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FEB 24 2011

Ref: 8EPR-N

Federal Transit Administration, Region 8
David Beckhouse
c/o North Metro Corridor Project Team
999 18th Street, Suite 900
Denver, CO 80202

Re: Comments on the North Metro Corridor Final Environmental Impact Statement CEQ # 20110025

Dear Mr. Beckhouse:

The U.S. Environmental Protection Agency (EPA) Region 8 has reviewed the Final Environmental Impact Statement (EIS) for the North Metro Corridor Project, prepared by the Federal Transit Administration (FTA) in cooperation with the Regional Transportation District (RTD). Our comments are provided for your consideration pursuant to our responsibilities and authority under Section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4332(2)(C), and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609.

The proposed North Metro Corridor Project would provide commuter rail transit from Denver Union Station (DUS) in downtown Denver, Colorado, north to State Highway (SH) 7, for a distance of approximately 18 miles. Service would be provided to Denver, Commerce City, Thornton, Northglenn, and Adams County, with station access planned at eight locations. The Preferred Alternative begins by following BNSF Railway right-of-way (ROW) north from DUS, leaving this ROW near the point where it enters Adams County, then following the Union Pacific Boulder Branch alignment to the northern end of the project. Electric multiple unit (EMU) technology has been selected for the preferred alternative.

EPA appreciates that many of our comments on the Draft EIS were responded to in Chapter 8 of the Final EIS, and that content was updated in the appropriate EIS chapters. Particularly, we are pleased to see the additional air quality information included in the Final EIS, including additional discussion regarding ambient air quality data, Mobile Source Air Toxics (MSATs), and carbon monoxide (CO). We also applaud the efforts of the project team, in coordination with the U.S. Army Corps of Engineers, to further avoid and minimize direct and temporary adverse impacts to wetlands and waters of the U.S., resulting in decreased wetland impacts in the Final EIS. We particularly appreciate the redesign of the station footprint and parking lot at the 104th Avenue site, resulting in reduced impacts to wetlands.

However, the response to comments appears to address only EPA's detailed comments provided in the enclosure of our January 15, 2010 letter on the Draft EIS. Many of our critical concerns and recommendations for the North Metro Project were expressed most clearly in our cover letter, while the enclosure provided specifics and examples. Consequently, we are uncertain whether FTA and RTD had an opportunity to fully consider all of our concerns during revision of the EIS, particularly with regard to wetland mitigation, surface water quality, and best management practices (BMPs) for stormwater runoff at the stations. We are therefore restating below the concerns that may not have been considered while making revisions to the Draft EIS. EPA would be glad to discuss these concerns with the project team, and consider possible means of addressing them in the Record of Decision (ROD).

Wetland Impacts

Table 3.10-21 of the Final EIS provides some general information regarding mitigation measures that will be implemented for unavoidable impacts to wetlands and waters of the U.S. EPA recommended in our review of the Draft EIS that detailed wetland mitigation plans should be included in the Final EIS. We continue to believe that these specific mitigation measures should be identified and disclosed for agency and public comment and review during the NEPA process.

Water Quality and Stormwater BMPs

EPA appreciates the clarification in the response to comments that the results of the Driscoll modeling were not used to assess the potential for impacts to local water quality impairments for ammonia, cadmium, dissolved oxygen, *E. coli*, nitrate, and selenium. However, we continue to recommend that the discussion of water quality impacts in the EIS should explain how the project team reached the conclusion that the proposed project would not cause or contribute to an impairment of local waters. In the absence of a modeling tool that can appropriately estimate impacts to local constituents of concern, we recommend a qualitative discussion be included to connect the discussion of environmental consequences with potential issues raised in the affected environment discussion.

The EIS indicates that permanent BMPs will be installed for post-construction stormwater management at station locations and that the installation of these BMPs will "mitigate the potential degradation of the stormwater quality of the receiving waters" (Final EIS, pg. 3.10-31). However, EPA continues to believe that further detail, including specifics on the design and maintenance of BMPs, should be included in the EIS and ROD. Further, we note that water quality modeling performed for the EIS indicates that stormwater runoff at the SH 7/162nd Avenue station will exceed the standard for copper prior to implementation of BMPs. For this station in particular, it is critical that the BMP be carefully designed to ensure adequate treatment. We note that monitoring should be implemented to ensure that the BMP is performing effectively at this station.

EPA's recommendations are in accordance with the recently released (January 14, 2011) memorandum from the Council on Environmental Quality (CEQ), which provides guidance for

federal agencies on the "Appropriate Use of Mitigation and Monitoring" in NEPA documents. CEQ's memorandum states that "agencies should clearly identify commitments to mitigation measures designed to achieve preferable outcomes in their decision documents… [M]itigation commitments should be carefully specified in terms of measurable performance standards or expected results, so as to establish clear performance expectations." The memorandum also guides agencies in establishing monitoring to ensure the implementation and effectiveness of mitigation. We recommend the project team consider this guidance for mitigation of impacts to all resources of concern during preparation of the ROD.

(Note regarding air quality: the FEIS on page 3.7-10 states "Detailed CO Hot Spot information can be found in the North Metro Air Quality Technical Memorandum." Although the CO hot spot modeling results are included in the FEIS, we could not find that particular document in the FEIS materials or on the North Metro FEIS website.)

Thank you for the opportunity to comment on this Final EIS. Because of our concern that some of the comments raised by EPA at the Draft EIS stage may not have been fully considered during the EIS revisions, we would like to discuss our comments with the project team. To schedule this conversation, please contact Molly Brodin of my staff at 303-312-6577. If you have any questions on the comments provided in this letter you may also contact Ms. Brodin, or please contact me at 303-312-6004.

Sincerely,

Larry Svoboda
Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation

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