



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

March 26, 2007

Catherine Shuman  
U.S. Army Corps of Engineers  
Los Angeles District  
915 Wilshire Blvd, Suite 980  
Los Angeles, CA 90017

**Subject:** Draft Programmatic Environmental Impact Statement (DEIS) for the Los Angeles River Revitalization Master Plan (CEQ# 70028)

Dear Ms. Shuman:

The Environmental Protection Agency (EPA) has reviewed the DEIS referenced above. Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our review authority under Section 309 of the Clean Air Act. Our detailed comments are enclosed.

The Los Angeles River Revitalization Master Plan (LARRMP) is a conceptual framework to guide revitalization of the Los Angeles River. The goals of the project are improving the ecosystem functions along the River as well as creating economic development opportunities for river-adjacent communities. The LARRMP consists of 239 projects over a 32 mile section of the Los Angeles River and includes: physical transformations to the river channel, open space development, plans for restoring a more natural system, and policy recommendations for revitalizing adjacent communities. We have rated this project as Lack of Objections (LO) (see enclosed *Summary of Rating Definitions*).

EPA supports the goals of the LAARRMP and understands, from our conversation with the Corps of Engineers, that plan details will be included in a subsequent Corps of Engineers (Corps) Feasibility Study Draft Environmental Impact Report/Environmental Impact Statement (Feasibility Study). However, the LARRMP is not clear about how this NEPA/CEQA process will inform the Feasibility Study or the timeline for the future analysis. It would have been appropriate to wait until the completion of the Feasibility Study to release a NEPA document that presents the public with a comprehensive review of the project components. Nevertheless, EPA has developed specific recommendations for the forthcoming Feasibility Study, as well as the Final EIS. These recommendations are enclosed in our detailed comments.

While the LARRMP is needed to help address long-standing environmental, social, and economic problems, construction of projects of this size can have potentially significant impacts. EPA's primary concerns are impacts to low income and minority communities and air quality. As we discussed with you recently, EPA supports the Corps commitment to strong monitoring and mitigation measures for project-related impacts.

We appreciate the opportunity to review this DEIS. When the FEIS is released for public review, please send (2) copies to the address above (mailcode: CED-2). We would be happy to discuss more specific recommendations, including ecosystems needs and water quality issues, during the preparation of the Feasibility Study. If you have any questions, please contact me at 415-972-3846 or Summer Allen, the lead reviewer for this project at 415-972-3847 or [allen.summer@epa.gov](mailto:allen.summer@epa.gov).

Sincerely,

/S/

Nova Blazej, Manager  
Environmental Review Office

Main ID # 4776

Enclosures: Summary of EPA's Rating Definitions  
Detailed Comments

Cc: Carol Armstrong, LARRMP Project Manager  
City of Los Angeles, Bureau of Engineering

### **Comments on the LA River Revitalization Master Plan Programmatic DEIS**

#### **Economic Development**

One of the main project goals is to create economic development opportunities to enhance and improve river-adjacent communities. We recognize that a detailed economic analysis will be done as part of the Feasibility Study to determine project alternatives that best consider the needs of the biological resources and the local economy.

##### *Recommendations:*

The Final Environmental Impact Statement (FEIS) should also include a summary of the possible economic benefits that could be realized with implementation of the additional construction included in the Alternative B variations.

#### **Scoping Comments**

We are supportive of the extensive coordination between the City, County, and other interested parties, as well as the proposed formation of the Los Angeles River Authority, Los Angeles River Foundation, and the Los Angeles river Revitalization Corporation.

##### *Recommendations:*

Given the extensive community discussion that has been initiated in the formation of the project, the FEIS should include a summary of the public scoping comments and how those are being or will be addressed through the project.

#### **Air Quality**

Some information in the FEIS should be revised. In particular, the discussion of the number of days exceeding the National Ambient Air Quality Standards (NAAQS) after 1999 on page 3-5 is not correct for 8 hour ozone, and should be revised. In each year since 1999, the South Coast Air Basin has exceeded the 8-hour NAAQS at least 80 days per year. In addition, regarding the California Air Resources Board (CARB) mobile source discussion on pp. 4-6, CARB has been working to develop a statewide strategy as part of the 2007 California State Implementation Plan (SIP) for 8-hour ozone. The most recent version was published on January 31, 2007, and can be found at: <http://www.arb.ca.gov/planning/sip/2007casip.htm>.

##### *Recommendations:*

The FEIS should include the most recent data on air quality attainment status.

### **Comments for the Upcoming Feasibility Study DEIR/DEIS**

#### **Environmental Justice**

Executive Order 12898 on Environmental Justice addresses disproportionate and adverse impacts of federal actions on minority and low-income populations. The DEIS identifies large Latino and low-income populations that exist within the vicinity of the River corridor. It notes that 18% of individual in the corridor are below the poverty line, vs. 12% in the U.S. in general.

Likewise, 15% of the families in the area are below the poverty line, compared to 9% of families in the U.S. in general (p.3-129). In 2004, 38-75% of those in the opportunity areas were Hispanic and these populations have higher poverty rates (16-32%).

*Recommendations:*

The Feasibility Study should include a description of outreach efforts to low-income and minority populations, as well as appropriate project-specific mitigation measures that are identified through this process.

