

US EPA ARCHIVE DOCUMENT



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX**

**75 Hawthorne Street
San Francisco, CA 94105**

January 13, 2009

Kelly Finn
Environmental Analysis
Caltrans District 11
MS – 242
4050 Taylor Street
San Diego, CA 92110

Subject: EPA Comments on the State Route 76 Melrose to Mission Highway Improvement Project (CEQ# 20080507)

Dear Ms. Finn:

The Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Report/Environmental Impact Statement (FEIS) for the State Route 76 Melrose to Mission Highway Improvement Project (SR 76 Project) 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. Our comments are enclosed. 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 has coordinated with the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service to provide early regulatory agency input for this transportation project pursuant to the NEPA/Clean Water Act Section 404 Integration Process Memorandum of Understanding (NEPA/404 MOU). EPA appreciates the efforts of the FHWA and Caltrans in including EPA in the environmental impact statement development through this forum. We note that this coordination process has allowed for multiple, detailed discussions regarding specific alignment options, avoidance of sensitive resources, and potential for advanced mitigation for future transportation-related impacts.

EPA rated the Draft Environmental Impact Statement (DEIS) as Environmental Concerns – Insufficient Information (EC-2) due to the need for an expanded cumulative impacts analysis and better understanding of how this project will be coordinated with the future additional widening of portions of SR 76 to the east. We recommended additional information for inclusion in the Final Environmental Impact Statement (FEIS) regarding indirect and cumulative impacts to biological and aquatic resources, and specific mitigation proposals. Many of our concerns regarding indirect and cumulative impacts, the future SR 76 project to the east, and mitigation were resolved in the FEIS. Remaining concerns regarding mobile source air toxics and greenhouse gas emissions are summarized below.

Mobile Source Air Toxics

EPA's previous recommendations regarding mobile source air toxics (MSAT) were not incorporated into the Final Environmental Impact Statement (FEIS). EPA continues to recommend performing the assessment described in the March 2007 report entitled "*Analyzing, Documenting, and Communicating the Impacts of Mobile Source Air Toxic Emissions in the NEPA Process*" ([http://www.trb.org/NotesDocs/25-25\(18\)_FR.pdf](http://www.trb.org/NotesDocs/25-25(18)_FR.pdf)), prepared for the American Association of State Highway and Transportation Officials (AASHTO). The March 2007 report identifies CALINE4 as the "Best Available Air Quality Modeling Tool for use in Analyzing MSATs under NEPA" for purposes of both roadway widening and high occupancy vehicle (HOV) lane addition. The analysis of potential MSAT impacts is especially important in California, where the awareness of air toxics impacts, the knowledge of background conditions, and the familiarity with tools to assess potential impacts are very high.

Greenhouse Gas Emissions

EPA appreciates the information included in this joint California Environmental Quality Act (CEQA) and NEPA document that estimates greenhouse gas emissions (GHG); however, this additional analysis was only included in the CEQA portion of the document. NEPA requires the disclosure of project impacts to resources; therefore, EPA recommends that the Record of Decision (ROD) include a summary of the greenhouse gas analysis. EPA further recommends that the ROD include a discussion of any potential impacts of climate change on the project.

We look forward to continuing our coordination with Caltrans as a cooperating agency, and are available to discuss the issues addressed in this letter during upcoming interagency meetings. If you have any questions, please contact Susan Sturges (415-947-4188) or Elizabeth Goldmann (415-972-3398), lead reviewers for this project.

Sincerely,

/s/

Kathleen M. Goforth, Manager
Environmental Review Office (CED-2)

CC: Steve Healow, FHWA
Susan Wynn, Fish and Wildlife Service
Phoung Trinh, Army Corps of Engineers
L. Breck McAlexander, California Department of Fish and Game
Richard Chavez, SANDAG