Comment Set A19
United States Environmental Protection Agency

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

August 17, 2006

John Kalish
Bureau of Land Management
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104

Subject: Draft Environmental Impact Statement (DEIS) for the Devers-Palo Verde No. 2 Transmission Line Project (CEQ# 60181)

Dear Mr. Kalish:

The U.S. 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 Section 309 of the Clean Air Act. Our detailed comments are enclosed. A19-1

In order to increase California's transmission import capability and to reduce energy costs, the California Public Utilities Commission (CPUC) and the Bureau of Land Management (BLM) are proposing a new 230-mile 500 kV line from the Harquahala Substation in Arizona to Southern California Edison (SCE)'s Devers Substation in California. This route is parallel to the SCE Devers-Palo Verde No.1 (DPV1) Transmission Line which was constructed in 1982. BLM approved the Devers-Palo Verde No.2 (DPV2) Transmission Line Project in 1988, and in 1989, BLM granted the Right of Way (ROW) for the transmission line. The majority of the proposed 500 kV line would be constructed within this ROW. The ROW for the Devers-Harquahala segment is located within a relatively undeveloped portion of the Sonoran Desert that is characterized by a diversity of sensitive and unique types of native vegetation communities, including ephemeral streams, desert washes, and riparian habitat.

We note that the environmentally preferred alternative, the Harquahala Junction Switchyard Alternative, is likely not feasible as the timing for negotiations of lease renewals for the corridor with the Morongo Band of Mission Indians would delay construction and operation of the West of Devers segment. Therefore, the Devers-Valley No. 2 Alternative appears most likely to be the alternative implemented to allow concurrent construction with the Devers-Harquahala segment. This alternative would have additional impacts to biological resources, visual resources, and wilderness and recreation as a result of implementation. Regardless of the alternative selected, we have concerns regarding the clarity of the NEPA document and the project's potential indirect and cumulative impacts to the desert ecosystem as well as cumulative

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air impacts. These concerns would be greater with the selection of the Devers-Valley No. 2 Alternative. Based on these concerns, we have rated the DEIS as EC-2, Environmental Concerns - Insufficient Information (see enclosed "Summary of Rating Definitions").

A19-1 cont.

We appreciate the opportunity to review this DEIS and your additional answers to our questions during our review. When the FEIS is released for public review, please send (1) copy to the address above (mailcode: CED-2). If you have any questions, please contact me at 415-972-3988 or Summer Allen, the lead reviewer for this project. Summer can be reached at 415-972-3847.

Sincerely,

Connell Dunning

for Duane James, Manager
Environmental Review Office

Main ID # 4721
Enclosure: Detailed Comments

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EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR DEVERS-PALO VERDE NO. 2 TRANSMISSION LINE PROJECT, AUGUST 17, 2006

National Environmental Policy Act Analysis

NEPA documents should be "concise and clear" (40 CFR Part 1500.2 (b)). The Alternatives proposed and the interrelationship of concurrent projects in the Draft Environmental Impact Statement (DEIS) are difficult to understand for those not intimately involved with the project. In particular, it is difficult to determine what components and segments actually make up the Proposed Project and how these components relate to other projects in the area such as the Desert Southwest (DSW) Transmission Project. Although the DEIS for the DSW Transmission Project analyzed the potential for combining the DPV2 and the DSW lines, this option is not discussed here. A19-2

Recommendations:
The Final Environmental Impact Statement (FEIS) should more clearly define the Proposed Project and all associated segments. It should clearly explain the relationship of this project with other transmission lines or facilities in the area such as the DSW Transmission Project, the Devers-Palo Verde No. 1 Transmission Line Project and the Arizona Public Service TS-5 Project. More information should be included in Appendix F regarding the Record of Decision for the DSW project and the potential for a shared Right of Way (ROW).

