

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

January 12, 2004

James Kenna
Bureau of Land Management
Palm Springs-South Coast Field Office
690 West Garnet Avenue
P.O. Box 581260
North Palm Springs, CA 92258-1260

Subject: Desert Southwest Transmission Line Project Draft Environmental Impact Statement/
Environmental Impact Report (DEIS/DEIR) [CEQ# 030453]

Dear Mr. Kenna:

The U.S. Environmental Protection Agency (EPA) has reviewed the above referenced document. Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementation Regulations at 40 CFR 1500-1508, and Section 309 of the Clean Air Act.

We have rated this DEIS/DEIR as EC-2 -- Environmental Concerns-Insufficient Information (see enclosed "Summary of Rating Definitions"). Our concerns are based on the project's potential impacts to air quality and waters of the U.S. In light of projected construction emissions from the proposed project, it appears that it does not conform with the applicable State Implementation Plans (SIPs). The Final Environmental Impact Statement/Environmental Impact Report (FEIS/FEIR) should provide additional information regarding the project's potential impacts to air quality, including a conformity determination, which can either be summarized and referenced in the FEIS/FEIR or included as an appendix. This information is critical in the FEIS/FEIR because if the project does not conform with the SIPs, BLM cannot issue the applicant a right-of-way permit. The FEIS/FEIR should also include additional information on waters of the U.S., and cultural resources, including avoidance and mitigation of these impacts. Our detailed comments are enclosed.

We appreciate the opportunity to review this DEIS/DEIR and request a copy of the FEIS/FEIR when it is filed with our Washington, D.C. office. If you have any questions, please call me at (415) 972-3854, or have your staff call Jeanne Geselbracht at (415) 972-3853.

Sincerely,

/s/
Lisa B. Hanf, Manager
Federal Activities Office

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Enclosure: 1. "Summary of Rating Definitions"
2. EPA Comments

cc: Michael Remington, Imperial Irrigation District
Kathy Hsiao, South Coast Air Quality Management District
Mike Laybourn, South Coast Air Quality Management District
John Wohlmuth, Coachella Valley Association of Governments
Robert R. Smith, U.S. Army Corps of Engineers, Los Angeles District

Air Quality

1. The project alternatives cross through several air basins and Districts in southern California, including the Coachella Valley, which is a severe federal non-attainment area for ozone and a serious federal non-attainment area for particulates smaller than 10 microns (PM10). The Draft Environmental Impact Statement/Environmental Impact Report (DEIS/DEIR) describes the Clean Air Act's requirement that the project conform with the applicable State Implementation Plans (SIPs) and provides the de minimis thresholds and regional significance thresholds below which the project is assumed to conform pursuant to South Coast Air Quality Management District's (SCAQMD) Rule 1901 and 40 CFR Part 51. However, while the DEIS/DEIR (pp. 3.3-17 and 18) states that the proposed mitigation measures would reduce impacts to the extent practical, Table 3.3-9 indicates that, even with mitigation measures, oxides of nitrogen (NOx) and PM10 emissions would exceed the applicable de minimis thresholds. Therefore, it appears that a conformity determination is necessary. If the project does not conform with the SIPs, BLM cannot issue the applicant a right-of-way permit (SCAQMD Rule 1901 and 40 CFR Part 51).

Recommendation: We recommend you coordinate with the SCAQMD and the Southern California Association of Governments (SCAG) regarding the need for a conformity determination. If a conformity determination is needed, it should be included in the FEIS/FEIR. It may be either summarized and referenced in the FEIS/FEIR or included in an appendix.

2. The DEIS includes several practical and effective mitigation measures that would reduce the project's air pollutant emissions (DEIS/DEIR, pages 3.3-17 - 3.3-19). In order to demonstrate conformity, additional mitigation measures may be required.

Recommendation: All additional measures that are pursued should be identified in the FEIS/FEIR and included as conditions of the right-of-way permit. We recommend that these additional measures be implemented along the entire length of the transmission line because they will benefit air quality in all air basins.

Recommendation: BLM and IID should consult with the SCAQMD and the Coachella Valley Association of Governments (CVAG), and prepare a fugitive dust mitigation plan. You may wish to contact Mike Laybourn at the SCAQMD (909-396-3066) for advice on fugitive dust mitigation responsibilities and options. The fugitive dust mitigation plan for this project should implement all appropriate fugitive dust control measures identified in the CVAG's Fugitive Dust Control Handbook (http://www.cvag.org/depts/CV_DCH.pdf).

