Reading File

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

January 12, 2009

Mr. Ron Kosinski
California Department of Transportation, District 7
Division of Environmental Planning
100 South Main Street, SM-16A
Los Angeles, California 90012

Subject: Supplemental Draft Environmental Impact Statement (SDEIS) for the Schuyler Heim Bridge Replacement and State Route 47 Expressway Project (CEQ # 20070361)

Dear Mr. Kosinski:

The U.S. Environmental Protection Agency (EPA) has reviewed the Supplemental Draft Environmental Impact Statement (SDEIS) for the Schuyler Heim Bridge Replacement and State Route (SR) 47 Expressway Project (Project), Ports of Los Angeles and Long Beach, Los Angeles County, California. Our comments are provided 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. Based upon our review, we have rated the proposed action as *Environmental Concerns- Insufficient Information (EC-2)*. See attached "Summary of the EPA Rating System" for a description of the rating. The basis for the rating is summarized below and further detailed in our enclosed comments.

We rated the original Draft Environmental Impact Statement (DEIS) for the project as *Environmental Concerns-Insufficient Information* (EC-2) due to concerns regarding the project's impacts to air and water quality and its contribution to cumulative impacts to neighboring low income and minority communities that have historically sustained extensive impacts from goods movement-related operations. EPA commends the California Department of Transportation (Caltrans) for including additional mobile source air toxics (MSAT) analysis and, specifically, a health risk assessment (HRA), in the SDEIS. EPA provides additional comments on the project related to this analysis, including the HRA, and other air quality-related changes to the document. Since the SDEIS only includes changes to the original DEIS relative to the additional HRA prepared by the Alameda Corridor Transportation Authority, our comments are specific to the air quality portions of the SDEIS and the supporting appendices. EPA has decided not to comment on the Environmental Justice and Cumulative Impacts Sections of the SDEIS at this time as there is very limited information provided in this document. Please refer to our previous comments, provided on October 12, 2007, on environmental justice, cumulative impacts and other matters that were not addressed in this SDEIS.

We appreciate the opportunity to review this SDEIS and are available to further discuss all recommendations provided. When the FEIS is released for public review, please send two hard copies and three electronic copies to the address above (Mail Code: CED-2). If you have

any questions, please contact me, at 415-972-3521, or Susan Sturges, the lead reviewer for this project. Susan can be reached at 415-947-4188 or sturges.susan@epa.gov.

Sincerely,

Kathleen M. Goforth, Manager
Environmental Review Office (CED-2)

Enclosures:
EPA's Detailed Comments
Summary of EPA Rating Definitions

cc: Karl Price, California Department of Transportation
Steve Healow, Federal Highway Administration
Mark Cohen, U.S. Army Corps of Engineers

Air Quality

Air Toxics and the Health Risk Assessment

EPA appreciates the willingness of the California Department of Transportation (Caltrans) to include further analysis on mobile source air toxics (MSAT) impacts for the proposed Project in the Supplemental Draft Environmental Impact Statement (SDEIS), especially the addition of a health risk assessment (HRA) that can be used to meaningfully distinguish between project alternatives. The data presented in Figures 3-1 and 3-2 and the related discussion of diesel-related human health impacts are particularly notable, given the significant differences in where project impacts and benefits would occur for each alternative. Also, the document is commendable for identifying sensitive land uses and receptors, such as schools, that may experience these project impacts and benefits disproportionately.

With respect to the specific HRA methodology, EPA will reserve major comments on the traffic analysis, emissions and dispersion modeling, and risk scenarios at this time. As you know, EPA is a cooperating agency and member of the Agency Air Technical Working Group (AATWG) for the proposed Interstate 710 expansion project. As a part of that group, EPA is working with Caltrans and other partners to identify appropriate HRA methodology for transportation projects under NEPA. The technical discussions and consensus reached within the AATWG will be directly applicable to future analyses similar to those conducted for this Project.

At this time, EPA agrees with the general approach of applying EMFAC2007 to quantifying project emissions, AERMOD to model dispersion, and California's *Air Toxics Hot Spots Program Risk Assessment Guidelines* to inform risk scenario guidelines. However, with respect to dispersion modeling specifically, EPA notes that the AATWG has discussed the use of dispersion models such as CALINE4 as a compliment to AERMOD, in order to more accurately identify potential impacts in the near-road environment.

EPA notes the following discrepancies and deficiencies related to MSATs and the HRA in the SDEIS, and makes the following associated recommendations:

Recommendations:

- The SDEIS indicates, on page 3.13-26, that "it was conservatively assumed that Port trucks in the years 2015 and 2030 would be heavy duty diesel trucks with model year 2007 or newer engines." This does not appear to be a conservative assumption, since pre-2007 trucks have higher emissions. Clarify this comment, providing justification, as needed, for the assumption that no pre-2007 trucks would be operating in 2015.
- The original discussion of region-wide impacts, found on page 3.13-27, second paragraph, under "Results" is outdated and confusing. Local impacts for this project are clearly the primary concern, so consideration of project-wide emissions could be misleading. EPA recommends that this section be removed for the Final Environmental Impact Statement (FEIS).

