



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

January 23, 2006

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

Subject: Final Environmental Impact Statement for the 1st Street Viaduct and Street Widening Project, Los Angeles, California (CEQ# 20050529)

Dear Ms. Vigue:

The Environmental Protection Agency (EPA) has reviewed the Final 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).

On April 11, 2005, EPA rated the build alternatives in the Draft EIS as Environmental Concerns-Insufficient Information (EC-2) based on concerns related to air quality impacts from particulate matter less than 2.5 microns in diameter (PM_{2.5}), the scope of the action, and environmental justice. EPA recognizes that FHWA has made several changes in the Final EIS to address these concerns. However, EPA has continuing concerns, particularly on air quality impacts to human health from PM_{2.5}.

As stated in our Draft EIS comment letter, the concentrations of PM_{2.5} near the study area are among the highest observed in the United States. Studies have shown a significant association between exposure to PM_{2.5} and adverse health outcomes, including asthma, respiratory disease, and premature death. Regardless of the status of EPA's final PM_{2.5} hotspot regulations (page 3-149), PM_{2.5} construction emissions are likely to contribute to adverse health impacts and should be assessed under NEPA (40 CFR Part 1502.16). Further, the CEQ regulations direct lead agencies to use any practicable means to avoid or minimize any possible adverse effects (40 CFR Part 1500.2(f)). Finally, it is possible that emissions from construction activity, even if limited to less than 5 years, could contribute to a violation of the National Ambient Air Quality Standard (NAAQS) for PM_{2.5}.

Similarly, construction emissions from the proposed project may result in human exposure to diesel exhaust, a likely human carcinogen. In response to EPA's DEIS comments recommending quantification of diesel emissions, the Final EIS states that tools and methods for accurately quantifying air toxics emissions are not yet available (page 3-149). EPA does not agree with this statement, as there are scientifically accepted and sound methods for assessing the impacts of exposure to air toxics, and such assessments are performed in various regulatory

contexts within EPA and in other agencies. For example, EPA has an officially approved emissions model for mobile sources, MOBILE6.2, that is readily available and is capable of quantifying air toxics emissions, including PM2.5 from diesel sources. EPA is available to work with FHWA in applying the MOBILE6.2 model to this or future projects.

EPA acknowledges that the Final EIS has made several changes to include discussions of both the ozone and PM2.5 NAAQS. However, as discussed in our letter on the DEIS, we continue to recommend that the Record of Decision (ROD) consider and document the following information and confirm that the project will not result in significant impacts to air quality: (1) PM2.5 monitoring results for annual average concentrations, to be compared to the annual PM2.5 NAAQS (FEIS, Table 3.12-1); and (2) construction phase emissions for PM2.5 and for the subset of PM2.5 emitted by diesel sources (FEIS, Tables 3.12-6 and 3.12-7). In addition, the ROD should quantify the positive benefits resulting from the mitigation measures discussed in Section 3.12.4, and commit to specific feasible mitigation measures.

We appreciate the opportunity to review this Final EIS. When the ROD is signed, please send one copy to me at the address above (Mail Code: CED-2). If you have any questions or comments, please feel free to contact me at (415) 972-3988 or Nancy Levin, the lead reviewer for this project, at (415) 972-3848 or Levin.Nancy@epa.gov.

Sincerely,

/S/ Connell Dunning for
Duane James, Manager
Environmental Review Office

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