UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

May 26, 2015

Mr. Richard Krochalis, Regional Administrator
Federal Transit Administration, Region 10
915 Second Avenue, Suite 3142
Seattle, Washington 98174-1002

Mr. Perry Weinberg, Director
Office of Environmental Affairs and Sustainability
Sound Transit
401 South Jackson Street
Seattle, Washington 98104-2826

Dear Mr. Krochalis and Mr. Weinberg:

The U.S. Environmental Protection Agency has reviewed the Draft Environmental Impact Statement for the Federal Way Link Extension (EPA Region 10 Project Number 12-0058-FTA). We are submitting comments in accordance with our responsibilities under the National Environmental Policy Act and Section 309 of the Clean Air Act. We appreciate your efforts to involve and inform us throughout the NEPA process.

Sound Transit proposes to expand the regional light rail transit system south from SeaTac to Federal Way, Washington. The proposed extension would be within the cities of SeaTac, Des Moines, Kent, and Federal Way in King County. The 7.6 mile long corridor generally parallels SR 99 and I-5 along a topographic ridge between Puget Sound and the Green River Valley. In addition to the No Action Alternative, there are four action alternatives, each with between four and nine station or alignment options. The alignment alternatives, which include at-grade, trench, and elevated light rail, are:

- The SR 99 route, which includes three stations, five station location options, and four potential additional stations;
- The I-5 route, which includes three stations, four station location options, and a landfill median alignment option;
- The SR 99 to I-5 route, which includes three stations, two station location options, two potential additional stations, and a landfill median alignment option; and
- The I-5 to SR 99 route, which includes three stations, two station location options, and two potential additional stations.

We support and commend FTA and Sound Transit for continued efforts to provide public transit via light rail for the Puget Sound region. We appreciate your dedication to delivering environmentally sensitive projects, providing service to disadvantaged populations, and supporting state, regional, and local growth strategies. The proposed alternatives provide an array of choices to fulfill these needs, including ways to maximize ridership, transit oriented development, and more walkable, livable communities.

Because a preferred alternative will not be identified until after the Final EIS is issued, we are rating the alternatives individually as follows:

- SR 99 Alternative: LO (Lack of Objections)
- I-5 Alternative: EC-2 (Environmental Concerns, Insufficient Information)
- I-5 to SR 99: EC-2 (Environmental Concerns, Insufficient Information)
- SR 99 to I-5 Alternative: EC-2 (Environmental Concerns, Insufficient Information)

An explanation of the EPA rating system is enclosed for your information.

Based on the information in the Draft EIS, we believe that the SR 99 alignment best avoids and minimizes environmental impacts while maximizing environmental benefits. We base this on the following features:

- Ridership: With 4 or 5 stations, SR 99 Alternative maximizes ridership over all other alternatives (p. 3-21), and does so also in the interim condition with the Kent-Des Moines station terminus (p. 3-24).
- Residential displacements: Only 36 residential displacements would occur compared to 106, 244, or 285 for the other proposed alternatives.[1]
- Environmental justice: The Camelot mobile home park along I-5 would not be displaced or impacted by additional noise, vibration, loss of vegetation/riparian/stream corridor and I-5 buffer, visual and construction impacts.
- Transit Oriented Development potential: Land uses along SR 99 are considered underutilized (developed at densities less than allowed under current zoning)[2] and generally auto-dependent in nature. High capacity transit would stimulate and support redevelopment that increases density and community cohesion, improves access, supports non-motorized travel, and better serves transit-dependent populations.
- Consistency with State, Regional, and local growth strategies: The goals and policies of the Growth Management Act, VISION 2040, Transportation 2040, and local comprehensive plans would be best supported by maximizing benefits with respect to the above criteria.
- Hazardous materials: The SR 99 Alternative would avoid the Midway Landfill, thereby maintaining the integrity of the remedy for this Superfund site.
- Impacts to aquatic resources: The SR 99 Alternative would avoid the need to pipe 800 feet of Bingaman Creek and would have the smallest percent increase in impervious surface among alternatives.

Our environmental concerns for the other three alternative alignments are based on their lower performance with respect to these same features. In addition, the I-5 and the SR-99 to I-5 alternatives would require relocation and/or piping of 800 feet of Bingaman Creek in the stream's upper reach. This is a permanent impact, which is avoidable with selection of either the SR 99 or the I-5 to SR 99 Alternative. The need for more information pertains to the preliminary estimates of impacts to resources at this stage of project development and the lack of specific proposals for compensatory mitigation for any unavoidable impacts to aquatic resources. Because the project area is highly urbanized, the remaining natural areas provide important ecosystem functions. Therefore, we would encourage taking extra effort to avoid further impacts to the extent, structure, diversity, and integrity of these natural

[1] DEIS, p. 4.1-1.
[2] DEIS, p. 4.2-1.

areas, particularly those of highest ecological value, such as McSorley Creek/WDFW biodiversity corridor/wetland/forest complex, Redondo and Bingaman Creeks, and the forested corridor along I-5. We recommend that the Final EIS provide more specific information regarding impacts and mitigation to inform decision making.

