

US EPA ARCHIVE DOCUMENT



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

October 25, 2004

David Valenstein
Federal Railroad Administration
1120 Vermont Avenue, NW, MS 20
Washington, D.C. 20590

Subject: Draft Environmental Impact Report/Environmental Impact Statement for the Union Station Run-Through Tracks Project, Los Angeles County, CA (CEQ# 040424)

Dear Mr. Valenstein:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Report/Environmental Impact Statement (Draft EIS) for the Union Station Run-Through Tracks Project in Los Angeles County, California. Our review is 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 detailed comments on the Draft EIS are enclosed.

The proposed project would extend two of the existing tracks southward from Union Station and provide a new connection into the Burlington Northern Santa Fe Railway mainline on the west side of the Los Angeles River. EPA is supportive of this project, specifically in its potential to reduce motor vehicle emissions by facilitating more efficient commuter train operation at Union Station.

Based on EPA's review of the potential effects of proposed actions and the adequacy of the information in the Draft EIS, we have rated the document EC-2 (Environmental Concerns - Insufficient Information). Our concerns are based on air quality and aquatic resources. Specifically, EPA's review identified a need to clarify (1) the general and/or transportation conformity determination, (2) assumptions behind the criteria air pollutant data, (3) mitigation proposed to minimize impacts to air quality, and (4) status of Los Angeles River restoration projects in relation to the proposed project. The enclosure further describes the concerns that EPA identified. A "Summary of Rating Definitions" for further details on EPA's rating system is also provided.

We appreciate the opportunity to review the Draft EIS. When the Final EIS is released for public review, please send two copies to the address above (mail code: CMD-2). If you have any questions, please contact me or Connell Dunning, the lead reviewer for this project. Connell can be reached at 415-947-4161 or dunning.connell@epa.gov.

Sincerely,

/s/

Lisa B. Hanf, Manager
Federal Activities Office

Enclosures: EPA's Detailed Comments
Summary of Rating Definitions

cc: Gary Iverson, Caltrans District 7

Air Quality

General and Transportation Conformity

The proposed project is located within the South Coast Air Basin (SCAB), which is designated as extreme nonattainment for the National Ambient Air Quality Standards (NAAQS) for ozone (O₃), and serious nonattainment for the NAAQS for carbon monoxide (CO), and particulate matter smaller than ten microns (PM₁₀). While nonattainment areas for particulate matter smaller than 2.5 (PM_{2.5}) microns have not yet been designated, monitoring in the project area indicates that the area will likely be nonattainment for PM_{2.5} (Section 3-2.1.4, p. 3-2).

Because future funding for the proposed project may come from Federal Highway Administration (FHWA) or Federal Transit Administration (FTA), the project has been evaluated for transportation conformity. The Draft EIS identifies that Southern California Association of Governments (SCAG) has determined that this project is part of a conforming regional transportation plan (RTP). This determination is based on the estimated number of future Metrolink trains that (1) would utilize the new tracks, and (2) are accounted for as underlying components of the most recent RTP amendment. It is not clear from the Draft EIS if increases in freight traffic that will be facilitated by the proposed project, and the associated increase in emissions, was included in the determination of the project as an element of the conforming RTP. In addition, it is not clear whether the proposed project would comply with the general conformity requirements, should no funding from FHWA or FTA contribute to this project.

Recommendation:

Clarify SCAG's determination of the proposed alternative as part of a conforming transportation plan. Specifically, did SCAG assume an increase in freight service associated with the increase in Metrolink service?

Clarify if the General Conformity rules and procedures apply to the proposed action and demonstrate that the project meets general conformity requirements, if applicable.

The Draft EIS correctly identifies that the proposed project should be analyzed for the potential for CO and PM₁₀ hotspots (Section 3-2.2.6, p.3-2.12). The Draft EIS concludes that because the build alternatives are expected to decrease the potential for congestion-related CO hotspots by offsetting roadway travel on freeways and local streets, and because CO hotspots are largely a function of traffic congestion, then no CO hotspots are anticipated. No values are provided in support of this qualitative description.

Recommendation:

The Final EIS should provide a quantitative analysis, if feasible, to support the conclusion that no CO hotspots will occur as a result of this project. If no data is available to support the conclusion, then this should be identified.

Impact Analysis Assumptions

The project will result in exceedances of the operation and construction thresholds established by the South Coast Air Quality Air Management District for CO and reactive organic gases (ROG), as identified in Section 3-2.3.2. The Draft EIS also states that criteria pollutant generation under the Build Alternatives would be less than with the No-Build Alternative. Assumptions factored into the No-Build emissions values presented include the additional motor vehicle emissions that would be expected if no additional Metrolink service was provided. The additional emissions would result from an increase in vehicle miles traveled (VMT) from the equivalent of 258 passengers for 53 trains. EPA recognizes that this project provides a transit option and an opportunity to minimize impacts resulting from increasing VMT; however, the Draft EIS should disclose what the increase in criteria pollutants would be if the actual train ridership does not equal the estimates provided.