Cumulative Impacts

The document notes that the project will cross approximately 102.2 miles of a relatively undeveloped portion of the Sonoran Desert, permanently converting 13.6 acres of prime farmland (p. G-34). The Cumulative Project List on pages F-3 through F-18 includes 107 projects, which include industrial uses, transportation, commercial and residential uses, and public facilities. In particular, we note that over the past few years, EPA has seen a substantial increase in plans for housing projects in Maricopa County, covering over 100,000 acres. With this growth, there will be a marked increase in houses, supporting businesses, and automobiles. The document's analysis of cumulative impacts to habitat and vegetation does not appear to account for this growth. This is of particular concern in that riparian habitats have higher species richness and densities of wildlife than any other desert habitat, with 75 species of birds likely in the area (p. D.2-16/7) and 14 endangered, threatened, and/or candidate wildlife species (p. D.2-20). In addition, the Kofa National Wildlife Refuge is located in western Maricopa County and southern La Paz County. A19-3

Although no formal jurisdictional delineation has been done, ephemeral drainages and desert washes are a large part of the ecosystem (p. D.2-227). The project will cross many small and a few large ephemeral washes as well as the Colorado River (p. D.2-3) and increased sedimentation in Waters of the U.S. may result (p. F-31). In addition, it is unclear if the towers in the floodplain (categorized under Impact H-6) are below the Ordinary High Water Mark or otherwise within Clean Water Act (CWA) jurisdiction.

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Recommendations:
The FEIS should include more information regarding the potential cumulative impacts to habitat and vegetation from the proposed project in addition to the other planned growth in the area. It should more clearly evaluate the potential need for a CWA Section 404 permit. It should consider that if a CWA Section 404 permit is needed, consistency with the CWA Section 404(b)(1) Guidelines will be required, in that the Least Environmentally Damaging Practicable Alternative (LEDPA) is the permittable alternative. Therefore, adequate mitigation should be included to the greatest extent possible. The FEIS should also determine the CWA jurisdiction, if any, that applies to the towers placed in the floodplain.

A19-3 cont.

Air Quality

There are substantial, ongoing air quality issues in the project area. Table D.11-3 notes the following: the Phoenix-Mesa area of Arizona is classified as nonattainment for 8-hour ozone, and serious nonattainment for Particulate Matter less than 10 microns in diameter (PM10) under the Federal standards for air quality; the Mojave Desert Air Basin is classified as serious nonattainment for PM10; the Salton Sea Air Basin is classified as serious nonattainment for 8-hour ozone and PM10; and the South Coast Air Basin is classified as severe nonattainment for 8-hour ozone, serious nonattainment for carbon monoxide (CO), serious nonattainment for PM10 and nonattainment for Particulate Matter Less Than 2.5 Microns in Diameter (PM2.5).

A19-4

The impacts analysis in the DEIS assumes application of the Applicant Proposed Measures (APM) for air quality, as listed in Table D.11-13. These measures include maintenance of diesel engines, dust suppressants, and emissions credits. We appreciate the efforts to reduce emissions as a result of the project but have additional mitigation measures that we would like to see included in project planning to reduce Diesel Particulate Matter (DPM) and other pollutants.

Recommendations:
The FEIS should address the feasibility of implementing additional air quality-related mitigation to reduce emissions of DPM and other pollutants from construction. The Air Pollution Control Districts may be able to recommend specific mitigation measures that could be implemented with this project.

EPA recommends that the following measures for diesel equipment be added to the APMs:

a) not idle for more than ten minutes;
b) not be altered to increase engine horsepower;
c) include particulate traps, oxidation catalysts and other suitable control devices on all construction equipment used at the construction site;
d) use ultra low sulfur diesel fuel with a sulfur content of 15 parts per million (ppm) or less or other suitable alternative diesel fuel.

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A19-1 The commenter is generally correct in these introductory paragraphs, but is incorrect with respect to one point. The third paragraph of the letter states that "…the ~~Harquahala Junction Switchyard Alternative~~Harquahala Junction Switchyard Alternative [emphasis added] is likely not feasible as the timing for negotiations of lease renewals for the corridor with the Morongo Band of Mission Indians would delay construction and operation of the West of Devers Segment." This sentence would correctly be written as follows: "…the West of Devers portion of the Proposed Project is likely not feasible as the timing for negotiations of lease renewals for the corridor with the Morongo Band of Mission Indians would delay construction and operation of the West of Devers Segment."

