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

September 24, 2012

Mr. Aaron Burton
California Department of Transportation, District 8
464 West 4th Street
6th floor, MS1162
San Bernardino, CA 92401-1400

Subject: EPA Comments on the Final Environmental Impact Statement for State Route 91 Corridor Improvement Project in Riverside and Orange Counties, California (CEQ # 20120269)

Dear Mr. Burton:

The 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. We note that NEPA compliance for this project has been delegated from the Federal Highway Administration (FHWA) to California Department of Transportation (Caltrans) pursuant to the *Memorandum of Understanding Between the FHWA and Caltrans Concerning the State of California's Participation in the Surface Transportation Project Delivery Pilot Program (June 2007).*

EPA reviewed the Draft Environmental Impact Statement (DEIS) for this project, and provided comments to Caltrans on July 11, 2011. We rated the DEIS as Environmental Concerns-Insufficient Information (EC-2) due to concerns regarding possible increases in localized mobile source air toxics (MSATs) exposure, lack of analysis for MSAT hotspots, and failure to identify specific location information for impacts to waters of the U.S. Our concerns regarding location-specific data on waters impacts has been addressed in the FEIS, and we commend Caltrans for project design refinements that have led to significantly reduced impacts to wetlands and waters. Our remaining concerns regarding analysis of MSATs are summarized below.

Mobile Source Air Toxics

An analysis of changes in ambient concentration, i.e. dispersion modeling, remains necessary in the FEIS for the project sponsors and the public to properly understand the potential MSAT impacts and to inform design and mitigation measures. This is especially important given that the project is an expansion of an already major freeway in close proximity to a number of

residences and sensitive receptors. While MSAT emissions will be substantially decreased in the future as a result of EPA rules, the project has a significant potential to exacerbate localized MSAT impacts and shift where they occur. Expanding a roadway and moving it closer to residences can significantly increase MSAT exposure near the roadway because concentrations of MSATs drop off exponentially. Thus, design changes to avoid these hotspot impacts may have major benefits beyond what is already accomplished by EPA rules.

The response to EPA's recommendations for MSAT analyses (F-3-5, Appendix O, pages O-59 and O-60) in the FEIS does not sufficiently address EPA's concerns. In particular, the response to our recommendation for dispersion modeling (F-3-5, Appendix O, pages O-60), does not accurately describe current dispersion modeling science. Our comments on the DEIS cited the National Cooperative Highway Research Program (NCHRP) report entitled "Analyzing, Documenting, and Communicating the Impacts of Mobile Source Air Toxic Emissions in the NEPA Process" (NCHRP 25-25 Task 18, March 2007). EPA continues to believe that the above-stated report provides a useful approach for informing the public and decision-makers about potential MSAT impacts through the NEPA process. The report reflects a wide scientific consensus on both the application and appropriateness for dispersion modeling in the context of transportation projects under NEPA. EPA's Air Toxic Risk Assessment (ATRA) Reference Library (http://www.epa.gov/ttn/fera/risk_atra_main.html) provides parallel recommendations to the NCHRP report for modeling and risk assessment.

EPA continues to recommend that Caltrans conduct dispersion modeling of the most significant MSATs in order to better understand MSAT impacts associated with the project, identify hotspots, and inform design and mitigation measures to reduce MSAT impacts. The results of the dispersion modeling, as well as design and mitigation measures, should be included in the Record of Decision (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 me at 415-947-4161 or Susan Sturges of my staff at 415-947-4188 or sturges.susan@epa.gov.

Sincerely,

Connell Dunning

Connell Dunning, Transportation Team Leader
Environmental Review Office