

Comment Set A.11: U.S. Environmental Protection Agency, Region 9



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

October 3, 2006

Marian Kadota
Angeles National Forest
USDA Forest Service

John Boccio
California Public Utilities Commission
c/o Aspen Environmental Group
30423 Canwood Street, Suite 215
Agoura Hills, CA. 91301

Subject: Draft Environmental Impact Statement Antelope-Pardee 500-kV Transmission Project, Los Angeles County, CA (CEQ# 20060315)

Dear Ms. Kadota and Mr. Boccio:

The U.S. Environmental Protection Agency (EPA) has reviewed the above project 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 upon our review, we have rated this Draft Environmental Impact Statement (DEIS) as EC-2, Environmental Concerns - Insufficient Information (see attached "Summary of the EPA Rating System"). We are concerned with potential impacts to air quality and noise due to the air quality non-attainment status of the region and the presence of sensitive noise receptors. We are also concerned with the identified significant and unavoidable cumulative impacts. While we commend the detailed cumulative impact analysis, the DEIS does not describe mitigation measures that project proponents, other agencies, or officials can implement to reduce identified significant cumulative impacts as advised by the Council of Environmental Quality (CEQ 40 Questions No. 19(b)). Our detailed comments are enclosed.

EPA supports selection of an alternative or combination of alternatives that avoid or minimize significant unavoidable impacts to the maximum extent feasible. The DEIS states that Alternative 2 combined with Alternative 4 would result in reduced long-term effects to noise, land use, socioeconomics, and aerial fire suppression activities; and would result in the fewest significant unavoidable impacts of the evaluated alternatives. We recommend the FEIS provide a summary of the combined environmental impacts of Alternatives 2 and 4 so that the environmental consequences of a combined Alternative are clearly understood by the decision makers and the public.

A.11-1

We appreciate the opportunity to review this DEIS and are available to discuss our detailed comments. Please send one copy of the Final EIS to this office at the same time it is officially filed with our Washington, D.C. office. If you have questions, please contact Laura Fujii, the lead reviewer for this project, at (415) 972-3852 or at fujii.laura@epa.gov.

Sincerely,


for Duane James, Manager
Environmental Review Office

Enclosures: Summary of EPA Rating System
Detailed Comments

SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

EPA DETAILED COMMENTS, ANTELOPE-PARDEE 500KV TRANSMISSION PROJECT, LOS ANGELES COUNTY, CA, OCTOBER 3, 2006

Air Quality

Minimize construction emissions on days of high ozone and particulate matter generation. The Antelope-Pardee 500-kV Transmission Project is located in the South Coast and Antelope Valley Air Basins which are in non-attainment for ozone and particulate matter smaller than 10 microns (PM10) (pps. C.2-2, C.2-5 to C.2-8). Of significant concern are potential air quality impacts in the Santa Clarita region which is in severe federal and extreme State non-attainment for ozone. The DEIS states that daily construction emissions are expected to exceed the Air Quality Management Districts' regional planning thresholds for nitrogen oxide (NOx), which contributes to ozone formation, and PM10 (C.2-22).

Recommendation:

We recommend implementation of additional mitigation measures to minimize NOx and PM10 emissions on days of high ozone and particulate matter generation. For example, when feasible, restrict construction operations during the morning hours when NOx is more likely to contribute to ozone formation, during months which have higher ozone formation, and during high wind events. The FEIS should reference any mitigation measures which would be adopted in the ROD.

A.11-2

Other best practices to consider for mitigating exhaust emissions from construction equipment are listed below. The Final EIS should evaluate the feasibility of measures such as these to reduce construction emissions.

- 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;
- Visible emissions from all heavy duty off road diesel equipment should not exceed 20 percent opacity for more than three minutes in any hour of operation;
- 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

A.11-3

Disclose compliance with the Federal National Ambient Air Quality Standards. The DEIS utilizes the South Coast and Antelope Valley Air Quality Management Districts' regional emission thresholds to determine the level of significant impacts (C.2-17). Although it is also likely that federal standards for ozone, NOx, and PM10 are exceeded, it is difficult to determine whether this is actually the case.

A.11-4

Recommendation:

The FEIS should disclose compliance of the proposed Project and alternatives with the federal National Ambient Air Quality Standards (NAAQS). Air quality modeling may be required to determine compliance or non-compliance with the federal NAAQS.

Noise

Explore and describe additional mitigation measures to reduce or screen mobile equipment noise. Mobile construction equipment activities would violate the Los Angeles County noise standards even with proposed mitigation measures (pps. C.10-15 to C.10-17).

Recommendation:

We recommend the project proponents and lead federal and State agencies explore additional mitigation measures to reduce or screen mobile equipment noise. If these measures are technologically and economically feasible, the FEIS should describe and consider implementation of the measures.