The commenter is also correct in stating that the environmental impacts of the Devers-Valley No. 2 Alternative would be greater than those of the Proposed Project's West of Devers segment. The specific comments attached to the letter are addressed in responses to A19-2, A19-3, and A19-4 below.

A19-2 This comment indicates a concern about confusion among competing and overlapping transmission projects in Arizona (where the APS TS-5 project could be constructed and could replace the Harquahala Switching Station Alternative) and in California (where the Desert Southwest Transmission Project [DSWTP] could be constructed adjacent to, or in place of, the DPV2 Project). We acknowledge that the situation itself is confusing, because multiple developers are proposing competing, and in some cases, possibly redundant transmission projects. However, we believe that each alternative is clearly explained in the EIR/EIS, as explained below.

Appendix 1 to the EIR/EIS is the Alternatives Screening Report. In Section 4 of that document, there is a description of each alternative route that explains what portion of the Proposed Project route the alternative would replace. Also a map is presented for each alternative, illustrating the both the alternative and the Proposed Project segment. Appendix 1 is summarized in EIR/EIS Section C (Alternatives).

The comment states that the EIS for the DSWTP considers the potential for combining the DPV2 and DSW lines, but that this option is not discussed in the DPV2 EIR/EIS. This statement is not correct: the DPV2 EIR/EIS considers the DSWTP as an alternative to the DPV2 Project (in which one or the other would be built) and as a cumulative project (in which both would be built). By considering the project in both ways, the DPV2 EIR/EIS correctly considers all possible outcomes from these competing proposals: (1) DPV2 only, (2) DSWTP only (3) both the DPV2 and DSWTP.

With regard to the Harquahala Junction Switchyard Alternative, there is a map in Appendix 1 (Figure Ap.1-1a) that illustrates the transmission interconnections and relationships at this location, including the potential for the APS TS-5 Project to be constructed.

Regardless, explanation has been added to the descriptions of the DSWSTP Alternative and the Harquahala Junction Switching Station Alternative in Section C and Appendix 1 to further clarify the situation.

The following text has been added to Section C.4.4.1 and Section 4.4.1 of Appendix 1:

> **Overview**: This alternative would replace an approximately 118-mile long segment of the DPV2 Project between the Midpoint Substation (southwest of Blythe and Devers Substation). Note that because this alternative is also proposed as a separate project and the BLM has issued a Record of Decision for it (September 15, 2006), the Desert Southwest Transmission Project is also considered as a cumulative project in EIR/EIS Section F.

The following text has been added to Section C.4.2.3 and Section 4.2.3 of the Alternatives Screening Report (Appendix 1):

> **Overview**: This alternative would eliminate the need for construction of the last five miles of the Proposed Project (east of the Harquahala Switchyard). In this alternative, a switchyard would be constructed five miles east of the Harquahala Generating Station to allow the new DPV2 transmission line to interconnect with existing lines at that location, eliminating the need to connect at a substation. The switchyard could also allow interconnection of the Arizona Public Service (APS) TS-5 Project at that point, and because the TS-5 Project has already been approved by the Arizona Corporation Commission, it is possible that APS would construct the switchyard before the DPV2 Project is built.

At the time of publication of the Draft EIR/EIS, the DSWTP Record of Decision (ROD) had not been issued by the BLM (it was issued in September 2006). Again, the "shared ROW" option addressed in the DSWTP EIR/EIS is the same as the DSWTP Alternative considered in this DPV2 EIR/EIS. Given the timing of these actions, additional explanation of this issue has been added to Section F (Cumulative Impacts) to clarify the situation.

> Project number 4 in Table F-1 is the Desert Southwest Transmission Project (DSWTP). Additional explanation of this project is provided here because it is also considered as an alternative to the DPV2 project between Blythe and the Devers Substation. Also, as described in Section C.4.4.1 and Appendix 1 Section 4.4.1, this project has been independently proposed and an EIR/EIS has been completed. On September 15, 2006, the BLM issued a Record of Decision that approved the DSWTP. Given this approval, the DSWTP could be constructed immediately adjacent to the DPV2 ROW, which is the reason for the cumulative impact analysis presented here. Alternatively, if an agreement is reached between Desert Southwest Power and SCE, a single 500 kV line could be constructed in the SCE ROW and used by both parties.

