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

June 29, 2009

Mr. Ron Kosinski
California Department of Transportation, District 7
Division of Environmental Planning
100 South Main Street, SM-16A
Los Angeles, California 90012

Subject: Final Environmental Impact Statement (FEIS) for the Schuyler Heim Bridge Replacement and State Route 47 Expressway Project (CEQ #20090174)

Dear Mr. Kosinski:

The U.S. Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) for the Schuyler Heim Bridge Replacement and State Route (SR) 47 Expressway Project (Project), Ports of Los Angeles and Long Beach, Los Angeles County, California. Our comments are provided under the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

We rated the Draft Environmental Impact Statement for this project as *Environmental Concerns- Insufficient Information (EC-2*) due to concerns regarding the project's impacts to air and water quality and its contribution to cumulative impacts to neighboring low income and minority communities that have historically sustained extensive impacts from goods movement-related operations. We also rated the Supplemental Draft Environmental Impact Statement for this project as *Environmental Concerns- Insufficient Information (EC-2*) and provided comments on the additional mobile source air toxics (MSAT) analysis, a health risk assessment (HRA), and other air quality-related changes to the document. Many of our water quality concerns were resolved in the FEIS. Remaining concerns regarding environmental justice impacts, mobile source air toxics, and coordination with EPA's Superfund Program are summarized below.

Environmental Justice

EPA appreciates that the FEIS includes a summary of the environmental justice concerns identified during scoping, defines a reference community to compare to the affected community, and identifies several impacts that are potential environmental justice concerns. The FEIS states that no disproportionately high and adverse impacts to low income and minority populations will occur, in part, because even though these groups would bear a large part of the burden associated with the project, it is due only to their proximity to short-term construction activities, and is the same as for any community that would be similarly affected by proximity to construction (page 3.3-33). EPA remains concerned that this argument does not take into consideration that local communities are already heavily impacted in the Project area, which could be exacerbated by the

many projects currently planned at and around the Port and neighboring roadways. Therefore, all impacts, even seemingly small impacts, are important to consider and mitigate in order to fully offset the adverse project related impacts to the local community.

There is a growing body of evidence that environmental justice communities are more vulnerable to pollution impacts than other communities.[1] As discussed in EPA's *Framework for Cumulative Risk*[2] and the *National Environmental Justice Advisory Council's (NEJAC) Ensuring Risk Reduction in Communities with Multiple Stressors: Environmental Justice and Cumulative Risks/Impacts*[3], disadvantaged, underserved, and overburdened communities are likely to come to the table with pre-existing deficits of both a physical and social nature that make the effects of environmental pollution more, and in some cases, unacceptably, burdensome. Thus, certain subpopulations may be more likely to be adversely affected by a given stressor than is the general population due to heightened vulnerability factors. EPA recommends reassessing whether significant impacts of the project on the affected community are also disproportionately high and adverse impacts to minority and low-income populations. EPA recommends that California Department of Transportation (Caltrans) identify additional mitigation to address any environmental justice impacts and commit to these mitigation measures in the Record of Decision (ROD).

The FEIS indicates that the affected community would be most benefited by the project due to reduction in existing congestion conditions. However, this conclusion does not appear to consider that the proposed operational capacity improvements of the project will accommodate the anticipated doubling of port-related truck traffic between 2010 and 2020. Although emissions may decrease from relieving associated existing congestion, there may be increased emissions associated with increases in vehicle miles travel (VMT) from greater truck throughput. EPA recommends reassessing impacts to the affected community by considering the long term air quality impacts associated with increases in truck throughput and VMT.

Mobile Source Air Toxics

EPA appreciates the willingness of Caltrans to include further analysis on mobile source air toxics (MSAT) impacts for the proposed Project in the FEIS, especially the addition of a health risk assessment (HRA) that can be used to meaningfully distinguish between project alternatives. EPA continues to recommend that the discussion of project-wide emissions, found on page 3.13-26, under "Results" which is outdated and confusing, be removed from the FEIS. Local impacts for this project are clearly the primary concern, so consideration of project-wide emissions could be misleading. EPA also recommends that the section entitled "Limitations of MSAT Analysis" (pages 3.13-27 through 28), which is incorrect and is longer relevant to the

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[1] O'Neill M, Jerrett M, Kawachi I, Levy J, Cohen AJ, Gouveia N, Wilkinson P, Fletcher T, Cifuentes L, Schwartz J.. Health, Wealth, and Air Pollution: Advancing Theory and Methods. Environmental Health Perspectives. Vol 111, No 16, December 2003. This article evaluated 15 different studies of particulate air pollution and socioeconomic conditions and found the majority of the studies evaluating individual-level characteristics did show effect modification with higher health impacts (such as mortality or asthma hospitalizations) among those with lower socioeconomic position. Low educational attainment seemed to be a particularly consistent indicator of vulnerability in these studies.

[2] Available at: http://cfpub.epa.gov/ncea/raf/recordisplay.cfm?deid=54944

[3] Available at: http://www.epa.gov/environmentaljustice/nejac/past-nejac-meet.html

analysis in this document, and other similar references to limitations of MSAT analysis in the document be removed from the FEIS. The section describes why emissions, dispersion, and exposure tools are not available for a quantitative MSAT analysis, but Caltrans has disproved this assertion by including that exact analysis in the expanded HRA.

Dominguez Channel/Consolidated Slip

The project proposes the placement of bridge footings in the Consolidated Slip/Dominguez Channel. Consolidated Slip is part of Operable Unit 2 (OU2) of the Montrose Superfund Site. Any activities that could potentially disturb sediments within the Site must be coordinated through the EPA Superfund program process. EPA requests to be on the distribution list for the draft work plan for the crossing of the Dominguez Channel. Please provide a copy of the draft work plan for EPA review to Michael Work, Remedial Project Manager, U.S. EPA Region 9 (SFD-8), 75 Hawthorne Street, San Francisco, CA 94105. For questions or other coordination on the Site, Michael can be reached at 415-972-3024 or work.michael@epa.gov.

Thank you for the opportunity to comment on the FEIS. If you have any questions, please contact Connell Dunning, Transportation Team Lead at (415) 947-4161, or contact Susan Sturges, the lead reviewer for this project. Susan can be reached at (415) 947-4188 or sturges.susan@epa.gov.

Sincerely,

/s/ Connell Dunning for

Kathleen M. Goforth, Manager
Environmental Review Office (CED-2)

cc: Karl Price, California Department of Transportation
Steve Healow, Federal Highway Administration
Mark Cohen, U.S. Army Corps of Engineer