UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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November 25, 2013

Josephine R. Axt, Ph.D.; Chief, Planning Division
U.S. Army Corps of Engineers, Los Angeles District
P.O. Box 532711
ATTN: Ms. Erin Jones, CESPL-PD-RN
Los Angeles, California 90053-2325

Subject: Los Angeles River Ecosystem Restoration Feasibility Study Draft Integrated Feasibility Report (Feasibility Study/Environmental Impact Statement/Environmental Impact Report), Los Angeles County, California (CEQ#20130289)

Dear Dr. Axt:

The Environmental Protection Agency has reviewed the Draft Environmental Impact Statement for the above project. Our review and comments are pursuant to the National Environmental Policy Act , Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

The Feasibility Report and Draft EIS clearly demonstrates the need to restore the stretch of the Los Angeles River from Griffith Park to Downtown Los Angeles through the reestablishment of habitat communities; reconnection to tributaries, its historic floodplain, and the habitat zones of local mountain ranges; and maintenance of the existing levels of flood risk management. The action alternatives provide various degrees of restoration that would increase habitat acreage and connectivity. They would also result in more natural hydrologic regimes that would reconnect the river to historic floodplains, reduce flow velocity, increase infiltration, improve water quality, and help prepare for the effects of climate change.

EPA strongly supports restoration of the LA River and the use of green infrastructure (http://water.epa.gov/infrastructure/greeninfrastructure/index.cfm) to improve the management of local water resources. As lead federal agency for the Urban Waters Federal Partnership's Los Angeles River Watershed pilot project, EPA has worked closely with over 40 organizations involved in LA River issues, including the US Army Corps of Engineers. Guiding the work of the LA River pilot are the mission, vision and principles of the national Urban Waters Federal Partnership, which were agreed upon by federal agencies participating in this national partnership on June 24, 2011:

- Promote clean urban waters;
- Reconnect people to their waterways;
- Water conservation;

- Use urban water systems as a way to promote economic revitalization and prosperity;
- Encourage community involvement through active partnerships;
- Be open and honest, listening to communities;
- Focus on measuring results and evaluation to fuel future success.

In addition to the Federal Partnership principles, the local LA River Watershed pilot project has identified the following goals specific to the LA River Watershed:

- Restore ecosystem functions;
- Balance revitalization with flood avoidance to ensure public safety;
- Reduce reliance on imported water supply;
- Foster sustainable stewardship.

While all of the Action Alternatives in the Draft EIS would provide restoration benefits consistent with the Corps' restoration mission and the purpose and need for the project, the expanded restoration work provided by Alternative 20 would best achieve the national and local Urban Waters Partnership goals. Alternative 20 would provide the most benefits for water quality via improved stormwater management; provide the most benefits for water conservation and local water independence due to greater replenishment of local groundwater supplies; achieve the most for ecosystem restoration, especially in terms of ecosystem connectivity and quality of habitat; and provide opportunities for increased economic value in terms of temporary and permanent job creation.

As discussed in the enclosed Detailed Comments, the benefits associated with greater degrees of restoration do not appear to have been fully considered in the Corps' incremental cost determination. We recommend that the Final EIS more thoroughly quantify the benefits of the Action Alternatives. Such an accounting may reflect more favorably on the increasingly restorative alternatives than the Draft EIS indicates.

Although Alternative 13 has been identified as the "Tentatively Selected Plan", the Draft EIS does not identify a NEPA preferred alternative. Based on our review of the Draft EIS, we have rated all of the action alternatives as *Lack of Objections* (LO) (see enclosed "Summary of EPA Rating Definitions"). In light of the considerations discussed above and in the enclosed Detailed Comments, we encourage the Corps to select Alternative 20, which would maximize the ecosystem benefits of the Corps' action.

We appreciate the opportunity to review this Draft EIS. Should you have any questions regarding our comments, please contact Kathy Goforth at (415) 972-3521, or contact Jean Prijatel, the lead reviewer for the project. Jean can be reached at (415) 947-4167 or prijatel.jean@epa.gov.

