles of guideway throughout California, connecting the major population centers of Sacramento, the San Francisco Bay Area, the southern Central Valley, Los Angeles, the Inland Empire, Orange County, and San Diego. The Bakersfield to Palmdale HSR Section (“Project” or “Action”) is a critical link connecting the Merced to Fresno, and Bakersfield to Palmdale HSR sections to the Palmdale to Los Angeles HSR sections.[1]

General Conformity Rule

The General Conformity Rule, as codified in Title 40 Code of Federal Regulations Part 93, Subpart B, establishes the process by which federal agencies determine conformance of proposed projects that are federally funded or require federal approval with applicable air quality standards. This determination must demonstrate that a Proposed Action would not cause or contribute to new violations of air quality standards, exacerbate existing violations, or interfere with timely attainment or required interim emissions reductions towards attainment. The California High-Speed Rail Authority (Authority), as the Action proponent, is receiving federal grant funds through the Federal Railroad Administration’s (FRA) High-Speed Intercity Passenger Rail program. The Action may also receive FRA safety approvals. Because of the federal funding and potential safety approvals, the Action is subject to the General Conformity Rule; and because construction-phase emissions (without mitigation) would exceed General Conformity *de minimis* thresholds, the Action is not exempt and must demonstrate conformity.

General Conformity Determination

The draft General Conformity Determination documents FRA’s finding that the Action complies with the General Conformity Rule and that it conforms to the purposes of the area’s approved State Implementation Plan and is consistent with all applicable requirements. The draft General Conformity Determination is being issued for public review and comment concurrent with the

[1] As part of its first phase, the California HSR system is currently planned as seven distinct sections from San Francisco in the north to Los Angeles and Anaheim in the south.

publication of the *Bakersfield to Palmdale Section Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS).*

The draft General Conformity Determination is based on the Impact Avoidance and Minimization Measures (IAMF) and Mitigation Measures (MM) that are described in Section 3.3.8 of the EIR/EIS and that will be implemented for the Action. This compliance is demonstrated as follows:

- The operation of the Action would result in a reduction of regional emissions of all applicable air pollutants and would not cause a localized exceedance of an air quality standard; and
- Whereas emissions generated during the construction of the Action would exceed General Conformity thresholds for one pollutant, these emission increases would be offset through the Emission Banking Certificate Program in the Eastern Kern Air Pollution Control District (EKAPCD).

Based on the current emissions analysis, construction emissions exceed General Conformity *de minimis* thresholds for nitrogen oxides (NOx) in the EKAPCD. These exceedances are based on current construction schedule and equipment estimates. It should be noted that the emission numbers provided in the Authority's EIR/EISs are reasonable estimates based on the available information to date. The methodology used in creating these estimates is similar to what was used for estimating the emissions for the Merced to Fresno and Fresno to Bakersfield project section environmental documents. After seven years of construction in the central valley, it has become clear that the estimates in the EIR/EIS are conservative and actual emissions from construction are currently lower than estimates by 50-70%.

The Authority has a long history of being proactive towards reducing construction emissions. As shown in Figure 1, the Authority has continually updated its policies and procedures to ensure that the project embraces and pushes the boundaries towards reducing emissions.

Impact Avoidance and Minimization Features

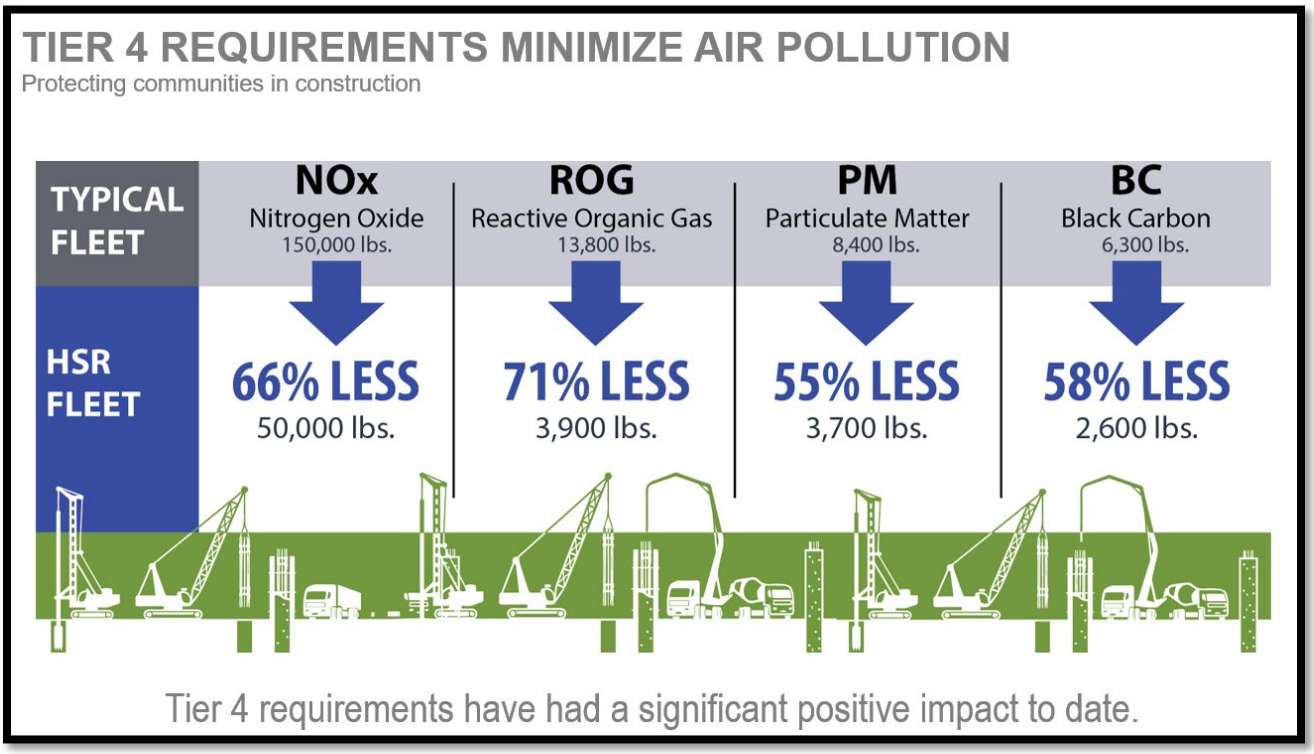
Avoiding and minimizing emissions is a strategy that is consistent with the net-zero greenhouse gas objectives of the Authority's Sustainability Policy. As such, the Authority has incorporated the following Impact Avoidance and Minimization Features (IAMF) into the project:

