

US EPA ARCHIVE DOCUMENT



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

April 14, 2005

Ms. Lorraine Lerman  
U.S. Department of Transportation  
Federal Transit Administration, Region IX  
201 Mission Street, Suite 2210  
San Francisco, CA 94105

Subject: Draft Environmental Impact Statement (Draft EIS) for the Bay Area Rapid Transit District Warm Springs Extension, Alameda County, California (CEQ # 050095)

Dear Ms. Lerman:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document 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.

Based on our review, EPA has rated the Draft EIS as Lack of Objections (LO). In addition, we note that the Draft EIS is well written and has addressed EPA's previous scoping comments (May 17, 2004). While EPA has no objections to the Warm Springs Extension Project, our review has identified mitigation measures that could be accomplished to further minimize environmental impacts of the proposed project. Our enclosed comments address impacts on wetlands and flood storage capacity, noise impacts, hazardous materials, and earthquake safety. A Summary of EPA Rating Definitions is also enclosed.

We appreciate the opportunity to review this Draft EIS. When the Final EIS is released for public review, please send two copies to the address above (mail code: CED-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](mailto:dunning.connell@epa.gov).

Sincerely,

/s/ Nova Blazej for  
Lisa B. Hanf, Manager  
Environmental Review Office

Enclosures: Summary of EPA Rating Definitions  
Detailed Comments

cc: Ms. Shari Adams, BART Warm Springs Group Manager

### **Impacts to Wetlands and Flood Storage Capacity**

Page 4.5-14 of the Draft Environmental Impact Statement (Draft EIS) states that the Warm Springs Extension Project will require filling a portion of Tule Pond South, resulting in a loss of flood storage capacity. Page 4.6-9 states that the required filling of Tule Pond South will affect up to 0.7 acres of seasonal wetlands habitat. Mitigation Measure H-3 (page 4.5-14) proposes to (1) expand Tule Pond South and/or (2) create an additional flood storage facility, or detention pond, at the same location to mitigate for the impact of lost flood storage capacity. The Draft EIS does not discuss the feasibility of each option, or what additional impacts may result from the proposed options if implemented individually or together.

#### Recommendations:

Clarify the description of Mitigation Measure H-3 to indicate the feasibility of expanding Tule Pond South and/or creating an additional flood detention pond. In light of the estimated impacts to seasonal wetlands habitat, address the potential beneficial and negative impacts that may result from the implementation of either measure and identify any additional measures to further minimize impacts.

The Draft EIS incorporates many measures to avoid and minimize impacts. The Final EIS should quantify the benefits and reduced impacts that are a result of any additional avoidance, minimization, or mitigation measures that are identified between the Draft and Final EIS.

### **Noise and Vibration Impacts**

The Draft EIS presents the Federal Transit Administration's (FTA) guidance for noise mitigation and indicates that for all residences with severe noise impacts, mitigation is proposed and for all residences with moderate noise impacts, mitigation is recommended (page 4.13-18). However, Table 4.13-9 (page 4.13-21) identifies the benefits of mitigation when proposed measures are applied to both severe and moderate impacts (totaling 393 residences), implying that mitigation will be implemented to reduce impacts where both severe and moderate impacts are anticipated.

#### Recommendation:

Clarify the proposed mitigation for noise and vibration impacts that will accompany this project. The Final EIS should clearly indicate whether FTA and Bay Area Rapid Transit (BART) propose mitigation for all 393 residences with moderate and severe noise impacts, or whether mitigation is proposed for only the 146 residences with severe noise impacts. Modify Table 4.13-9, if necessary, to reflect actual noise mitigation

commitments. If FTA and BART determine that additional noise mitigation to residences with moderate impacts is warranted, the Final EIS should include this commitment and quantify the number of residences that will benefit from mitigation.

### **Hazardous Materials and Hazardous Waste**

The Draft EIS identifies that the proposed extension will include the construction of a vehicle maintenance shop building and a three-acre fenced maintenance yard. While the Draft EIS addresses procedures for responding to potential hazards associated with gas leaks, hazardous materials, and toxic spills during construction and operation of the proposed extension, the document does not address procedures for minimizing hazardous material usage and preventing production of hazardous waste. A hazardous materials management plan can potentially reduce the volume and/or toxicity of waste requiring subsequent management as hazardous waste under the Resource Conservation and Recovery Act (RCRA) and California's RCRA implementation provisions.

#### Recommendations:

Address the expected types and volumes of hazardous materials associated with the maintenance yard and other facilities. Evaluate alternate processes potentially using a smaller volume of hazardous materials and/or less toxic materials, especially as project mitigation. Identify expected storage, disposal, and management plans and provide an estimate of the reduction in hazardous material usage.

### **Earthquake Safety Measures**

The proposed Warm Springs Extension will cross the Hayward Fault Zone (HFZ) twice. The Draft EIS does a good job of disclosing the potential seismic activity along the HFZ, including an estimated 32% chance for an earthquake of magnitude equal to or greater than 6.7 to occur between 2000 and 2030 (page 4.3-8). Given the high potential for fault activity and resulting safety concerns, it is critical that the BART and FTA clearly outline in the Draft EIS how the construction and operation of the new facility will incorporate the latest technology to ensure human safety.

#### Recommendations:

Expand upon the mitigation measures proposed for potential impacts resulting from earthquake-induced ground shaking and ground rupture (page 4.3-13). Specifically, the Draft EIS should further describe measures and new technologies that will be utilized to construct a safe facility. In addition, the Draft EIS should identify how BART's Earthquake Safety Program and ongoing seismic vulnerability studies will inform the construction and operation of the proposed facility.