UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105

March 3, 2010

Rick Cooper
Hollister Field Office
Bureau of Land Management
20 Hamilton Court
Hollister, CA 95023

Subject: Clear Creek Management Area Draft Resource Management Plan and Draft Environmental Impact Statement, San Benito and Fresno Counties, California [CEQ #20090411]

Dear Mr. Cooper:

The U.S. Environmental Protection Agency (EPA) has reviewed the above referenced document. Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's (CEQ) NEPA Implementation Regulations at 40 CFR 1500-1508, and our NEPA review authority under Section 309 of the Clean Air Act.

The Clear Creek Management Area (CCMA) is an area of naturally occurring asbestos. Asbestos is a known human carcinogen. EPA's Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment (2008) determined that the asbestos exposures for many recreational activities at CCMA exceed the acceptable risk range for carcinogens. Our risk assessment also led to the following conclusions about asbestos exposures and health risks at CCMA: (1) the higher the asbestos exposure, the higher the risk of developing asbestos-related disease; (2) reducing the exposure to asbestos will reduce the risk of developing asbestos-related disease; and (3) children are of special concern because in a majority of activity-based samples at CCMA, the concentration of asbestos measured in the child's breathing zone exceeded the asbestos concentration in the companion adult sample. Furthermore, a child's life expectancy exceeds the latency period for asbestos-related disease.

EPA supports the Bureau of Land Management's (BLM) Preferred Alternative because it will help protect human health and safety and significantly improve environmental resources at CCMA. We have, therefore, rated this Draft Environmental Impact Statement (EIS) as LO – Lack of Objections (see enclosed "Summary of Rating Definitions"). We recommend, however, that the Final EIS provide additional clarifying information regarding potential environmental impacts of the CCMA management alternatives and measures to mitigate those impacts.

We appreciate the opportunity to review this Draft EIS, and request a copy of the Final EIS when it is officially filed with our Washington, D.C., office. If you have any questions, please call me at (415) 972-3521 or call Jeanne Geselbracht at (415) 972-3853.

Sincerely,

/s/

Kathleen M. Goforth, Manager
Environmental Review Office

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

Cc: Mazier Movassaghi, California Department of Toxic Substances Control
James Goldstein, California Air Resources Board
Jeff Wright, California Air Resources Board
Robert Fletcher, California Air Resources Board
Daphne Greene, California Department of Parks and Recreation
Steve Ross, California Department of Toxic Substances Control
Richard Stedman, Monterey Bay Unified Air Pollution Control District
Hector Guerra, San Joaquin Valley Air Pollution Control District
Doug Gouzie, Central Coast Regional Water Quality Control Board
Pam Buford, Central Valley Regional Water Quality Control Board
Alex Gonzalez, California State Lands Commission
Connie Rutherford, U.S. Fish and Wildlife Service, Ventura
Maria Barcos-Wallace, U.S. Occupational Safety and Health Administration, San Francisco

EPA's Detailed Comments
Clear Creek Management Area Draft Resource Management Plan and Draft EIS
March, 2010

Resource Impacts

For several resources, the Draft EIS presents the environmental impacts of the Preferred Alternative and the other alternatives in relative terms. However, a more quantitative comparative analysis should be presented to more clearly describe the differences in magnitude and significance of the direct, indirect, and cumulative impacts between the alternatives. For example, the Draft EIS does not provide emissions estimates for criteria air pollutants under each alternative.

> **Recommendation:** The Final EIS should provide the projected emissions of criteria air pollutants for each of the alternatives and discuss the predicted effectiveness of measures to mitigate these emissions under each of the alternatives. The Final EIS should describe the air quality monitoring and mitigation effectiveness monitoring that would be conducted under each of the alternatives.

The Draft EIS does not present the average sediment yield predictions for different areas (e.g., undisturbed soil, barren hillclimbs, and the road network) of the CCMA under each alternative. This information would be useful in characterizing how each alternative would affect soil resources, water quality, watershed conditions, and aquatic life in the CCMA. In addition, based on Dynamac (1998)[1], five mine areas in the CCMA were determined to pose the greatest risk to water quality from metals contamination (Draft EIS, p. 206). It is unclear from the Draft EIS what actions BLM has conducted since the publication of that study to reduce surface water contamination in CCMA watersheds, and what the results are for water quality monitoring conducted since that time, including monitoring conducted since the closure of the CCMA in May, 2008.

