



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

September 22, 2006

Reply to
Attn Of: ETPA-088

Ref: 01-050-FHW

Stephen Boch
Major Project Oversight Manager
Federal Highway Administration
711 South Capitol Way, No 501
Olympia, WA 98501-1284

Kate Stenberg
AWV Environmental Manager
Washington Department of Transportation
999 Third Avenue, Suite 2424
Seattle WA 98104-4019

Grace Crunican
Director of Seattle Dept of Transportation
City of Seattle
P.O. Box 34996
Seattle WA 98124-4996

Dear Mr. Boch, Ms. Stenberg, and Ms. Crunican:

F-006-001

The U.S. Environmental Protection Agency (EPA) has reviewed the Supplemental Draft Environmental Impact Statement (DSEIS) for the proposed **SR 99: Alaskan Way Viaduct & Seawall Replacement Project**, dated July 28, 2006, in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309, independent of NEPA, specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions and the document's adequacy in meeting NEPA requirements.

Based on our review and evaluation, we have assigned a rating of EC-2 (Environmental Concerns, Insufficient Information) to the supplemental DEIS. This rating, and a summary of our comments, will be published in the Federal Register. A copy of the rating system used in conducting our review is enclosed for your reference.

F-006-001

Thank you for reviewing the 2006 Supplemental Draft EIS and for rating it in accordance with your agency's regulatory authority. Thank you for acknowledging our efforts to provide a thorough environmental analysis and extensive public involvement opportunities.

F-006-001

We commend you on your efforts to provide a thorough examination of possible alternatives and environmental analyses, as well as to provide extensive public involvement opportunities. The supplemental DEIS presents revised alternatives and information about construction impacts that is useful and will support informed decision making for the project. We anticipate continued conversation about the decision for the future of the Alaskan Way Viaduct. The DEIS and supplemental DEIS will support that conversation by providing accurate and useful information to the public.

We have provided some brief comments (attached) on the supplemental DEIS. The main focus of our comments is on air quality and human health effects during construction, and the reviewability of the document. Although we believe a very good effort has been made to provide a complete and accurate analysis, there were several aspects of the document that, if altered, would make important information more accessible.

Thank you for the opportunity to provide comments on this project. If you would like to discuss this letter, please contact me at 206-553-1601.

Sincerely,

Christine Reichgott, Manager
NEPA Review Unit

Attachments

cc: Army Corps of Engineers, Regulatory Branch
Terry Swanson, WSDOE
Teresa Eturaspe, WDFW
Emily Teachout, USFWS
Bob Donnelly, NMFS

Attachment
U.S. Environmental Protection Agency
Supplemental DEIS Comments for
SR 99: Alaskan Way Viaduct and Seawall Replacement Project

F-006-002

Purpose and Need, Project Alternatives, and Screening Criteria

EPA has been participating in the project's Resource Agency Leadership Forum (RALF). This group and associated meetings provides EPA with the opportunity to identify and preliminarily resolve issues of concern prior to formal review of the DEIS and supplemental DEIS. For this project, we have discussed and preliminarily agreed with the project's revised purpose and need, range of alternatives, and screening criteria. We do not feel we need to comment on them further.

We did look at the document's ability to communicate these NEPA components for public review and understanding. As part of that review, we examined the document's discussion of alternatives considered but eliminated. We believe the document provides a good, objective discussion about the ongoing public discourse, the alternatives considered and eliminated, and the change from five action alternatives to two recombined action alternatives. As the lead agencies work toward the final EIS and Record of Decision, it will be important for all alternatives to be treated equally, for NEPA purposes, and for the lead agencies to continue to support a robust public discourse on the issues.

Project Effects and Mitigation

F-006-003

Commitment to develop an air quality construction mitigation plan

Science has shown that diesel exhaust contains particulates which pose a significant health risk as a carcinogen, and fine particles that can lodge deeply in the lungs causing lung damage and aggravating conditions such as asthma and bronchitis. Diesel exhaust also contains substantial NOx, VOC, CO2 and sulfate emissions that contribute to ozone formation, acid rain, regional haze, and global climate change. We believe this is an important human health issue, and when combined with a very long construction period, will present the opportunity for chronic exposure to people living, working, and/or moving through the construction project vicinity. Although a commitment to develop several construction mitigation plans are discussed in Chapter 7 Question 23, an air pollutant emission control plan is not one of those. This section and the document overall, appears to minimize the risk to human health and air quality in general from the emissions of construction equipment diesel exhaust, mentioned above, and the value of committing to effectively mitigate these impacts.

We believe air quality mitigation and a construction mitigation plan are issues that warrant more than being reserved as a "possibility" for consideration for the Record of Decision. Ideally, it would have been integrated into the supplemental DEIS. We believe a commitment to develop a plan and performance measures for addressing all these air

F-006-002

Thank you for your comment in support of the discussion of alternatives considered but eliminated in our 2006 Supplemental Draft EIS.