A.11-5

Consider transmission line routes that avoid adverse noise impacts at the Veluzat Motion Picture Ranch. The proposed Project and Alternatives 1 to 3 would result in significant and unavoidable noise impacts at the Veluzat Motion Picture Ranch. For instance, the DEIS states that these alternatives would violate Los Angeles County Standards for corona noise impacts (p. C.10-17), permanently increase ambient noise levels, and result in a high level of temporary noise at Veluzat Motion Picture Ranch (p. C.10-18). These noise impacts would also result in a significant reduction in revenues for the Veluzat Motion Picture Ranch (pps. C.12-7, C.12-20).

A.11-6

Recommendation:

Given the significant and unavoidable noise impacts to the Veluzat Motion Picture Ranch, and the related reduction in their revenues, we recommend consideration of other route alignments such as Alternative 4 which would avoid this sensitive noise receptor.

Cumulative Impacts

Describe and evaluate mitigation measures for identified significant cumulative impacts. Many of the potential cumulative impacts for hydrology, water quality and supply, noise, biological resources, visual resources, and solid waste would be significant and unavoidable due to the level of past, present, and reasonably foreseeable construction and development projects in the project area. While we commend the detailed cumulative impact analysis, the DEIS does not describe or evaluate mitigation measures to avoid or minimize the identified significant cumulative impacts.

A.11-7

Recommendation:

The FEIS should describe and evaluate feasible mitigation measures to avoid and minimize the identified adverse cumulative impacts. Although these mitigation measures may be outside the jurisdiction of the lead agencies or project proponents, describing them in the FEIS would serve to alert other agencies or officials who can implement these extra measures (CEQ 40 Questions No. 19(b)). Potential mitigation measures to evaluate include phasing project construction schedules, establishing a Multi-Species Habitat Conservation Plan for the region, and promoting smart growth development practices to avoid and minimize impacts of growth that may be induced by this project.

A.11-7
cont'd

Response to Comment Set A.11: U.S. Environmental Protection Agency, Region 9

USEPA Air Quality Comments Preface

Due to the confusing nature of some of the air quality comments, which did not seem to factor in the recommended air quality mitigation measures provided in the Draft EIR/EIS, Laura Fujii from the USEPA was contacted to discuss the comments provided. Ms. Fujii indicated that they had indeed missed the recommended mitigation measures and concurred that the recommended mitigation measures appeared to be at least as stringent as the USEPA recommended mitigation mentioned in comment A.11-3.

A.11-1 Thank you for your recommendation. Please see updates to the discussion in Section D.5.

A.11-2 Thank you for your recommendation. However, the Lead Agencies believe that the SCAQMD and AVAQMD rules and regulations provide adequate regulation of fugitive dust requirements during high winds, including requiring the application of specific additional mitigation measures during high wind events, that can include ceasing operations when other additional mitigation are not effective. Additionally, the Lead Agencies believe that implementation and enforcement of project cessation during high ozone periods would not effectively or noticeably reduce ozone formation in the project area, the project's emissions being negligible in comparison to air basin totals, and has not chosen to recommend what is considered an ineffective mitigation measure. Additionally, this measure would be overly problematic due to the large project area that is located within two separate air basins having very different localized wind conditions and air pollution impacts.

A.11-3 Several of the best management practices noted in your letter are in fact represented by the recommended mitigation measures, which include: Mitigation Measures A-1a (Implement Construction Fugitive Dust Control Plan), A-1b (Properly Maintain Mechanical Equipment), A-1c (Use Ultra Low-sulfur Diesel Fuel), A-1d (Restrict Engine Idling to 10 Minutes), A-1e (Schedule Deliveries Outside of Peak Traffic Hours), A-1f (Off-road Diesel-fueled Equipment Standards), A-1g (On-road Vehicle Standards), A-1h (Off-road Gasoline-fueled Equipment Standards), and A-1i (Reduction of Helicopter Emissions). A comparison of the recommended mitigation measures in the Draft EIR/EISS and the USEPA proposed mitigation measures are as follows:

USEPA Proposed Measure	Draft EIR/EIS Recommended Measure	Comparison
Use particle traps and other appropriate controls to reduce emissions of diesel particulate matter (DPM) and other air pollutants And Lease or buy newer, cleaner equipment (1996 or newer model);	A-1f Offroad Diesel-fueled Equipment Standards. All offroad construction diesel engines not registered under CARB's Statewide Portable Equipment Registration Program, which have a rating of 50 hp or more, shall meet, at a minimum, the Tier 2 California Emission Standards for Off-Road Compression-Ignition Engines as specified in California Code of Regulations, Title 13, section 2423(b)(1) unless that such engine is not available for a particular item of equipment. In the event a Tier 2 engine is not available for any off-road engine larger than 100 hp, that engine shall be equipped with a Tier 1 engine. In the event a Tier 1 engine is not available for any off-road engine larger than 100 hp, that engine shall be equipped with a catalyzed	Recommended measure requires use of newer engines which lowers all pollutant emissions not just DPM and only requires particle traps when equipment with newer engines cannot be obtained. Particulate control using Tier 2 engines is equivalent or better than the use of particle traps on older engines. Recommendation to use Tier 2 engines at a minimum is more strict than USEPA recommendation of 1996 or newer model, which relates to older and higher emitting Tier 1 engines.

