



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

CPUC/BLM  
c/o Aspen Environmental Group  
235 Montgomery Street, Suite 935  
San Francisco, CA 94014

SEP 18 2015

Subject: Draft Environmental Impact Statement/Environmental Impact Report for Southern California Edison's Proposed West of Devers Upgrade Project, Riverside and San Bernardino Counties, CA (CEQ#20150212)

Dear Mr. McMenimen:

The U.S. Environmental Protection Agency has reviewed the Joint Draft Environmental Impact Statement/Environmental Impact Report for Southern California Edison's Proposed West of Devers Upgrade Project pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508) and our NEPA review authority under § 309 of the Clean Air Act.

Based on our review, we have rated all three of the alternatives analyzed in the Draft EIS/EIR as *Lack of Objections* (LO). Please see the enclosed "Summary of EPA Rating Definitions." To assist in providing improved analyses and additional disclosure in the Final EIS, our detailed comments include recommendations to ensure compliance with Clean Water Act Section 404 and EPA's general conformity regulations. The EPA understands that final engineering and design of the transmission line upgrade depends on selection of a preferred route, which has not been decided. Based on the information presented in the DEIS/EIR and our understanding that the transmission line would utilize the existing row for most of the upgrade, we anticipate that the environmental impacts would be limited; however, we recommend that the Final EIS include the results of a screening level analysis of impacts to waters of the U.S., as well as further information about the project's compliance with Clean Air Act general conformity requirements. The EPA also recommends selection of the phased build alternative and seasonal use of helicopters to minimize air quality impacts, in light of the non-attainment status for ozone in the South Coast Air Quality Management District.

We appreciate the opportunity to review this Draft EIS/EIR and are available to discuss our comments. Please send a hard copy of the Final EIS/EIR to this office (Mail Code: ENF-4-2) when it is officially filed with EPA's electronic EIS submittal tool: e-NEPA. If you have any questions, please contact me at (415) 972-3521, or contact Scott Sysum, the lead reviewer for this project, at (415) 972-3742 or [sysum.scott@epa.gov](mailto:sysum.scott@epa.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Kathleen Martyn Goforth".

Kathleen Martyn Goforth, Manager  
Environmental Review Section

Enclosures:

- (1) Summary of EPA Rating Definitions
- (2) EPA's Detailed Comments



## **SUMMARY OF EPA RATING DEFINITIONS\***

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) 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 Environmental Impact Statement.

### **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 should 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. The 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 Council on Environmental Quality.

### **ADEQUACY OF THE IMPACT STATEMENT**

#### ***Category “1” (Adequate)***

The 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 analyzed 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)***

The 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 analyzed in the draft EIS, which should be analyzed 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.



**US EPA DETAILED COMMENTS ON THE JOINT DRAFT ENVIRONMENTAL IMPACT STATEMENT/  
ENVIRONMENTAL IMPACT REPORT FOR SOUTHERN CALIFORNIA EDISON'S PROPOSED WEST OF  
DEVERS UPGRADE PROJECT, RIVERSIDE AND SAN BERNARDINO COUNTIES, CA, SEPTEMBER 18, 2015**

Aquatic Resources

*Geographic Extent of Waters of the United States and Section 404(b)(1) Guidelines*

Pursuant to Section 404 of the Clean Water Act, discharge of dredged or fill material to waters of the United States requires a permit issued by the U.S. Army Corps of Engineers. According to the Draft EIS/EIR, the proponent's Environmental Assessment contained a drainage assessment that makes a preliminary assessment of WUS potentially affected by the project (p. D.19-14). The extent of direct and indirect impacts to WUS cannot be determined without completion of a jurisdictional delineation. This information is necessary in order to ensure that, if a permit is required, only the Least Environmentally Damaging Practicable Alternative is authorized by the U.S. Army Corps of Engineers, as required by the Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials (40 CFR 230) (Guidelines), promulgated pursuant to Section 404(b)(1) of the Clean Water Act.

Given the scale and nature of the action, a planning level assessment of aquatic resources would help identify the environmentally preferable alternative. Such an assessment includes utilization of existing water resource data contained in the National Hydrography Dataset, National Wetland Inventory, USGS topographic maps and high resolution digital photography, as well as necessary field checking of the alternatives. Once the environmentally preferable alternative is identified, a jurisdictional delineation should be conducted prior to final design of the selected transmission line alignment. With a jurisdictional delineation, the applicant can use the design flexibility inherent in transmission line design (e.g., adjust tower placement and access roads) to demonstrate that the alignment is the LEDPA, in compliance with the Guidelines.

*Recommendations:*

Discuss, in the Final EIS, how the project will comply with the CWA Section 404 (b)(1) Guidelines.

Complete a planning level assessment for potential impacts to WUS prior to issuance of the Final EIS/EIR. Include, in the Final EIS/EIR, estimated acreage impacts to WUS based on the planning level assessment for each alternative.

Include, in the Final EIS, additional measures to further minimize impacts to aquatic resources, as appropriate, such as reducing the width of access roads, constructing bridges over WUS and including buffers to minimize indirect impacts to aquatic resources.

*Ephemeral Washes and Other Aquatic Resources*

Regardless of their jurisdictional status, natural ephemeral washes perform a diversity of hydrologic and biogeochemical functions that directly affect the integrity and functional condition of higher-order



waters downstream. Healthy ephemeral waters with characteristic plant communities control rates of sediment deposition and dissipate the energy associated with flood flows. Ephemeral washes also provide habitat for breeding, shelter, foraging, and movement of wildlife. Many plant populations are dependent on these aquatic ecosystems and adapted to their unique conditions. Potential damage that could result from disturbance of flat-bottomed washes includes alterations to the hydrological functions that natural channels provide in arid ecosystems: adequate capacity for flood control, energy dissipation, and sediment movement, as well as impacts to valuable habitat for desert species.