Sincerely,

/s/

Jared Blumenfeld

Enclosures: Summary of EPA Rating Definitions
EPA Detailed Comments

cc: Jon Avery, U.S. Fish and Wildlife Service
Scott Harris, California Department of Fish and Wildlife
Shirley Birosik, Regional Water Quality Control Board – Los Angeles

U.S. EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR LOS ANGLES RIVER ECOSYSTEM RESTORATION, LOS ANGELES, CA, NOVEMBER 2013

Water Quality

The Draft EIS does not clearly state the increasing environmental benefits that would result from the more restorative action alternatives as more impervious surfaces are removed and larger areas of wetlands and green space are restored. This provides more opportunities for the use of green infrastructure tools. The benefits of green infrastructure include improved water quality as urban runoff – the greatest source of the River's water quality impairments (page 3-25) – is infiltrated into the subsurface, thus reducing pollutant loads to the River.

The Draft EIS does discuss the need for a Clean Water Act Section 401 water quality certification for construction impacts from the Los Angeles Regional Water Quality Control Board. EPA Region 9 would like to be consulted during the application for certification.

> ***Recommendation:***
> We recommend that the Final EIS consider environmental benefits to water quality from increased infiltration and reduced urban runoff in the alternative selection analysis.
>
> We request that the Corps consult with EPA Region 9's Water Division in its application for Section 401 certification.

Groundwater Replenishment

The increased use of green infrastructure tools, including stormwater infiltration, would also result in replenishment of groundwater supplies, thus meeting local objectives of better use of local water resources and reduced reliance on imported water. Local planning efforts with a high priority on improved management of local water resources by increasing stormwater infiltration to replenish groundwater supplies include plans listed in Section 15.14.1: Los Angeles Urban Water Management Plan and the Integrated Regional Water Management Plan. EPA considers enhancement of southern California groundwater supplies to be a very desirable factor in reducing stress on the sources of southern California's imported water, including the San Francisco Bay Delta.

> ***Recommendation:***
> We recommend that the Final EIS consider the benefits from increased groundwater replenishment in the alternative selection analysis.

Habitat Connectivity

Increasing habitat connectivity is one of two primary Specific Planning Objectives for the LA River study area; however, the Combined Habitat Assessment Protocol used to calculate habitat units does not capture benefits of habitat connectivity. The habitat units generated by CHAP were used to calculate the incremental costs per unit to be used in the selection of an alternative. Therefore, increases in habitat connectivity, and resulting increases in habitat quality, may not be adequately considered in the incremental cost analysis, potentially leading to an undervaluation of more restorative alternatives. We note that the Draft EIS states that factors other than habitat units were considered in the evaluation of alternatives, but remain concerned that they are not valued in the incremental cost analysis that prioritized Alternative 13 as the Tentatively Selected Plan.

As stated in Appendix G of the document, connections between habitat areas are critical to the resiliency and sustainability of ecosystem restoration. Alternative 20 provides significantly more habitat

connectivity to the Verdugo Mountains and Elysian Hills, in addition to increased hydrologic connection to the floodplain in the Piggyback Yard area (also seen in Alternative 16). It is unclear how the significantly greater connectivity in Alternative 20 was considered in the selection of the Tentatively Selected Plan. The preference for Alternative 13 refers to an increase of nodal and regional connectivity of 309%. This calculation is derived from a comparison to the connectivity achieved by Alternative 10. If Alternative 10 is the baseline, it appears that Alternative 20 achieves an increase in connectivity of approximately 1200%.

> ***Recommendation:***
> We recommend that the Final EIS include further discussion of how habitat and hydrologic connectivity are calculated and considered in the selection of a final alternative.