Socioeconomic Impacts

While the document notes that all alternatives are expected to result in net beneficial socioeconomic impacts if mitigation measures are implemented (p.4-165), the LAARMP revitalization measures within many of the opportunity areas may result in displacement of residential land uses. Many other large-scale projects are taking place or are planned for the LA River area which may also impact the availability of affordable housing. Therefore, it is important that future impact analyses at the project level should address any potential socioeconomic impacts and cumulative impacts associated with effects on affordable housing in the River Corridor as noted on page 4-220.

*Recommendations:*

The document discusses the William H. Mead Housing Project, but additional, available information should be included regarding the construction of other affordable housing projects. The Feasibility Study should discuss in detail how cumulative land use changes may affect the construction of affordable housing and, in general, how impacts will be mitigated.

Air Quality

The proposed project is located in the South Coast Air Basin (SCAB). The South Coast Air Quality Management District (SCAQMD) implements local air quality regulations in the SCAB to carry out Federal Clean Air Act (CAA) requirements, as authorized by the EPA. The current SCAB nonattainment designations under the Federal CAA are as follows: carbon monoxide-serious nonattainment; 8-hour ozone-severe nonattainment; particulate matter with a diameter of 10 microns or less (PM<sub>10</sub>)-serious nonattainment; and particulate matter with a diameter of 2.5 microns or less (PM<sub>2.5</sub>)-nonattainment. The SCAB has the worst 8-hour ozone and PM<sub>2.5</sub> problems in the nation and attainment of these National Ambient Air Quality Standards (NAAQS) will require massive reductions from mobile sources, given the rapid growth in this emissions category and the long lifespan of diesel engines.

We note that mitigation measures are only considered for PM-10 (fugitive dust) from construction and that mitigation for combustion emissions (both PM-10 and PM-2.5) will be considered in the Feasibility Study and project-level documents. In addition, page 3-108 notes that "By 2010, a 38 percent increase in vehicle travel is projected" and from the project description, it looks like the project will include changes to existing roadways (or possibly the building of new roadways) that might trigger transportation conformity. According to Caltrans environmental guidance, in nonattainment or maintenance areas, transportation conformity

applies if projects will be funded by the Federal Highways Administration, Federal Transit Administration, or any agency that has been delegated project approval by these agencies. It also applies if projects are determined to be regionally significant as defined at 40 CFR 93.101 and are approved by a regular recipient of federal highway or transit funds, such as Caltrans and most local transportation agencies. A further demonstration of transportation conformity—at the project level—is required if a project is located in a nonattainment or maintenance area.

*Recommendations:*

Due to the serious nature of the PM<sub>10</sub> and PM<sub>2.5</sub> conditions in SCAB, EPA recommends that the best available control measures (BACM) for these pollutants be implemented at all times and that the Feasibility Study, FEIS and Record of Decision (ROD) incorporate a Construction Emissions Mitigation Plan (CEMP). While we recognize that Best Management Practices (BMPs) for fugitive dust have already been proposed (DEIS, p. 264 and 265), we recommend that (1) all applicable requirements under SCAQMD Rules, (2) the Caltrans Standard Construction Specifications and recommended measures listed on pages 264 and 265 of the DEIS, and (3) the following additional and/or revised measures, be incorporated into a CEMP associated with the Feasibility Study:

*Mobile and Stationary Source Controls:*

- Reduce use, trips, and unnecessary idling from heavy equipment.
- Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels and to perform at verified standards applicable to retrofit technologies. Employ periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications.
- Prohibit any tampering with engines and require continuing adherence to manufacturers' recommendations.
- Require that leased equipment be 1996 model or newer unless cost exceeds 110 percent or average lease cost. Require 75 percent or more of total horsepower of owned equipment to be used be 1996 or newer models. If practicable, lease newer and cleaner equipment meeting the most stringent of applicable Federal or State Standards (see table: <http://arb.ca.gov/msprog/ordiesel/documents/Off-Road%20Diesel%20Stds.xls>). In general, only Tier 2 or newer engines should be employed in the construction phase, given the scale of the construction project, the level of the exposed population, and the high background levels of pollutants in the area.
- Utilize EPA-registered particulate traps and other appropriate controls where suitable to reduce emissions of diesel particulate matter and other pollutants at the construction site.

*Administrative controls:*

- Identify all commitments to reduce construction emissions and update the air quality analysis to reflect additional air quality improvements that would result from adopting specific air quality measures.
- Identify where implementation of mitigation measures is rejected based on economic infeasibility.

- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. (Suitability of control devices is based on: whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public.)
- Utilize cleanest available fuel engines in construction equipment and identify opportunities for electrification. Use low sulfur fuel (diesel with 15 parts per million or less) in engines where alternative fuels such as biodiesel and natural gas are not possible.
- Develop a construction, traffic, and parking management plan that minimizes traffic interference and maintains traffic flow.
- Identify sensitive receptors in the project area, such as children, elderly, and infirm, and specify the means by which the Corps will minimize impacts to these populations. For example, locate construction equipment and staging zones away from sensitive receptors away from fresh air intakes to buildings and air conditioners.
- Reflect the SCAQMD's BACMs for fugitive dust mitigation listed in Tables 3-13.11 – 3-13.13 in the Mitigation Reporting Plan (i.e., should be enumerated as mitigation measures in the monitoring report on p. 264 and 265). Moreover, given the severity of the PM problem in the area and the size of the construction activity associated with the proposed project, commit to implement during all construction phases more than the minimum of one BACM in each category in order to reduce PM emissions to the minimum.

The Feasibility Study and follow-up documents should determine if the projects could be determined as regionally significant as defined at 40 CFR 93.101 and would, therefore, necessitate transportation conformity.