A19-3 The following text has been added to the discussion of cumulative impacts to biological resources (Section F.3.1) in response to the comment about habitat loss.

> Maricopa County is growing extremely quickly and residential development is resulting in the loss of native habitat, as evidenced by the following text from the County's website:
>
> > Approximately 625 square miles of the County's 9,226 square miles have been developed for residential or commercial use as of 1995. Approximately 236,000 acres will likely be developed over the next 30 years and there is about 1.7 million acres of potentially developable land in the County[4].

[4] http://www.fcd.maricopa.gov/Flooding/Growth.asp

The anticipated development of 236,000 acres in Maricopa County over the next 30 years is a rate of nearly 8,000 acres per year. As described in Table B-2 (Section B.2.1), a total of approximately 106 acres would be permanently disturbed as a result of construction of the entire 230 mile Devers-Harquahala 500 kV portion of the project. This small area of disturbance results from the fact that the access road for the existing DPV1 line will serve DPV2. Approximately 26 miles (11 percent) of the route would be located in Maricopa County (where development is occurring at the fastest pace), so the permanent habitat loss in the County would be about 12 acres. This is not considered to be a considerable contribution to the loss of natural habitat in Maricopa County.

The Kofa National Wildlife Refuge is located within La Paz and Yuma Counties (not Maricopa County). In the area surrounding the Refuge, little or no residential growth has occurred although there has been substantial growth in Yuma County south of the Refuge, and in adjacent Maricopa County.

Section D.12.4 (in the Hydrology and Water Resources Section) describes the fact that the project may require a Clean Water Act Section 404 Permit. The same section also addresses the potential for transmission towers to be located in a floodplain or watercourse (Impact H-6: Encroachment into a floodplain or watercourse by permanent aboveground project features resulting in flooding, flood diversions, or erosion). Such an action would likely require a 404 Permit. Section D.12.4 (Applicable Regulations, Plans, and Standards) of the Draft EIR/EIS has been modified as follows under the description of the Clean Water Act:

Section 404 of the CWA authorizes the U.S. Army Corps of Engineers (ACOE) to regulate the discharge of dredged or fill material to the waters of the U.S. and adjacent wetlands. A 404 Permit requires an analysis of the Least Environmentally Damaging Practicable Alternative (LEDPA) and it is assumed that the comprehensive alternatives analysis documented in Appendix 1 (Alternatives Screening Report) would provide sufficient information to support the alternatives analysis required for the permit. The ACOE issues individual site-specific or general (Nationwide) permits for such discharges.

As discussed above, a LEDPA issue would arise only if a Standard 404 Permit is required (i.e., project does not quality for a Nationwide Permit, Regional General Permit, or other type of General Permit). However, it is likely that construction of transmission towers would qualify to be constructed under a Nationwide Permit 12 (Utility Line Activities), issued by ACOE HQ for categories of activities resulting in minimal adverse effects on the aquatic ecosystem on an individual and cumulative basis (see text below). If the project qualifies for a Nationwide Permit, identification and selection of the LEDPA pursuant to the Section 404(b)(1) Guidelines (40 CFR 230) would not be required.

In this case (since the project would not impact a lake or tidal area), "waters of the U.S." would be limited to the Ordinary High Water Mark of each stream (approximated by the 2-year event or 5-year storm event), unless there are adjacent wetlands (areas having wetland hydrology, hydric soils, AND hydrophytic vegetation), in which case the limit would include these areas as well. With this Nationwide Permit, there is a 0.5-acre maximum on permanently impacting "waters of the U.S." (temporary fills or topographic changes to waters of the U.S. do not count against this 0.5-acre limit). However, if the project would impact streams in different watersheds, the actual loss limit would be higher (e.g., at 0.5-acre limit per watershed, two watersheds would authorize up to 1.0 acre of permanent impact to waters of the U.S.). Below is the text of Nationwide Permit 12:

