



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

April 11, 2005

Ms. Cindy Vigue
Federal Highway Administration
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814

Subject: Draft Environmental Impact Statement for the 1st Street Viaduct and Street Widening Project, Los Angeles, California (CEQ# 20050072)

Dear Ms. Vigue:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (EIS) for the 1st Street Viaduct and Street Widening Project. 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 (CAA).

EPA commends Federal Highway Administration (FHWA) for its identification and commitment to mitigation, especially with respect to air quality, water quality, and noise impacts from construction operations. While the Draft EIS is generally well done, EPA has identified areas of additional information that should be included in the Final EIS, including air quality impacts from particulate matter less than 2.5 microns in diameter (PM_{2.5}), the potential for similar transportation projects in the project vicinity, and broadening the environmental justice analysis to include the demographics of commuters benefiting from the proposed project. With respect to PM_{2.5}, we are concerned that construction emissions from the project may contribute to already high PM_{2.5} levels in the project vicinity. EPA also recommends minor additions to the construction mitigation measures that are proposed. For a thorough discussion of these concerns, please refer to the enclosed Detailed Comments.

For these reasons, we have rated the build alternatives as Environmental Concerns-Insufficient Information (EC-2). Please see the enclosed Summary of EPA Rating Definitions.

We appreciate the opportunity to review this Draft EIS. When the Final EIS is completed, please send two copies to me at the address above (Mail Code: CED-2). If you have

any questions or comments, please feel free to contact me or Matthew Lakin, the lead reviewer for this project, at (415) 972-3851 or Lakin.Matthew@epa.gov.

Sincerely,

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

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

cc: Linda Moore, City of Los Angeles
Gary Iverson, California Department of Transportation

Air Quality

The South Coast Air Basin (SCAB) has recently been designated as non-attainment for particulate matter less than 2.5 microns in diameter (PM2.5). For the three most recent years of data (2002-2004), the PM2.5 monitor nearest to the study area (1630 North Main Street, Los Angeles, CA) reported annual average concentrations of 22.1, 21.4, and 20.3 micrograms/meter³ (<http://www.epa.gov/air/data/reports.html>). These concentrations are well above the National Ambient Air Quality Standard (NAAQS) of 15 micrograms/meter³, generally the highest recorded values in the Los Angeles area, and among the highest concentrations observed in the United States. Health studies have shown a significant association between exposure to PM2.5 and health effects, including asthma, respiratory disease, and premature death. Older adults, people with heart and lung disease, and children are particularly sensitive to fine particle exposure (<http://www.epa.gov/pmdesignations/>).

Construction emissions from the proposed project may result in human exposure to diesel exhaust, which includes PM2.5. Exposure to diesel exhaust may contribute to respiratory irritation and lung damage. Diesel exhaust is classified by EPA as a “likely” human carcinogen at environmental exposure levels (*Health Assessment Document for Diesel Engine Exhaust*, EPA 2002). Construction for the project is likely to occur within the vicinity of sensitive receptors, including the residences listed on page 3-142 of the Draft EIS and other locations, such as the proposed East Los Angeles High School.

Given the well known and adverse health effects for PM2.5 and diesel exhaust exposure, the existing concerns for PM2.5 concentrations in the project area, and the potential for this project, especially diesel construction emissions, to contribute to PM2.5 concentrations, EPA strongly recommends that the Final EIS include an updated discussion of existing PM2.5 conditions and potential PM2.5 impacts from the project.

Recommendation:

For the Final EIS, a discussion of PM2.5 concerns should be given in Section 3.12.1.2, and PM2.5 monitoring results should be included in Table 3.12-1. The paragraph at the top of Page 3-136 should note that SCAB is classified as non-attainment for PM2.5. In the discussion of regional air quality management (Section 3.12.1.5), plans and dates to reach attainment for PM2.5 should be included.

Even without established significance thresholds, PM2.5 and Diesel PM construction phase emissions should be quantified and included in Tables 3.12-6 and 3.12-7. Several of the mitigation measures proposed on page 3-149, such as the Diesel Fuel Reduction Plan, will have substantial benefits in terms of reduction of PM2.5 emissions. The expected benefits of the proposed mitigation should be quantified and included in the

Final EIS using a format similar to Tables 3.12-6 and 3.12-7, thus highlighting the beneficial impacts of the mitigation package committed to on Page 3-149.