Recommendation:

Clarify the assumptions regarding the determination of the number of estimated single-passenger vehicle, carpool, and bus users who will switch modes of travel to the proposed increase in Metrolink trains, thereby reducing VMT in the region. The Final EIS should analyze and disclose the estimated impacts to air quality in the region should VMT not be reduced by the estimated 258 passengers for each of 53 trains.

Mitigation Measures

The Draft EIS states that mitigation measures are only required under the California Environmental Quality Act. Under the National Environmental Policy Act (NEPA), “all relevant, reasonable mitigation measures that could improve the project are to be identified. Mitigation measures must be considered even for impacts that by themselves would not be considered significant. Once the proposal itself is considered as a whole to have significant effects....mitigation measures must be developed where it is feasible to do so” (see Council on Environmental Quality (CEQ), 1981, “Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations”). CEQ also issued guidance on integrating pollution prevention measures in NEPA documents and NEPA decisions (1993 Memorandum on Pollution Prevention and NEPA).

Section 3-2.3.2 of the Draft EIS states that because criteria pollutant generation under the Build Alternatives would be less than with the No-Build Alternative, the Build Alternatives can be considered as mitigation measures for future conditions. Regardless of what conditions are projected in design year 2025 without the build project, there is a need to identify all reasonable

mitigation measures to reduce emissions of criteria air pollutants. In addition, this approach appears to be based on an assumed level of VMT being removed from roadways and reallocated to commuter rail utilization. The Draft EIS should clarify Section 3-2.3, Potential Mitigation, to reflect all appropriate mitigation measures. In some sections of the Draft EIS, specific mitigation measures are listed and identified as specific commitments and are introduced in the following format: “The following mitigation measures will be implemented to mitigate...potential impacts” (Police Protection, Cultural Resources, Paleontological Resources). Mitigation measures are not presented in this format in the Air Quality Section, resulting in the impression that no mitigation measures will be implemented.

Recommendations:

Consistent with CEQ’s guidance, present all reasonable mitigation and pollution prevention features in the Final EIS. Evaluate the feasibility of mitigation to avoid, reduce or compensate for adverse environmental impacts from construction and operation. Commit to specific measures to minimize impacts to air quality from the construction and operation of the facility. EPA recommends that specific mitigation measures for air quality impacts be listed in the same format applied to other resources.

EPA recommends including a Construction Emissions Mitigation Plan for fugitive dust and diesel particulate matter (DPM) in the Draft EIS. EPA does not agree with the conclusion that use of alternative-fueled or new equipment is not an effective mitigation measure because this would only shift nitrogen oxides emissions from one location in the SCAB to another. Use of newer technologies would reduce diesel particulate matter in the project area. In addition, the Draft EIS states that it is not feasible to require contractors to use newer construction equipment because there will be several different subcontractors utilized at the same time. Any use of newer equipment will reduce emissions and we encourage the Federal Railroad Administration to adopt feasible measures. EPA recommends the following mitigation measures be evaluated for feasibility and included in the Construction Emissions Mitigation Plan in order to reduce impacts associated with emissions of PM10 and other toxics from construction-related activities:

- Establish an activity schedule designed to minimize traffic congestion around the construction site,
- Utilize EPA-registered particulate traps and other appropriate controls to reduce emissions of diesel particulate matter and other pollutants at the construction site,
- Locate construction equipment and staging zones away from sensitive receptors such as children and the elderly as well as away from fresh air intakes to buildings and air conditioners,
- Use low sulfur fuel (diesel with 15 parts per million or less),
- Reduce use, trips, and unnecessary idling from heavy equipment,
- Lease newer and cleaner equipment (1996 or newer), and
- Periodically inspect construction sites to ensure construction equipment is properly maintained at all times.

Water Resources

The Los Angeles River is listed as an impaired water body under Section 303(d) of the Clean Water Act. While the Draft EIS identifies the designated surface water beneficial uses for this reach of the Los Angeles River and describes the types of water quality impacts affecting the river, there is no discussion of regional restoration and protection efforts for the Los Angeles River.

Recommendation:

Discuss how the proposed project is consistent with efforts of the Los Angeles County Departments of Public Works, Parks and Recreation, and Regional Planning efforts to develop a Master Plan for the Los Angeles River and to develop a greenbelt. Discuss efforts by Friends of the Los Angeles River and other groups to restore the river and identify how the proposed project may adversely impact or contribute to such efforts.

The Draft EIS provides a thorough discussion of existing and proposed drainage facilities and the need for a Stormwater Pollution Prevention Plan is identified. However, it is unclear if proposed modifications to facilities, including proposed inlets and downspouts along bridge structures, will be designed to minimize or eliminate mosquitoes and other vector species. As of October 1st, 2004, there have been 264 West Nile Virus infections in Los Angeles County. Designing facilities to both collect water runoff and minimize standing water are critical in reducing potential breeding habitat for mosquitoes.

Recommendation:

Where the proposed project will modify existing drainage facilities, identify if future modifications will be designed with input from the California Department of Health Services, municipal planners, and vector control agencies to develop siting, design, and maintenance strategies that incorporate guidelines to minimize or eliminate mosquitoes and other vector species (<http://anrcatalog.ucdavis.edu/pdf/8125.pdf>).