UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

November 19, 2012

Howell Chan
California Department of Transportation District 4
111 Grand Avenue
P.O. Box 23660
Oakland, CA 94623-0660

Subject: Final Environmental Impact Statement for the Interstate 80/Interstate 680/State Route 12 Interchange Project, Solano County, California (CEQ #20120327)

Dear Mr. Chan:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and Section 309 of the Clean Air Act. EPA has previously provided feedback on this project through the *National Environmental Policy Act/Clean Water Act Section 404 Integration Process Memorandum of Understanding* (NEPA/404 MOU). We appreciate the significant coordination efforts to resolve concerns about impacts to water resources throughout the NEPA/404 MOU process.

EPA reviewed the Draft Environmental Impact Statement (DEIS) for this project and provided comments to the California Department of Transportation (Caltrans) on October 18, 2010. We rated the DEIS as *Environmental Concerns, Insufficient Information* (EC-2) due to concerns about impacts to wetlands and waters of the United States, air quality, and environmental justice communities, and requested that the Final Environmental Impact Statement (FEIS) include additional information about those impacts, the transportation benefits of the project, and other resource areas.

In a March 12, 2012 letter, we agreed with Caltrans' selection of Alternative C Phase 1 as the preliminary least environmentally damaging practicable alternative (LEDPA), the only alternative that can be permitted pursuant to Clean Water Act Section 404 Guidelines. We agreed to the conceptual mitigation plan in a November 13, 2012 letter. We encourage Caltrans to continue efforts to minimize impacts to aquatic resources, and other environmental resources, through project design modifications where possible. We continue to be available to discuss mitigation options with Caltrans as a final mitigation plan is developed.

We appreciate the additional information provided in the FEIS to address some of the concerns raised in our comments on the DEIS, but we have some remaining concerns, as described below.

Wetlands and Other Waters of the United States

The footnotes on page 3.2.1-10 state that based on a Suisun Floodplain study that is being conducted, flood flows at the Raines Drain crossing of I-80 may be significantly larger than what was considered in designing this project. The footnote states that preliminary data indicate that peak 50-year storm flows may be closer to 6,450 cfs, seven times greater than 925 cfs, the flow designed for as a part of this project. The footnotes state that if this information is confirmed, the stormwater conveyance improvements proposed as part of this project would require upsizing. EPA is concerned that this upsizing may result in additional resource impacts. If this upsizing is required, supplemental environmental analysis may be required to determine whether this change to project design would result in additional impacts.

Recommendation:

In the Record of Decision (ROD), clearly identify the process that will be used to determine whether or not design changes based on a potentially significant underestimate of stormwater flows will be required and whether these design changes will require supplemental environmental analysis.

The FEIS states that impacts to seasonal and perennial drainages will be mitigated with riparian habitat. Improving riparian habitat along existing creeks/drainages could be considered in-kind rehabilitation or enhancement, depending upon the type of creek/drainage. This mitigation would not be considered establishment, and may therefore require a higher mitigation ratio. Further, the FEIS contains mitigation performance standards for wetlands. As stated in our comments on the DEIS, the compensatory mitigation performance standards will be determined through consultation with the resource agencies during permitting. The standards included in the FEIS may be inadequate.

Recommendation:

In the ROD, confirm that the final mitigation plan, including type and location of mitigation, performance standards, and mitigation ratios will be determined through consultation with resource agencies during the permitting process

The discussion of impacts to seasonal wetlands states that compensation will be provided for indirect impacts to fairy shrimp habitat. This seems inconsistent with statements in this and other sections that indirect impacts to waters will be avoided through best management practices.

Recommendation:

If indirect impacts will occur in areas other than fairy shrimp habitat, commit to mitigation for these impacts in the ROD.

EPA supports the Army Corps of Engineers' request for additional information on cumulative impacts to wetlands; in particular the impacts of major development projects in the vicinity of the project.

Transportation and Mobile Source Air Toxics Impacts

EPA appreciates the updated information on transportation performance measures in the FEIS. We note that the updated information in Tables 3.1.6-10 and 3.1.6-11 indicates that travel times for some of the routes would be shorter with the project than with no project both in 2015 and 2035, and travel times for other routes would be longer with the project than without the project.

As stated in our comments on the DEIS, EPA commends Caltrans for identifying the general locations of sensitive receptors in the project area and performing a quantitative mobile source air toxics (MSAT) emissions analysis of the project alternatives. The FEIS states that the quantitative analysis indicated that the project would result in a decrease in MSAT emissions relative to existing conditions, but would result in increases in some MSAT emissions relative to future no-build conditions. The FEIS also states that an analysis of the project's MSAT impacts on sensitive receptors was not conducted because EPA has not established regulatory concentration targets for MSAT pollutants. While MSATs are not regulated like criteria pollutants, EPA encourages the disclosure of the locations and amounts of MSAT emissions in order to inform the public and inform minimization and mitigation strategies. EPA appreciates Caltrans' commitment to implement measures to reduce MSAT emissions where feasible.

Environmental Justice

EPA has remaining concerns about noise impacts to environmental justice communities, since the majority of the residences affected by noise impacts are located in an environmental justice community. While we appreciate the rationale provided for the decision to not implement mitigation measures, given that the impacts will affect environmental justice communities, we continue to recommend that all feasible mitigation measures be adopted.

Recommendation:

EPA recommends that Caltrans implement all mitigation that is deemed feasible, and to commit to this mitigation in the ROD.

We appreciate the opportunity to review this FEIS. When the ROD is signed, please send one copy to the address above (mail code: CED-2). If you have any questions, please contact Carolyn Mulvihill of my staff at 415-947-3554 or mulvihill.carolyn@epa.gov or Melissa Scianni of EPA's Wetlands Regulatory Office at 415-972-3821 or scianni.melissa@epa.gov.

Sincerely,

Connell Dunning

Connell Dunning, Transportation Team Supervisor
Environmental Review Office

cc: Paula Gill, Army Corps of Engineers
Brendan Thompson, Regional Water Quality Control Board
Melissa Escaron, California Department of Fish and Game
Michelle Tovar, U.S. Fish and Wildlife Service