> **Recommendation:** The Final EIS should provide the following information:
> - The predicted average sediment yields for the affected areas inside and outside of the CCMA and a discussion of whether sediment reduction targets would be met under each alternative;
> - The potential direct, indirect, and cumulative impacts of sediment yield on surface water quality, watershed conditions, and aquatic life, in quantitative terms, under each alternative;
> - A description of the water quality, watershed, soil, and aquatic resource monitoring, as well as mitigation effectiveness monitoring, to be conducted under each of the alternatives.
> - A description of the activities BLM has conducted to improve water quality and watershed conditions over the last decade;

[1] Geomorphic Field Evaluation of Serpentine Soil Barrens, Clear Creek Management Area. Dynamac Corporation Environmental Services. 1998.

- A discussion of monitoring results and trends for water quality, watershed conditions, and total maximum daily loads over the last decade; and
- The goals and predicted effectiveness of measures proposed to mitigate impacts to soil resources, water quality, watershed conditions, and aquatic life.

Dust Suppression Measures

The Draft EIS identifies several dust suppression and surface hardening measures that could be implemented "as needed" on major routes under all alternatives. While the costs of various measures are estimated and compared in Table 3.3-1, neither the feasibility nor the potential effectiveness of each of these measures is discussed in the Draft EIS. In addition, it is unclear what BLM's decision criteria would be for selecting a specific method, how likely implementation would be, and how many miles of routes and which routes would be treated. Information regarding the feasibility and effectiveness of mitigation measures is essential to analyzing the realistic environmental impacts of alternatives. If the proposed mitigation is significantly underfunded or infeasible for other reasons and, therefore, not implemented, the potential environmental impacts could be significantly different than what is predicted for each alternative. In addition, the cost of each measure should be compared against its effectiveness so that BLM can make an informed decision about whether the project, as proposed, is cost-effective.

For example, BLM's 1999 Record of Decision for the CCMA (p. 10) committed to dust suppression at staging areas and along approximately 30 miles of main transportation routes "as appropriate" to reduce dust generation and associated asbestos exposure. However, we understand that only a few miles of roads were ever dust suppressed with water a few times between 1999 and 2004 because water was not available and road watering was not found to be very effective (pers. comm. between George Hill, BLM, and Jeanne Geselbracht, EPA, 9/9/04). In light of the projected cost, BLM's past findings regarding feasibility and effectiveness, and EPA's health risk assessment findings under moist soil conditions, we do not believe road watering has been proved to be a feasible or effective measure for the CCMA.

> **Recommendation:** The Final EIS should identify the goals of the dust suppression and surface hardening measures identified in Table 3.3-1, include an evaluation of the feasibility and effectiveness of these measures, identify the decision criteria BLM would consider in selecting such measures, and describe how likely implementation of each measure would be. The Final EIS should also describe the effectiveness monitoring that would be conducted under each alternative to determine how well dust suppression and surface hardening measures are working and discuss contingency measures that may be needed if monitoring indicates that initial measures are not as effective as predicted.

Typographical errors

Page 334: First paragraph refers to Figure ES-1 of EPA's Risk Assessment, but this figure does not appear in the Draft EIS.

Page 353: The first line of section 4.2.7.1 should say "$\geq$18" rather than "$\leq$18."

Page 193: Paragraph 2 states, "The air basin is designated as non-attainment for the Federal PM10 and PM2.5 standards." Please note that, although the San Joaquin Valley Air Basin is in non-attainment for PM2.5, it is in maintenance status for the PM10 standard.

Page 449: Paragraph 1 reiterates this misstatement and should be rectified.

Page 449: Paragraph 7 also states that San Benito and Fresno counties are in non-attainment for the PM10 National Ambient Air Quality Standards. This should be changed to indicate that San Benito County is in attainment for PM10, and Fresno County is in maintenance status for PM10.