12. Utility Line Activities. Activities required for the construction, maintenance and repair of utility lines and associated facilities in waters of the US as follows:

(i) Utility lines: The construction, maintenance, or repair of utility lines, including outfall and intake structures and the associated excavation, backfill, or bedding for the utility lines, in all waters of the US, provided there is no change in preconstruction contours. A ''utility line'' is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and radio and television communication (see Note 1, below). Material resulting from trench excavation may be temporarily sidecast (up to three months) into waters of the US, provided that the material is not placed in such a manner that it is dispersed by currents or other forces. The District Engineer may extend the period of temporary side casting not to exceed a total of 180 days, where appropriate. In wetlands, the top 6" to 12" of the trench should normally be backfilled with topsoil from the trench. Furthermore, the trench cannot be constructed in such a manner as to drain waters of the US (e.g., backfilling with extensive gravel layers, creating a french drain effect). For example, utility line trenches can be backfilled with clay blocks to ensure that the trench does not drain the waters of the US through which the utility line is installed. Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

(ii) Utility line substations: The construction, maintenance, or expansion of a substation facility associated with a power line or utility line in non-tidal waters of the US, excluding non-tidal wetlands adjacent to tidal waters, provided the activity does not result in the loss of greater than 1/2-acre of non-tidal waters of the US.

(iii) Foundations for overhead utility line towers, poles, and anchors: The construction or maintenance of foundations for overhead utility line towers, poles, and anchors in all waters of the US, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.

(iv) Access roads: The construction of access roads for the construction and maintenance of utility lines, including overhead power lines and utility line substations, in non-tidal waters of the US, excluding non-tidal wetlands adjacent to tidal waters, provided the discharges do not cause the loss of greater than 1/2-acre of non-tidal waters of the US. Access roads shall be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes the adverse effects on waters of the US and as near as possible to preconstruction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above preconstruction contours and elevations in waters of the US must be properly bridged or culverted to maintain surface flows. The term ''utility line'' does not include activities which drain a water of the US, such as drainage tile, or French drains; however, it does apply to pipes conveying drainage from another area.

For the purposes of this NWP, the loss of waters of the US includes the filled area plus waters of the US that are adversely affected by flooding, excavation, or drainage as a result of the project. Activities authorized by paragraph (i) through (iv) may not exceed a total of 1/2-acre loss of waters of the US. Waters of the US temporarily affected by filling, flooding, excavation, or drainage, where the project area is restored to preconstruction contours and elevation, is not included in the calculation of permanent loss of waters of the US. This includes temporary construction mats (e.g., timber, steel, geotextile) used during

construction and removed upon completion of the work. Where certain functions and values of waters of the US are permanently adversely affected, such as the conversion of a forested wetland to a herbaceous wetland in the permanently maintained utility line right-of-way, mitigation will be required to reduce the adverse effects of the project to the minimal level. Mechanized land clearing necessary for the construction, maintenance, or repair of utility lines and the construction, maintenance and expansion of utility line substations, foundations for overhead utility lines, and access roads is authorized, provided the cleared area is kept to the minimum necessary and preconstruction contours are maintained as near as possible. The area of waters of the US that is filled, excavated, or flooded must be limited to the minimum necessary to construct the utility line, substations, foundations, and access roads. Excess material must be removed to upland areas immediately upon completion of construction. This NWP may authorize utility lines in or affecting navigable waters of the US even if there is no associated discharge of dredged or fill material (See 33 CFR part 322).

Notification: The permittee must notify the District Engineer in accordance with General Condition 13, if any of the following criteria are met:

(a) Mechanized land clearing in a forested wetland for the utility line right-of-way;

(b) A Section 10 permit is required;

(c) The utility line in waters of the US, excluding overhead lines, exceeds 500 feet;

(d) The utility line is placed within a jurisdictional area (i.e., water of the US), and it runs parallel to a stream bed that is within that jurisdictional area;

(e) Discharges associated with the construction of utility line substations that result in the loss of greater than 1/10-acre of waters of the US; or

(f) Permanent access roads constructed above grade in waters of the US for a distance of more than 500 feet.

