

**Notice of Intent to Adopt a Subsequent Negative Declaration
for Proposed Modifications to the Approved UPI Steel Mill
Modernization and Ship Delivery Project**

The Bay Area Air Quality Management District ("District") proposes to adopt a Subsequent Negative Declaration to augment the 1992 Final Environmental Impact Report ("FEIR") prepared for the approved USS-POSCO Industries ("UPI") steel mill modernization and ship delivery project (the "Project") for the purpose of analyzing two proposed modifications to the Project.

The UPI facility is located in the City of Pittsburg, California in Contra Costa County.

PROJECT DESCRIPTION

UPI proposes to modify the Project, which was approved by the District in 1992, in the following limited manner: 1) increase steel throughput from 1.49 to 2.2 million tons/year; and 2) allow the use of non-Selective Catalytic Reduction ("SCR") equipped ships to deliver semi-finished steel coils to UPI. The District has reviewed this proposal in Permit Application Number 00032.

As relevant here, once an FEIR has been approved for a project, CEQA Section 21166 and Section 15162 of the CEQA Guidelines prohibit the District from preparing a subsequent EIR unless it finds, on the basis of substantial evidence, that all of the following three triggering conditions are present: 1) Substantial changes are proposed in the approved project; 2) The changes will require major revision to the original FEIR; and 3) The changes will result in a new significant environmental effect or a substantial increase in the severity of a significant effect identified in the original FEIR.

If one or more of these conditions is absent (and a subsequent EIR is therefore prohibited), Section 15164 of the CEQA Guidelines provides that any necessary minor corrections to the FEIR may be made by way of an addendum, which is not circulated for public comment. This Subsequent Negative Declaration concludes that only one of the three triggering conditions identified in CEQA Section 21166 and CEQA Guideline Section 15162 is present here. That is, UPI's proposed Project modifications are substantial, but would not require major revisions to the FEIR, and would not cause a new unmitigated significant environmental effect or a substantial unmitigated increase in the severity of any previously identified significant effect. Although the District has determined that an addendum would be sufficient to address the minor corrections to the FEIR necessitated by the proposed Project modifications, a Subsequent Negative Declaration was prepared to afford an opportunity for public comment.

RECOMMENDATION

Pursuant to the California Environmental Quality Act (Public Resources Code section 21000, et seq.), the District is the Lead Agency for the described project. A Subsequent Negative Declaration, which includes an analysis of any potential significant environmental impacts, has been prepared for the project, and, on the basis of the analysis, the District has determined that the project modifications will have a less than significant effect on the environment.

REVIEW PERIOD

Interested persons are invited to send written comments on the Subsequent Negative Declaration to Ellen Garvey, Air Pollution Control Officer/Executive Officer, Bay Area Quality Management District, 939 Ellis Street, San Francisco, California, 94109. Such comments must be received by 5:00 pm on (30 days after the date on this notice).

If you have questions about the Project, please contact Donald Van Buren at (415) 749-4746 or at dvanburen@baaqmd.gov. If you have questions about the Subsequent Negative Declaration, please contact Barry Young at (415) 749-4721 or at byoung@baaqmd.gov.

Dated: March 15, 2002