SCAB has also been designated non-attainment for the 8-hour Ozone NAAQS. Recent monitoring results for 8-hour Ozone should be included in Table 3.12-1. In the discussion of regional air quality management (Section 3.12.1.5), plans and dates to reach attainment for 8-hour ozone should be included.

Construction Mitigation

The construction emissions mitigation detailed on Page 3-149 is commendable and we encourage Federal Highway Administration (FHWA) to commit to these measures in the Final EIS and Record of Decision. Also, as noted in Sections 4.3.1.1 and 4.4, both build alternatives will contribute to cumulative impacts in the project area, so FHWA should commit to mitigation measures for either alternative. In addition to the mitigation measures stated on Page 3-149, we recommend additional mitigation measures as follows:

Recommendation:

Construction equipment activity, and the laydown areas (Section 2.4.2.6) for construction equipment and material, should be sited away from sensitive receptors in order to minimize human exposure to PM10, PM2.5, Diesel PM, and air toxics. For example, Laydown Area 2 is close to the proposed East Los Angeles High School, and Laydown Area 1 is close to residential areas in the Pickle Works Building. To the extent that laydown areas and construction equipment activity to and from these areas could be kept as far as possible from sensitive receptors, this will minimize hotspot exposures. If some construction activity must occur in the vicinity of sensitive receptors, the timing of construction activities should be adjusted to avoid human exposure as much as possible. For example, if the activity is near the proposed high school, then FHWA should coordinate with the school to minimize impacts during school hours. This is consistent with the latest recommendations by South Coast Air Quality Management District, as provided in the "Guidance Document for Addressing Air Quality Issues in General Plans & Land Planning" (http://www.aqmd.gov/ej/aq_planning.htm).

Scope of Action

The project limits extend along 1st Street from Garey Street on the west to Clarence Street on the east. As noted in the traffic analysis (Section 3.5) and project need (Section 1.4 and specifically Table 1-2), the 1st Street and Alameda intersection has poor level of service (LOS, E decreasing to F), but is not included in the project limits. Because of geographic proximity, another project at 1st Street and Alameda to address the poor LOS would be considered a similar action to the proposed project (40 CFR 1508.25). To address potential concerns regarding

project segmentation, we recommend further discussion of how the project limits were chosen in terms of logical termini, as well as disclosure of planned improvements to the 1st Street and Alameda intersection.

Recommendation:

Because of the existing poor LOS at the 1st Street and Alameda intersection, clarify whether the 1st Street and Alameda intersection is specifically in the Purpose and Need and whether the project boundary ends just before the 1st Street and Alameda intersection. Even though the Draft EIS provides extensive discussion on other known and reasonably foreseeable projects in the vicinity of the proposed project, we recommend including information about the potential for future projects along the 1st Street corridor. If 1st Street will not be extended further to the west in the foreseeable future, especially in the vicinity of the 1st Street and Alameda intersection, we recommend noting that this is the case and disclosing the reasons.

Environmental Justice

According to Executive Order 12898, “To the greatest extent practicable and permitted by law, ... each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.” Consistent with this Executive Order, an EIS should fully analyze the environmental effects of the proposed Federal action on low-income or minority populations, and present opportunities for affected communities to provide input into the NEPA process. Guidance issued by the Council on Environmental Quality (CEQ) states that mitigation in impact statements “should reflect the needs and preferences of affected low-income populations (and) minority populations to the extent practicable” (*Environmental Justice Under the National Environmental Policy Act*, CEQ 1997).

The Draft EIS is thorough in the scope of its treatment of community and environmental justice impacts, as well as community outreach to minimize these impacts, but the scope of the analysis should be broadened with respect to anticipated benefits. EPA has concerns that the project disproportionately impacts the local population, which is low-income and minority, when compared to the substantial benefits received from commuters outside of the area, which may not have a similar demographic distribution. When comparing the project’s impacts, the local population in the study area was compared to the surrounding census tracts. Since the demographics were largely the same in both groups, it was stated that project implementation would not create disproportionately high effects on minority or low-income groups (page 3-34). The demographics for those locally impacted should also be compared to the demographics of those benefiting from the proposed action, including commuters from outside of the local area.

Recommendation:

Quantify, to the extent possible, the demographics of commuters moving through the project area and include this information in the environmental justice evaluation. The traffic analysis in Section 3.5 noted a strong tendency for directional traffic during peak commute periods, with the dominant flow westbound in the morning and eastbound in the afternoon. The analysis, such as Figures 3.5-3 and 3.5-4, also provided data on where traffic in the corridor originates and departs. This suggests that the facility serves both a local and regional need.