(g) Permanent access roads constructed in waters of the US with impervious materials. (Sections 10 and 404)

Note 1: Overhead utility lines constructed over Section 10 waters and utility lines that are routed in or under Section 10 waters without a discharge of dredged or fill material require a Section 10 permit; except for pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the US, which are considered to be bridges, not utility lines, and may require a permit from the USCG pursuant to section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material associated with such pipelines will require a Corps permit under Section 404.

Note 2: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the utility line must be removed upon completion of the work and the area restored to preconstruction contours, elevations, and wetland conditions. Temporary access roads for construction may be authorized by NWP 33.

Note 3: Where the proposed utility line is constructed or installed in navigable waters of the US (i.e., Section 10 waters), copies of the PCN and NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), for charting the utility line to protect navigation.

A19-4 The Applicant Proposed Measures (APMs) are set by the project applicant (SCE). Only the project applicant can modify or add to these measures, so these are not modified in response to the comment. However, we believe that the EIR/EIS mitigation measures directly or indirectly cover all of the construction equipment engine emission mitigation concerns listed in this comment.

The comment lists several federal ambient air quality nonattainment areas both in California and in Arizona. However, the proposed route terminates west of the Arizona nonattainment areas. The project construction emissions in Arizona, other than fugitive dust, did not exceed the emissions significance thresholds used in the impact analysis, so no additional mitigation measures other than fugitive dust control measures in La Paz County were determined to be necessary.

In California, the project does cross through the nonattainment areas listed in this comment. Additionally, the project does exceed many of the emission based significance thresholds in each of the California jurisdictions/air basins that are traversed by the proposed Project (primarily NOx and PM10). Therefore, additional mitigation to reduce construction equipment engine emissions was recommended in the Draft EIR/EIS. These measures are considered to be equivalent or more stringent than the measures proposed by USEPA. The Draft EIR/EIS recommended mitigation measures and their comparison to the EPA recommended mitigation measures listed in this comment are as follows:

EPA Proposed Mitigation	DEIS/R Mitigation Measure	Comparison
a) not idle for more than ten minutes	AQ-1c. Restrict engine idling. Diesel engine idle time shall be restricted to no more than a 10 minutes duration.	Measures are essentially identical.
b) diesel equipment shall not be altered to increase engine horsepower; and c) include particulate traps, oxidation catalysts and other suitable control devices on all construction equipment used at the construction site	AQ-1d. Use lower emitting offroad diesel-fueled equipment. 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 offroad 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 offroad engine larger than 100 hp, that engine shall be equipped with a catalyzed 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 considered to comply with this mitigation measure. AQ-1e. Use onroad vehicles that meet California onroad standards. All onroad construction vehicles working within California shall meet all applicable California onroad emission standards and shall be licensed in the State of California. This does not apply to construction worker personal vehicles. AQ-1f. Use lower emitting offroad gasoline-fueled equipment. All offroad stationary and portable gasoline powered equipment shall have EPA Phase 1/Phase 2 compliant engines, where the specific engine requirement shall be based on the new engine standard in effect two years prior to the initiating project construction.	The proposed mitigation measure AQ-1d would provide more overall emission reduction than the EPA proposed measure (c) and the use of the newer certified offroad engines would not allow their alteration to remain certified, thus meeting the intent of (b) as well. The retrofit of older equipment to use add-on particulate controls is often difficult and generally only reduces particulate emissions. The use of newer engines reduces particulate emissions along with VOC and NOx emissions which will reduce ozone and secondary particulate impacts from the project. Additionally, the engine emission mitigation measures recommended in the DEIS/R extend to the gasoline fueled construction equipment (AQ-1f) and the dedicated onroad construction equipment (AQ-1e).
d) use ultra low sulfur diesel fuel with a sulfur content of 15 parts per million (ppm) or less or other suitable alternative diesel fuel.	AQ-1b. 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.	Measures are nearly identical and functionally equivalent.