

US EPA ARCHIVE DOCUMENT



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

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Dr. Aaron O. Allen
Regulatory Division, Ventura Field Office
U.S. Army Corps of Engineers
2151 Alessandro Drive, Suite 110
Ventura, CA 93001

Subject: Final Environmental Impact Statement for the Sanitation Districts of Los Angeles County Clearwater Program, Los Angeles County, CA (CEQ #20120359)

The U.S. Environmental Protection Agency is providing comments on the Final Environmental Impact Statement for the Clearwater Program, Los Angeles County, California. Our comments are provided pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. These comments were also prepared under the authority of, and in accordance with, the provisions of the Federal Guidelines promulgated at 40 CFR 230 under Section 404(b)(1) of the Clean Water Act, Section 10 of the Rivers and Harbors Act, and Section 103 of the Marine Protection, Research and Sanctuaries Act.

EPA would like to, once again, express our appreciation for the opportunity to coordinate early and discuss our concerns with the Districts on December 10, 2007, and with the Army Corps of Engineers and the Districts on February 9, 2010 and August 24, 2011. We provided detailed comments on the January 2, 2008 Draft Notice of Intent in our letter dated March 5, 2008. EPA also submitted a letter to the Districts, dated July 30, 2008, clarifying our Superfund Program comments with respect to the effluent-affected sediment deposit on the Palos Verdes Shelf. In a November 4, 2008 letter, we confirmed that our comments on the Draft NOI still applied, based on our review of the NOI released on October 6, 2008. In addition, on April 9, 2012, EPA provided comments on the Draft Environmental Impact Statement (DEIS) for the Clearwater Program. We rated the preferred alternative, as outlined in that document, as Environmental Concerns – Insufficient Information (EC-2), primarily due to concerns regarding impacts to air quality, aquatic resources, children's health and environmental justice communities.

EPA continues to support the Corps' and the Districts' selection of Alternative 4 as their preferred alternative. Alternative 4 would not require the construction of new outfalls, and thereby avoids potential disturbance of contaminated sediment and generation of additional air emissions. Alternative 4 also avoids potential impacts to the Palos Verdes DDT Superfund Site and the LA-2 Ocean Disposal Site.

We thank the Army Corps of Engineers for the revisions and clarifications provided in the FEIS in response to EPA's comments on the DEIS. For instance, we note that the Army Corps has updated air quality mitigations measures MM AQ-2a, 3a and GHG-1a to apply to all on-road heavy-duty diesel trucks greater than 14,000 pounds, versus the previous 26,000 pound requirement provided in the DEIS. We also appreciate the Corps and Sanitation Districts' commitment to continue

consultation and coordination with EPA in regards to all actions potentially affecting the Palos Verdes Shelf Superfund Site.

Due to the severe existing air quality problems in the project area and the project's potential to contribute to further degradation of air quality, EPA remains concerned about the potential cumulative effect on children's health and environmental justice communities. EPA continues to recommend that the Corps consider additional mitigation strategies for reducing impacts to human health, particularly for children and low-income and minority communities. While the FEIS indicates that the project would not have a disproportionately high impact upon low-income or minority communities because air quality mitigation would reduce impacts below the threshold of significance, EPA notes that environmental justice communities have been found to be more vulnerable to pollution impacts than are other communities¹. Thus, certain subpopulations may be at greater risk than the general population, and mitigation for reducing these impacts is appropriate. A number of examples of mitigation measures that the Corps could consider to reduce community exposure and vulnerability to adverse air quality were outlined in our comments on the DEIS. These included, the funding of proactive measures to improve air quality and general health in neighboring homes, schools, and other sensitive receptor sites; the provision of public education programs about environmental health impacts to better enable residents to make informed decisions about their health and community; engaging in proactive measures to train and hire local residents for construction or operation of the project to improve their economic status and access to health care; and, the expansion and improvement of local community parks and recreation system in areas where air quality is highest, in order to provide increased access to open space and exercise opportunities. EPA continues to recommend that the Corps consider whether these or other additional measures might be appropriate for reducing cumulative adverse impacts to sensitive and environmental justice communities.

We appreciate the opportunity to review this FEIS. When the ROD is published, please send one electronic copy to the address above (mail code: CED-2). If you have questions, please contact me at (415) 972-3521 or Carter Jessop of my staff at (415) 972-3815.

Sincerely,

/s/

Kathleen Martyn Goforth, Manager
Environmental Review Office
Communities and Ecosystems Division

cc: David Castanon, Chief, Regulatory Branch, Los Angeles District, Corps of Engineers
Thomas J. LeBrun, Department Head, County Sanitation Districts of Los Angeles County
Steven Highter, Supervising Engineer, County Sanitation Districts of Los Angeles County

¹ Symposium on the Science of Disproportionate Environmental Health Impacts, March 17 - 19, 2010, see the fourteen scientific reviews commissioned by EPA and published in the American Journal of Public Health at: <http://www.epa.gov/compliance/ej/multimedia/albums/epa/disproportionate-impacts-symposium.html>.