



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
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Seattle, Washington 98101-3140

June 23, 2008

Reply To: EPTA – 088

Ref.: 98-028-FTA

Linda Gehrke, Deputy Regional Administrator
Federal Transit Administration
Jackson Federal Building, Suite 3142
915 Second Ave.
Seattle, WA 98174

Dear Ms. Gehrke:

The EPA has reviewed the fourth Draft Supplemental Environmental Impact Statement (SDEIS) for the proposed **South Corridor Portland-Milwaukie Light Rail Project** (CEQ No. 20080180) in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309 specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Under our policies and procedures, we also evaluate the document's adequacy in meeting NEPA requirements.

The SDEIS evaluates potential environmental impacts of a proposal to develop a light rail transit system connecting downtown Portland, the City of Milwaukie and north Clackamas and Multnomah Counties, OR and Clark County, WA. Because of higher concentration of population and facilities (public and private) within the project corridor, there is need to provide a dependable way for people to travel conveniently, safely, and economically in the area. When complete, the project will improve the quality of transit service and help to meet significant travel needs expected within the project corridor due to projected high population and employment growth in the near future. In South Portland area, for example, there will be 221% change in forecasted households from 2005-2030 (p. 1-11), and the percent change in employment will be 59% over the same period.

In analyzing the impacts of the Light Rail project, the Federal Transit Administration (FTA) and its partners, Metro and Tri-County Metropolitan Transportation District of Oregon, considered a No-Build Alternative and Light Rail Alternatives based on the Locally Preferred Alternative (LPA) that was identified in the 2003 SDEIS. In addition to the LPA, FTA developed two alternatives for Light Rail corridor alignments (Fig. 2.1-3), four Willamette River crossing alternatives (Fig. 2.1-2), and three bridge designs (Fig. 2.1-4). Data presented in this document and resulting public comments will be used to identify a Preferred Alternative for the proposed Portland-Milwaukie Light Rail project.

In general, EPA supports mass transit services that reduce pollution, conserve energy, and minimize environmental degradation, while ensuring safety and security, so we are generally supportive of the project. However we have concerns about aspects that have potential to further degrade water quality, impact fisheries, and disturb and release pollutants from hazardous material sites and sites with contaminated sediments. We recommend selection of a bridge design with as few piers as possible to minimize disturbance of potentially contaminated sediment and minimize the impact to fisheries. We encourage FTA and project partners to continue to work with the Oregon Department of Environmental Quality (ODEQ) to obtain the Clean Water Act Section 401 Certificate and assure that the state of Oregon water quality standards are met. FTA should also coordinate with ODEQ as contaminated sites in the project area are identified and remedial actions are developed and implemented. Detailed comments are attached.

Because of concerns about water quality, hazardous materials and sites, and missing or unclear information, we have assigned a rating of EC-2 (Environmental Concerns - Insufficient information) to the draft EIS. This rating and a summary of our comments will be published in the *Federal Register*. For your reference, a copy of our rating system used in conducting our review is enclosed.

EPA commends FTA for working with a variety of stakeholders, coordinating with affected Tribes, establishing and working with a Citizen Advisory Committee for the project, and considering other public comments in developing and analyzing the impacts of the proposed project.

If you have questions or would like to discuss our comments in detail, please feel free to contact Theo Mbabaliye at (206) 553-6322 or me at (206) 553-1601.

Sincerely,

/s/

Christine Reichgott, Manager
NEPA Review Unit

Enclosure

cc:

EPA Oregon Operations Office
The US Coast Guard in Portland, OR
Oregon Department of Environmental Quality

EPA Detailed Comments on the Proposed Portland-Milwaukie Light Rail Project

Water quality and hydrology

Water quality degradation is one of EPA's primary concerns. Section 303(d) of the Clean Water Act (CWA) requires States (and Tribes with approved standards) to identify water bodies that do not meet water quality standards and to develop water quality restoration plans to meet established water quality criteria and associated beneficial uses. The SDEIS indicates that the project would cross up to eight waterways, including the Willamette River, Kellogg Lake and, depending on the alignment option selected, six more creeks (p. 3-122). Most of these waterways are on the state of Oregon most current EPA-approved 303(d) list of impaired waterbodies due to their exceedances of water quality criteria such as temperature, mercury, and bacteria. Nearly all the waterways in the project corridor support populations of anadromous and resident fish species, some of which are listed as threatened under the Endangered Species Act or are species of concern. For example, the Willamette River and Kellogg Lake/creek support both Coho salmon and Steelhead, which are listed as threatened by the federal government and as endangered by the state.

The project is expected to result in an increase of about 31-34 acres of impervious surfaces and almost 2-3 acres of potential floodplain fill. Such an increase could result in greater stormwater volumes and higher pollutant loading to 303(d)-listed streams. The project would also create in-water new structures (piers and bridge footings). We are concerned that construction of these structures could disturb and re-suspend contaminated sediment. We are also concerned that the structures, once constructed, could serve as cover for predators of listed fish species, thereby exacerbating threats to these species.

Recommendations:

1. We encourage FTA to select options to minimize the extent of impervious surfaces and consider use of Low Impact Development (LID) techniques that reduce the volume of stormwater and mimic natural conditions as closely as possible. Information about LID practices can be found at:
http://www.psat.wa.gov/Programs/LID/lid_cd/brochure.pdf and
<http://www.epa.gov/smartgrowth/stormwater.htm>.
2. We recommend selection of a bridge design with as few piers as possible to minimize disturbance of potentially contaminated sediment and minimize the impact to fisheries.

The final EIS should also include information about the status of the Clean Water Act Section 401 Certification process, and if possible, specific requirements to meet state water quality standards and Water Quality Monitoring Plan to address water quality problems. FTA should also coordinate with ODEQ as the TMDL for the Willamette River is implemented and other plans to restore water quality in other water quality limited waterbodies are also developed and implemented.

Hazardous materials

The SDEIS indicates that construction of the Light Rail project may encounter 80-95 contaminated sites within the project corridor, of which 35-42 would be of high concern. During construction, petroleum products may be accidentally spilled to the ground and contaminate soils and groundwater. Paint, acids, solvents, asphalts, and other chemical pollutants may also be used at construction sites and be carried in stormwater runoff. Removal of structures containing contaminants such as lead, polychlorinated biphenyls (PCBs), and asbestos may also be necessary. Construction of river and stream crossings has the potential to stir up in-water sediments and riverbank soils contaminated with metals, PCBs, and polycyclic aromatic hydrocarbons. EPA is concerned about the project potential to mobilize contaminants currently in soils and sediments, impeding ongoing and planned remedial actions for the contaminated sites. As a result, the project would possibly exacerbate water quality problems within listed waterbodies, resulting in impacts to aquatic life and fish.

Recommendations:

1. FTA should coordinate with ODEQ as contaminated sites are identified; and cleanup plans are developed and implemented to minimize impacts resulting from possible release of hazardous materials in the environment and disturbance of contaminated sites.
2. The final EIS should include detailed information regarding specific measures that will be taken to reduce impacts of potential release of hazardous materials in the environment and disturbance of contaminated sites by the project. As an example, the final EIS could include information addressing Spill Prevention, Control, and Countermeasure (SPCC) plans for the project.

Monitoring

The proposed project has the potential to impact a variety of resources for an extended period of time. As a result, we recommend that the project be designed to include an environmental inspection and mitigation monitoring program to ensure compliance with all mitigation measures and assess their effectiveness. The EIS document should describe the monitoring program and how it will be used as an effective feedback mechanism so that any needed adjustments can be made to the project to meet environmental objectives during the project operation and maintenance.