Recommendation: BLM and IID should develop and implement a plan complying with best practices for mitigating exhaust emissions from construction equipment. We note, for instance, that one mitigation measure included in the DEIS/DEIR (p. 3.3-18) provides that visible emissions from all heavy duty off road diesel equipment shall not exceed 40 percent

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opacity for more than three minutes in any hour of operation. The federally approved SCAQMD SIP for the Coachella Valley requires that sources not exceed 20 percent opacity (see SCAQMD Rule 401). These engines should achieve an emissions standard of 20 percent rather than 40 percent opacity. We recommend that the applicant commit to this standard, which would further reduce visible emissions. Other best practices are listed below. The FEIS/FEIR should evaluate the feasibility of measures such as these to reduce construction emissions, referencing any which are adopted in the Record of Decision.

- § Use particle traps and other appropriate controls to reduce emissions of diesel particulate matter (DPM) and other air pollutants. Traps control approximately 80 percent of DPM, and specialized catalytic converters (oxidation catalysts) control approximately 20 percent of DPM, 40 percent of carbon monoxide emissions, and 50 percent of hydrocarbon emissions;
- § Use diesel fuel with a sulfur content of 15 parts per million or less, or other suitable alternative diesel fuel, substantially reducing DPM emissions;
- § Minimize construction-related trips of workers and equipment, including trucks and heavy equipment;
- § Lease or buy newer, cleaner equipment (1996 or newer model);
- § Employ periodic, unscheduled inspections to ensure that construction equipment is properly maintained at all times and does not unnecessarily idle, is tuned to manufacturer's specifications, and is not modified to increase horsepower except in accord with established specifications.

3. We note that Table 3.3-9 in the DEIS/DEIR references 100 tons per year as the de minimis threshold for PM10 in the Salton Sea Air Basin. Because this air basin is designated as a serious non-attainment area for PM10, the applicable de minimis threshold is 70 tons per year.

Recommendation: This information should be rectified in the FEIS/FEIR.

Waters of the U.S.

1. The DEIS/DEIR states on page 3.1-77 that a significant number of ephemeral washes and some intermittent washes within the transmission line right-of-way may be jurisdictional waters of the U.S., and could temporarily or permanently be affected by the proposed project. There is no indication, however, of the scope or magnitude of the potential impacts to these resources. We understand that a “waters of the U.S.” survey would be conducted after completion of the final engineering design and tower placement survey following the Record of Decision. However, a screening level survey during the NEPA process would be helpful.

Recommendation: BLM and IID should coordinate with the U.S. Army Corps of Engineers prior to publication of the Final Environmental Impact Statement/Environmental Impact Report (FEIS/FEIR) to verify the geographic extent of the project's Clean Water Act

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Section 404 jurisdiction, and to determine whether the project qualifies for one or more authorizations under Nationwide Permit 12 or requires an individual permit. This coordination would also facilitate development of a screening level map of waters of the U.S. and an assessment of the potential scope and magnitude of the project's impacts, which should be included in the FEIS/FEIR.

2. We are pleased that avoidance of waters of the U.S. will be a key criterion in determining placement of towers, roads, and staging areas along the alignment. However, while relative flexibility may exist in siting the towers and staging areas to avoid waters, siting access roads to avoid waters may prove less flexible.

Recommendation: EPA recommends that the engineering design tower placement survey be conducted concurrently with the waters of the U.S. survey to provide information that ensures the maximum avoidance of waters of the U.S.

Cultural Resources

The DEIS/DEIR (p. 3.2-27) indicates that several traditional cultural properties (TCPs) along the transmission line route are already known and identified. While the DEIS/DEIR provides protocols for conducting a Class III cultural resources inventory and developing a treatment plan, it does not provide information on what the impacts would be to the currently known TCPs. The DEIS/DEIR indicates that two archaeological districts listed on the National Register of Historic Places and located along the proposed project alignment would be avoided. However, information is not provided in the DEIS/DEIR on how impacts to other known TCPs would be avoided or mitigated. The DEIS/DEIR states that additional consultation with concerned tribes is recommended to determine if the archaeological sites have additional sensitivities as TCPs. While we recognize the need to refine the cultural resources inventory after an alternative is selected, it is not clear why consultation on the known TCPs has not already occurred so that the impact assessment and necessary mitigation measures could be included in the proposed action.

Recommendation: The FEIS/FEIR should discuss the potential impacts to known TCPs, describe how their traditional values could be affected, and specify measures to mitigate these impacts.