- **AQ-IAMF#1: Fugitive Dust Emissions:** The contractor would employ several control measures to minimize and control fugitive dust emissions and prepare a fugitive dust control plan for each distinct construction segment.
- **AQ-IAMF#2: Selection of Coatings:** The contractor would use lower VOC content paint than that required by SCAQMD Rule 1113.
- **AQ-IAMF#3: Renewable Diesel:** The contractor would use renewable diesel fuel to minimize and control exhaust emissions from all heavy-duty diesel-fueled construction diesel equipment and on-road diesel trucks.
- **AQ-IAMF#4: Reduce Criteria Exhaust Emissions from Construction Equipment:** All heavy-duty off-road construction diesel equipment used during the construction phase would meet Tier 4 engine requirements.
- **AQ-IAMF#5: Reduce Criteria Exhaust Emissions from On-Road Construction Equipment**: All on-road trucks would consist of model year 2010 or newer.

- **AQ-IAMF#6: Reduce the Potential Impact of Concrete Batch Plants:** The contractor would prepare a technical memorandum documenting the concrete batch plant siting criteria, including locating the plant at least 1,000 feet from sensitive receptors, and utilization of typical control measures.

These IAMFs have helped to reduce the construction emissions generated by the project. For example, Figure 1 highlights the significant criteria pollutant emission reductions demonstrated by the project due to the IAMF#4.

Figure 1 - Emission Savings due to Tier 4 Equipment in 2020



Future Emissions Estimates

Since funding has not been fully secured for this project section, construction emissions would be re-visited and re-calculated after funding is secured, prior to the implementation of any offset programs. As such, the following steps will be followed to demonstrate conformity:

- Once construction funding is secured for the project section, a revised construction schedule will be developed.
- Based on the new schedule, a construction plan will be developed and analyzed to determine the emission burdens generated by construction.
- At the time of analysis, the IAMFs and MMs will be revisited and updated to include technologies and methodologies that were not considered in the earlier analysis. This review and implementation of updated measures will aid the project in reducing the generation of emissions due to construction.

- Once emission estimates are calculated using the revised IAMF and MMs, it will be determined if the estimates are still above the applicable General Conformity *de minimis* thresholds.
- All affected air districts will be notified of the emission levels and consulted to offset emissions for those years/pollutants that exceed General Conformity *de minimis* thresholds. Alternatively, the air districts could include these emissions in the applicable State Implementation Plan (SIP).
- The emission accounting program the Authority uses to track emissions for the segments currently being constructed will be utilized to actively quantify the construction emissions generated by the project.

Conclusion

As such, by signing this letter, the Authority and the air districts commit to the following:

- The Authority will work with each air district in order to ensure that the lowest level of construction emissions are generated through the use of mitigation measures outlined in this document and rolling review of best available technologies.
- Any emissions exceeding General Conformity *de minimis* thresholds will be completely mitigated, in the year of occurrence, through either existing offset programs or inclusion in the applicable SIP. The current emission offset programs include:
    - Emission Banking Certificate Program (EBCP) with the Eastern Kern Air Pollution Control District (EKAPCD). The EBCP facilitates the use of emission reductions by industry as tradeoffs or offsets for new or modified stationary sources of air contaminants, including transfer of ownership of such credits (http://www.kernair.org/Rule%20Book/2%20Permits/210_3%20Emissions%20Reductions%20Banking.pdf).
- In addition to the above, and as discussed with EKAPCD, there is also an option for those air districts to utilize offsets obtained through the SJVAPCD's Voluntary Emission Reduction Agreement (VERA) program.
- The Authority and the air district will enter into a contractual agreement to mitigate the project's emissions, as required by General Conformity regulations, by providing funds for the applicable offset program to fund grants for projects that achieve the necessary emission reductions.
- The air district will seek and implement the necessary emission reduction measures, using Authority funds; and
- The air district will serve in the role of administrator of the emissions reduction projects and verifier of the successful mitigation effort.

As such, General Conformity will be satisfied for this project section.

Glen Stephens, EKAPCD