Antelope-Pardee 500-kV Transmission Project
APPENDIX 8. DRAFT EIR/EIS COMMENTS AND RESPONSES

USEPA Proposed Measure	Draft EIR/EIS Recommended Measure	Comparison
	diesel particulate filter (soot filter), unless certified by engine manufacturers that the use of such devices is not practical for specific engine types. Equipment properly registered under and in compliance with CARB's Statewide Portable Equipment Registration Program are in compliance with this mitigation measure.	
Visible emissions from all heavy duty off road diesel equipment should not exceed 20 percent opacity for more than three minutes in any hour of operation	None	This is a local air quality regulation requirement (SCAQMD and AVAQMD Rules 401), so no additional mitigation measure is required.
Use diesel fuel with a sulfur content of 15 parts per million or less, or other suitable alternative diesel fuel, substantially reducing DPM emissions	A-1c Use Ultra Low-sulfur Diesel Fuel. CARB-certified ultra low-sulfur diesel (ULSD) fuel containing 15 ppm sulfur or less shall be used in all diesel-powered construction equipment.	Effectively identical measures.
Minimize construction related trips of workers and equipment, including trucks and heavy equipment	<p>A-1a Implement Construction Fugitive Dust Control Plan – last bullet - Travel routes to each construction site shall be developed to minimize unpaved road travel.</p> <p>A-1e Schedule Deliveries Outside of Peak Traffic Hours. All material deliveries to the marshalling yards and from the marshalling yards to the construction sites shall be scheduled outside of peak traffic hours (6:00 to 9:30 am and 3:30 to 6:30 pm) to the extent feasible, and other truck trips during peak traffic hours shall be minimized to the extent feasible.</p> <p>A-1g On-road Vehicles Standards. All on-road construction vehicles shall meet all applicable California on-road emission standards. This does not apply to construction worker personal vehicles.</p> <p>T-2 Prepare Construction Transportation Plan. To reduce the number of Project-related vehicles traveling on roads within the Project area, site construction workers shall be staged off site at marshalling yards or near paved intersections and workers will be shuttled to construction sites in groups in crew vehicles.</p>	Different approaches but both will work to effectively minimize emissions from on road vehicle traffic.
Employ periodic inspection 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	<p>A-1b Properly Maintain Mechanical Equipment. The construction contractor shall ensure that all mechanical equipment associated with project construction is properly tuned and maintained in accordance with the manufacturer's specifications.</p> <p>A-1d Restrict Engine Idling to 10 Minutes. Diesel engine idle time shall be restricted to no more than 10 minutes.</p> <p>Mitigation monitoring will be performed during project construction. The exact nature of all</p>	Effectively identical measures.

USEPA Proposed Measure	Draft EIR/EIS Recommended Measure	Comparison
	compliance inspections is uncertain, however, compliance with all mitigation measures will be determined as part of this third party mitigation monitoring and a requirement to perform periodic unannounced inspections for active site mitigation measures has been included in the Mitigation Monitoring Plan (Appendix 9 of the FEIS/R)	

- A.11-4 The use of the SCAQMD and AVAQMD CEQA significance criteria is stricter than any known NEPA air quality significance criteria. Identifying and mitigating for these significance criteria will also require mitigation that is considerably stricter than that generally required for construction projects under NEPA. The project will create construction emissions over a very large area and will not cause significant emissions in any one location and should not cause any new exceedances of any NAAQS or significantly impact existing exceedances of any NAAQS. Considering the large project footprint and limited construction emissions for this project, it is not considered necessary or reasonably feasible to model project construction emissions.
- A.11-5 Additional measures to “reduce or screen mobile equipment noise” would include Mitigation Measures T-1a (Prepare Traffic Control Plans), T-1b (Restrict Lane Closures), and T-2 (Prepare Construction Transportation Plan) discussed in Section C.13 of the EIR/EIS. These measures would expedite vehicular/equipment traffic, reduce the number of vehicles traveling on roads within the Project area, and minimize vehicle/equipment queuing resulting from lane closures, which would indirectly reduce noise impacts. No additional noise mitigation measures have been formulated that would reduce or screen mobile equipment noise
- A.11-6 Thank you for your recommendation. It will be shared with the decision-makers who are reviewing the Project at the USDA Forest Service and the CPUC.
- A.11-7 The Lead Agencies have not been able to identify any additional feasible mitigation measures to reduce adverse cumulative impacts. The Draft EIR/EIS identifies a substantial number of feasible mitigation measures to address the adverse impacts of the proposed Project and alternatives, but no additional measures have been identified to address the effects of these impacts when combined with similar impacts of other projects. Please note that many of the mitigation measures addressing the impacts of the proposed Project and alternatives would reduce the magnitude and severity of similar impacts from other projects. For many of the issue areas, this fact is mentioned in the discussion of cumulative impacts. The text of the EIR/EIS has been modified, where appropriate, to emphasize that the mitigation strategies applied to the proposed Project and alternatives would also be effective in reducing similar impacts of other projects that contribute to cumulative effects.