Climate Change

In the No Action Alternative analysis, the Draft EIS mentions that climate change will likely increase the frequency of extreme weather conditions in the future, possibly compounding and increasing watershed peak flows. The document does not explicitly evaluate the potential benefits of restoration for the River's capacity to accommodate potential climate change-induced increases in watershed flows, except to say generally that the project would "enhance stormwater management by creating more pervious surfaces in multiple Reaches, which would increase potential for stormwater to infiltrate into the ground."

In light of the President's November 1, 2013 Executive Order "Preparing the United States for the Impacts of Climate Change," there is a great opportunity with the LA River ecosystem restoration to maximize the climate-resilient elements of restoration and encourage investment in these elements.

> ***Recommendation:***
> We recommend that the Final EIS include a discussion about the benefits to climate change resiliency of each of the alternatives and how such benefits are integrated into the selection of a final alternative. We further recommend that the Corps coordinate findings with the Bureau of Reclamation and its Los Angeles Basin Stormwater Conservation Study, which is also evaluating climate change models in the watershed.

Environmental Justice

The Draft EIS discusses the temporary construction impacts – noise and reduced air quality – to environmental justice communities, and the proposed mitigation measures for those impacts. It also briefly discusses the health benefits of increased open space and access to recreation areas, but does not clearly disclose that there would be increasing degrees of public health benefits to local residents for each alternative as the recreational and open space increases.

The Draft EIS suggests that there may be a reduction in jobs for the local environmental justice community at the Piggyback Yard or other industrial sites, but it does not quantify those jobs or document whether or not those jobs are held by members of the local community. At the same time, the Draft EIS notes that between 2800 and 16,800 construction jobs will be created, and between 630 and 2700 permanent jobs will be created.

> ***Recommendation:***
> We recommend that the Final EIS include a quantitative and qualitative comparison of the jobs held by the environmental justice communities at existing facilities – such as Piggyback Yard –

and the jobs to be created under each alternative. With effective programs in place, the project could create employment opportunities that would offset jobs lost by members of the environmental justice community at the Piggyback Yard and other impacted sites. The Final EIS should commit to developing recruitment, training, and job set-aside programs for environmental justice communities impacted by the project.

The Final EIS should also specify how the positive and adverse impacts to environmental justice communities differ among the alternatives. Particularly, the geographic area covered by Alternative 20 is much larger than that of Alternative 13; therefore, a larger number of residents would be affected (Appendix B). Further, the number of jobs created by Alternative 20 is listed as 16,800, as compared to 4000 for Alternative 13. The document should differentiate the impacts and mitigations accordingly.

Recreation Plans

The recreation plan (Appendix B) lists proposed recreation features, including "wood deck with railing, benches, interpretive signage, and trash receptacles." EPA has developed a Comprehensive Procurement Guideline program in an effort to promote the use of materials recovered from solid waste. EPA also supports the use of the Sustainable Materials Management approach to using and reusing materials more productively over their entire lifecycles (http://www.epa.gov/smm/basic.htm). The features of the recreation plan provide an opportunity to consider the durability and environmental impact of materials used in those features.

Recommendation:

We recommend that the Corps work with the partner agencies responsible for maintenance of recreation areas and establish a commitment to using a Sustainable Materials Management approach, when selecting materials for the recreation plan, and consulting the Comprehensive Procurement Guidelines (www.epa.gov/waste/conserve/tools/cpg/products/index.htm) for product recommendations.

Detailed Comments and Corrections

Page 3-26: The first full paragraph states that pollutant loading from non-point sources "far exceeds point sources." This is incorrect and inconsistent with other statements in this section which correctly describe stormwater runoff as the prominent source of water quality degradation in the Los Angeles River. It appears that this paragraph may be erroneously considering stormwater to be a non-point source. Pursuant to Clean Water Act regulations, stormwater runoff is considered to be a point source, regulated by NPDES permit programs.