Station Options:

- Regarding the two potential additional stations for the SR 99 Alternative, at S. 216th we recommend selecting the S. 216th East station option rather than the West option due to its lower impacts to vegetation. At S. 260th, we recommend either not having a station, or choosing the west option due to its lesser wetland impacts. Both options would cross McSorley Creek; the East option would have additional impacts on McSorley Creek wetlands and forest, which are avoidable with the West option.

- At the Kent/Des Moines station - if a station option is selected, we recommend either the SR 99 Median Option or the SR 99 East Option. However, SR 99 East Option would have 0.6 acres less vegetation impacts, and is therefore preferred.

- At S. 272nd Redondo, we recommend selecting the standard station and avoiding the trench option due to its greater wetland and vegetation impacts, lower TOD potential, and increased residential and employment displacements.

- At Federal Way, we support use of either the Federal Way Transit Center Station or the Federal Way SR 99 station option.

Hazardous Materials – Midway Landfill

We appreciate Sound Transit's efforts to coordinate with agencies regarding the Midway Landfill and the need to maintain the integrity of the site remedy. We have the following comments on the information contained in the Draft EIS:

- In addition to considerations of waste compaction, the gas extraction system would likely be impacted. The City of Seattle, in conjunction with Ecology, has the technical expertise to determine how much impact this would have. The EIS should address this part of the landfill remedy.

- Potential Permits and Approvals (ES-v): The EIS should indicate that approval from EPA and Ecology would be needed for the Midway Landfill option. The necessary documentation would either be an Explanation of Significant Difference to the Record of Decision or a Record of Decision Amendment. The Record of Decision should be cited: U.S. Environmental Protection Agency 2000. Record of Decision, Midway Landfill, Kent, Washington, September 6, 2000.

- On page 4.12-10, the DEIS states that "Compaction of the waste would minimize the creation of new leachate pathways to groundwater in the long term." We ask that this statement be removed, as the EPA is not aware of data to support this, and there may actually be increased leaching of contaminants during the compaction.

- On page 5-67, we ask that the second paragraph be modified to read as follows: "Deed restrictions are currently in effect for the landfill site, and inclusion of the site within the Superfund program will lead to extensive regulatory involvement with the EPA and Ecology. An Explanation of Significant Difference to the Record of Decision or a Record of Decision Amendment would need to be made final prior to any activities that would disturb the landfill cap. These activities would involve designing, then cutting, removing, and replacing the cap in the areas where drilled shafts, waste removal, or compaction would occur. Environmental monitoring would take place to ensure worker and public health and safety while the landfill cap is open."

Climate change/greenhouse gas emissions

The DEIS indicates that the combined emissions from vehicle miles travelled and energy generation for operation of the FWLE would result in a net increase of 1,280 metric tons of CO2e per year (equivalent to the average energy consumed by 176 households) when compared to the No Build Alternative.[3] However, the Summary Table of Impacts and Mitigation[4] states that the GHGs with the FWLE build alternatives would be less than under the No Build Alternative. While this issue needs clarification, the former outcome appears congruent with Sound Transit's 2013 Sustainability Framework[5] Report, which shows a 3% increase in energy use per revenue mile, and a 2% increase in greenhouse gas emissions per revenue mile. In light of Sound Transit's commitment to sustainability, which embraces the need to reduce greenhouse gas emissions, we recommend that potential mitigation measures be discussed and commitments made to address this increase. Mitigation could include things such as onsite solar energy (e.g., solar panels on stations and/or parking lots), or using other renewable energy from offsite sources. Consider, too, adopting a zero net GHG emissions policy, and potentially buying carbon credits locally to offset emissions.

Construction Mitigation

The SR99 Alternative, in particular, would require construction within existing residential and commercial land uses thereby affecting a greater number of people with construction-related emissions, including air toxics. To reduce these effects, we recommend including additional construction mitigation measures, such as the three additional readily available mitigation measures listed on page 5-44 of the DEIS: use emission reduction technologies and practices for on and off road equipment/vehicles; implement construction engine idling restrictions; and locate construction equipment and truck staging areas away from sensitive receptors. Also, we recommend using only water to control dust.

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[3] DEIS, p. 4.6-11.

[4] Table 7-2, p. 7-20.

[5] http://www.soundtransit.org/Documents/pdf/about/environment/2014_SustainabilityProgressReport.pdf

Thank you for the opportunity to participate in the Federal Way Link Extension NEPA process. If you have questions or would like to discuss these comments, please contact me at (206) 553-1601 or at reichgott.christine@epa.gov, or contact Elaine Somers at (206) 553-2966 or at somers.elaine@epa.gov.

Sincerely,

Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

Enclosure:

1. U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements

U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action*

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.