- The section entitled "Limitations of MSAT Analysis" (pages 3.13-28 through 30) is incorrect and is longer relevant to the analysis in this document. The section describes why emissions, dispersion, and exposure tools are not available for a quantitative MSAT analysis, but Caltrans has disproved this assertion by including that exact analysis in the expanded HRA. This discussion is from prototype language included in the Federal Highway Administration (FHWA) interim guidance (February 2006) on MSAT analysis for transportation projects under NEPA. While there are positive elements to this guidance, especially the willingness to acknowledge potential MSAT concerns, EPA continues to disagree, nationally, with major elements of this approach. EPA recommends that this section and other similar references to limitations of MSAT analysis in the document be removed for the FEIS.
- The assumption of 100% of remaining trucks being converted to biodiesel (found on page 16 of Appendix A, i.e. the Health Risk Assessment) has not been justified. This assumption may lead to an underestimate of the project impacts. The document should provide justification for the assumption of a 35% reduction in diesel particulate matter. If there is a possibility that the 100% threshold will not be met, the FEIS should quantify the project impacts with a more conservative assumption, or a range of assumptions.
- The discussion of AERMOD (page 23 of Appendix A) should include a mention of the use of additional near-roadway models, including CALINE4 and CAL3QHCR, as a future consideration.

Particulate Matter with a Diameter of 2.5 Microns or Less (PM2.5)

The new 24-hour PM2.5 national ambient air quality standard (NAAQS) of 35 ug/m^3 should be used as a significance threshold for NEPA evaluation purposes, as described in the memorandum by Anne Norton Miller, Director, EPA Office of Federal Affairs ("Reflecting the Revised PM2.5 National Ambient Air Quality Standard in NEPA Evaluations", June 25, 2007). This new standard was exceeded numerous times at the North Long Beach and Long Beach stations. The two Long Beach monitoring locations do show overall progress, but the PM2.5 35 ug/m^3 24-hour standard has not been attained at either monitoring location. The text in the Affected Environment section of the SDEIS appropriately discloses exceedences of the current federal 24-hour PM2.5 standard, but the new standard is not reflected in the project's impact analyses or tables. EPA notes that the former federal PM2.5 standard of 65 micrograms per cubic meter (ug/m^3) can still be used for conformity analyses until a year after the effective date of new designations, expected approximately in April 2010.

Recommendation:

- To most accurately represent the air quality conditions in the Long Beach area, include in the FEIS a comparison of the PM2.5 concentrations to the new PM2.5 24-hour NAAQS. Update the analysis, results, and tables, including Table 3.13-2, to reflect this significance threshold.

Particulate Matter with a Diameter of 10 Microns or Less (PM10) Conformity Analysis

In March 2008, the entire project-level conformity analysis for PM2.5 was redone to reflect a change in the scope of the project (i.e., an additional two-lane, elevated flyover structure was added and Alternative 1 was selected as the preferred alternative). The PM10 analysis was not submitted at that time to the South Coast Association of Governments (SCAG) conformity workgroup for review. It appears that the PM10 analysis should have been added to the recirculated project-conformity analysis in March 2008.

On March 10, 2006, EPA issued amendments to the Transportation Conformity Rule to address localized impacts of particulate matter: "PM2.5 and PM10 Hot-Spot Analyses in Project-level Transportation Conformity Determinations for the New PM2.5 and Existing PM10 National Ambient Air Quality Standards". The 2006 guidance states that analyses started for PM10 prior to its 2006 release can be completed following FHWA 2001 guidance. However, if the PM10 analysis was updated, as was the PM2.5 analysis, to accommodate a change in project scope, then the conformity analysis should have been revised per the newer EPA 2006 guidance.

Recommendation:

- Clarify the project's conformity process and any needed scope change, and update this information, accordingly, in the FEIS. If the PM2.5 project-level conformity analysis needed to accommodate a project scope change, then the PM10 project-level conformity analysis should have been revised per the newer EPA 2006 guidance.

Regional Conformity

EPA makes the following associated recommendations related to regional conformity:

Recommendations:

- On page 3.13-3, under "Regional Conformity Determination", include a reference in the FEIS that the South Coast Air Basin is a maintenance area for nitrogen dioxide (NO2) and still requires conformity.
- In early 2008, the state of California made a formal request to change the classification for 8-hour ozone to "extreme". Include a reference to this request in the FEIS.
- On page 3.13-6, under "Regional and Local Requirements", include clarification that EPA did not make positive adequacy determinations on all the budgets in the 2007 South Coast Air Quality Management Plan (SCAQMP) and is being litigated on the adequacy finding on the PM2.5 budgets.

Other Available Monitoring Data

In our previous comments, EPA recommended that the FEIS report the results of other local air quality monitoring studies. The SDEIS now references these studies and sites, but does include a summary of the available data.

Recommendation:

- Where relevant, include in the FEIS the data and results of the monitoring studies to determine whether any updates to the air quality analysis are necessary to provide the most accurate and current assessment of the air quality conditions in the proposed project area.

Mitigation

EPA makes the following recommendations related to proposed air quality mitigation:

Recommendations:

- On page 3.13-60, for mitigation measure AQ-1, add "if a site is anticipated to be inactive for 10 days".

- On page 3.13-61 to 3.13-62, for mitigation measure AQ-9, include additional information on the process and timing of the proposed truck replacements for the Diesel Truck Buyback Program. Clarify whether this mitigation measure relies on existing measures in the Clean Air Action Plan or whether the intent is to propose a program independent of the CAAP. Discuss who would implement the program and be the responsible party.