Page 3-73: Some details in the 2nd paragraph's description of the San Fernando Valley Superfund sites should be revised. The shallow groundwater contamination mentioned in the second paragraph includes VOCs and chromium. For chlorinated VOCs, the basinwide Remedial Investigation referred to in the third sentence is complete, and remedies to address VOC contamination have been operating since 2000. Investigations of chromium contamination are ongoing.

Page 3-80: The last paragraph's description of the City's stormwater system is incorrect, as not all flows entering the system are untreated. Although it is true that most flows from the stormwater system enter receiving waters without treatment, the City operates "low-flow diversions" in selected locations which direct dry weather urban runoff from the stormwater system to the sanitary sewer system for treatment.

A few of these diversions capture flows in the City's stormwater system that would otherwise be directed discharged to the LA River.

Page 4-3: The "increase passive recreation" objective is discussed as a secondary objective in other areas of the document, but is counted here with the primary objectives. It is also has a typographical error listing it as the second number "2" objective. This section should be clarified to mirror the discussion of objectives in other areas of the document.

Page 5-39: (bottom of page) Note that the Los Angeles County Municipal Separate Storm Sewer System (MS4) permit was renewed in November 2012 and, among other requirements, includes new provisions related to new development/redevelopment projects.

Page 5-40 section 5.4.2, 13th bullet: This description of violations of regulatory standards is apparently intended to address Clean Water Act regulatory matters, but is incomplete. We'd suggest revising it to "Caused regulatory standards to be exceeded, as defined in the applicable NPDES permit or water quality standards in the Los Angeles Regional Water Quality Control Board's Basin Plan."

Page 5-41: The discussion of TMDLs in the 2nd paragraph should recognize that TMDL provisions have been incorporated into the renewed LA County MS4 permit.

Page 5-71, 2nd full paragraph: This paragraph describes multiple rail lines located at the Piggyback Yard, including passenger rail lines. The last sentence mentions the impact from a "reduction in railyard capacity." It would help to clarify whether this would have any impact on passenger rail lines.

Page 5-96, HTRW: In the vicinity of reaches 1-4, it is possible that any groundwater encountered by construction activities will be contaminated with VOCs and/or chromium. Whether groundwater is encountered will depend on the depth of excavations and local hydrogeology.

Page 5-97, Approach to HTRW Impacted Groundwater: This should clarify that the SFVSS site sponsor is responsible for management of contaminated groundwater <u>encountered</u> during construction activities.

Page 5-101, first line: It is unclear whether this is intended to refer to wastewater treatment requirements of the applicable "POTW" (Publicly owned treatment works or municipal wastewater treatment plants). Reference to the applicable "RWQCB" is unclear, as there is only one RWQCB in the study area.

Page 6-31: The discussion of de-watering activities should make it clear that treatment and disposal of contaminated groundwater will be necessary if contamination is encountered during de-watering activities.

Appendix K, Page 15: Regarding San Fernando Valley Superfund Site (SFVSS)

- First paragraph, fourth and fifth sentences: "It is currently being remediated by the USEPA via a large series of pump and treatment wells that are strategically located amongst the plume. One such set of wells, the Pollock Well Field, is located approximately less than 1/2 mile northwest from the Taylor Yard G1 and G2 properties."
  The Los Angeles Department of Water and Power (LADWP) operates the wellhead treatment project in the Pollock Well Field. With the existence of LADWP's project, EPA concluded that a Superfund remedy is unnecessary.

- Second paragraph states that dewatering likely will require pump-treatment and disposal of water. If it is anticipated that contaminated groundwater will be encountered, we recommend that disposal or discharge requirements be identified before determining appropriate treatment.
- Third paragraph discusses the likelihood that contaminant concentrations at the outer edges of the SVFSS plume are lower than concentrations in the rest of the plume. While this characterization is accurate, the information could be misleading. Recent data show the presence of VOCs and chromium near the river at concentrations that exceed safe drinking water standards. We recommend the addition of a statement to clarify that concentrations of VOCs and chromium in this portion of the project area could still exceed drinking water standards and disposal or discharge standards.