*Recommendations:*

Quantify, in the Final EIS/EIR, the likely impacts to ephemeral waters from the proposed project, for each project alternative, and discuss potential mitigation.

Commit, in the Final EIS/EIR, to avoiding, to the greatest extent feasible, or minimizing direct and indirect impacts to ephemeral streams (such as erosion, migration of channels, and local scour).

## Air Quality

### *General Conformity*

Section 176(c)(1) of the Clean Air Act requires Federal agencies to assure that their actions conform to applicable implementation plans for achieving and maintaining the National Ambient Air Quality Standards for criteria pollutants. Also, this section assigns primary oversight responsibility for conformity assurance to the agencies themselves, not to the Environmental Protection Agency or the States. Specifically, for there to be conformity, a Federal action must not contribute to new violations of standards for ambient air quality, increase the frequency or severity of existing violations, or delay timely attainment of standards in the area of concern (e.g., a State or a smaller air quality region).

According to EPA's regulations, the conformity determination applies only to the Federal action, which, in this case, pertains to activities occurring on federal land. Emissions from the portion of the project that would occur on nonfederal land could, however, be considered indirect emissions resulting from the Federal action.<sup>1</sup> The DEIS excludes those emissions from its conformity determination, but does not provide the rationale for doing so.

On page D.3-12 of the Draft EIS/EIR, Table D.3-7 is titled, "Construction-Phase Emissions and General Conformity (average tons per year)". Per EPA regulations, the general conformity de minimis levels apply to each year of the project, not the average tons per year of emissions.<sup>2</sup>

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<sup>1</sup> For general conformity, EPA has defined the indirect emissions at 40 CFR 93.152

<sup>2</sup> See 40 CFR 93.153 (b) and page 25 of EPA's General Conformity Training Module  
<[http://www.epa.gov/airquality/genconform/training/files/General\\_Conformity\\_Training\\_Manual.pdf](http://www.epa.gov/airquality/genconform/training/files/General_Conformity_Training_Manual.pdf)>



On page D.3-6, under the discussion of general conformity, the Draft EIS/EIR discusses regionally significant actions. Regionally significant action regulations have been removed from the general conformity regulations (75 FR 17254, April 5, 2010).

*Recommendations:*

Provide, in the Final EIS/EIR, the rationale for excluding from the conformity analysis the emissions from the nonfederal portion of the project (e.g., BLM has no practical control or continuing program authority).

Include, in the Final EIS/EIR, an emissions estimate for each year of the project. It is allowable to estimate emissions for the year representing the maximum over the entire Federal action, if all years are de minimis, and provide a brief explanation of the reason the particular year represents the maximum emissions.

Remove, in the Final EIS/EIR, the discussion on p. D.3-6 regarding regionally significant actions.

*Helicopter Emissions*

The South Coast Air Quality Management District's Final 2012 Air Quality Management Plan states that, in the South Coast Air Basin, high concentrations of ozone are normally recorded during the late spring and summer months, when more intense sunlight drives enhanced photochemical reactions. High PM<sub>10</sub> and PM<sub>2.5</sub> concentrations can occur throughout the year, but occur most frequently in fall and winter in the Basin. Although there are changes in emissions by season, the observed variations in pollutant concentrations are largely a result of seasonal differences in weather conditions.<sup>3</sup> The plan also states that the ozone standard was exceeded most frequently in the Central San Bernardino Mountains. Ozone exceedances extended through San Bernardino and Riverside County valleys in the eastern Basin, as well as the northeast and northwest portions of Los Angeles County in the foothill and valley areas.

The Draft EIS/EIR states that in some cases, towers and poles do not have existing access roads and are accessed on foot, by helicopter, or by creating temporary access areas. Operation and Maintenance related helicopter activities could include transportation of transmission line workers, delivery of equipment and materials to structure sites, structure placement, hardware installation, and conductor or Optical Ground Wire stringing operations. Helicopter landing areas could occur where access by road is infeasible (p. B-54).

*Recommendations:*

Consider, in the Final EIS/EIR, minimizing helicopter construction during the spring and summer months and discuss the feasibility of scheduling the heaviest helicopter use during the fall and winter when ozone production is the lowest. Quantify the potential benefits to air quality and discuss whether impacts to other resources could result from construction during cooler, and potentially wetter, months.

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<sup>3</sup> Final 2012 Air Quality Management Plan, South Coast Air Quality Management District.

In the Final EIS/EIR, identify and commit to using the best available control technologies to reduce helicopter emissions.

### Climate Change

The DEIS/EIR includes quantification and a thorough analysis of greenhouse gas emissions, including those of sulfur hexafluoride (SF<sub>6</sub>). The EPA believes that the Council on Environmental Quality's December 2014 revised draft guidance for Federal agencies' consideration of GHG emissions and climate change impacts in NEPA outlines a reasonable approach, and should be consulted to help frame the analysis of these issues in the Final EIS.

#### *Recommendations:*

In the Final EIS, qualitatively describe relevant climate change impacts, and analyze practicable mitigation measures to reduce project-related GHG emissions. Consider whether any modifications to the design would be appropriate to facilitate GHG emission reductions or improve resilience to foreseeable climate change; for example, increased transmission line height to avoid sagging under higher temperature conditions.