F-006-003

A Memorandum of Agreement (MOA) has been developed between WSDOT and the Puget Sound Clean Air Agency (PSCAA). The MOA will help eliminate, confine, or reduce construction-related emissions for WSDOT projects. This MOA will apply to the Alaskan Way Viaduct Replacement Project. We also plan to develop a fugitive dust plan for construction activities.

F-006-003

quality effects should be identified. Additionally, focused monitoring of particulates and other emissions should be seriously considered.

F-006-004

EIS Format, Document Organization and Ease of Review

There are many good aspects to this document, such as the conversational tone, very readable writing and useful graphics, pictures, and tables. However, there are a few things about the document that have made it very difficult to review. In our previous letter commenting on the DEIS, we expressed concern about aspects of that document that remain relevant for the present supplemental DEIS. These include:

- the EIS format,
- the balancing act between providing accessible information and providing sufficient detail for decision makers,
- the format for presenting and comparing alternatives and impacts, and
- summarization of important discipline report information in the DEIS.

The supplemental DEIS and associated appendices are organized to supplement the information in the DEIS and DEIS appendices. This results in four documents to review or check for information. Additionally, the format is different from that of most other EISs which makes review cumbersome and awkward for many reviewers. For example the chapters are comprised of numerous Q&A sections that are not listed in the Table of Contents. Although the index does help to offset this, it is quite short. It has been very difficult and time consuming to find important information for our review. We don't know if the information is missing or if we just can't find it. For example, we struggled to determine if seismic issues were discussed in the supplemental DEIS. The CDs were helpful but a search for a subject area required looking through two CDs and numerous electronic folders.

Since the intent of an EIS is to help the public, agencies with expertise and regulatory authority, and decision makers understand the tradeoffs among the alternatives, it must provide information for all those purposes. When summarizing the information, it must accurately capture the important points. Some summary statements in the main SDEIS continue to leave out valuable and important information found in the Discipline Reports (Appendices). The supplemental DEIS should contain concluding statements that briefly reflect important discipline report information and describe, if appropriate, how the environmental impact might differ under the proposed alternatives. We are concerned that incomplete summary statements do not convey the important points about an impact and will not provide a sufficient understanding of the tradeoffs for the public and for the decisions that will be made.

The SDEIS did not include a matrix that would provide a comparative overview for the alternatives. We recognize that a summary matrix of differences between alternatives should never be used as the primary source of information about each alternative, but we do feel it helps the reviewer organize and stay clear about each alternative and the tradeoffs associated with it.

F-006-004

We continue to work hard to make this document usable to many different readers, including regulatory reviewers. The Final EIS contains one set of appendices that lists all effects, mitigation, etc. in one place. This approach should help make review easier. We did provide several tools in the Supplemental Draft EISs to help reviews find information. In addition to a technical index and a traditional document index, we added a more detailed technical table of contents in the 2006 Supplemental Draft EIS (see page 132). The technical table of contents includes a listing of the question and answer sections for each chapter. We provided this expanded table of contents in response to your agency's request in your comments on the 2004 Draft EIS.

We have worked hard to ensure that important trade-offs between alternatives and important conclusions from the technical appendices have been adequately documented in the main body of the EIS. We think the information presented in the main body of the EIS does provide sufficient information for readers to develop an understanding of the key issues and trade-offs associated with the alternatives.

We acknowledge your agency's desire for us to add a summary matrix. We think the summary chapter of the Final EIS adequately summarizes key issues and differences between alternatives.

F-006-004

EPA supports the lead agencies' effort to create a format that provides accessible and understandable information about the important issues of the project. We recognize that this new format is a "work in progress" and encourage you to consider approaches such as the ones that we have suggested as you continue to work on improving the format's usefulness and usability. These are important issues for creating a document that is complete, accurate, and usable.

F-006-005

Suggestion for additional analysis

Continuous construction vs. daytime construction schedule.

A section discussing "*Is continuous construction needed?*" is presented on page 39, but no information is provided for readers to: 1) understand the environmental tradeoffs between continuous construction and a less than 24-hours-a-day project schedule, or 2) develop an opinion whether work should occur 24-hours-a-day/7 days a week or 12-hours-a-day/7 days a week, for example. Chapter 7 discusses an intention to develop several construction mitigation plans including a noise plan.

Although additional analysis of impacts would be needed, we believe it would be helpful to describe some alternative schedules and compare any differences in impacts with the continuous schedule that is assumed for all action alternatives. There are some significant impacts associated with the project that might be different in a different project construction schedule. For example, the document describes some of the loudest construction noise as a 110 dBA sound level 50 feet from pile driving and a 90 dBA sound level 50 feet from a jackhammer. A 110 dBA sound level is twice as loud as shouting and a 90 dBA is the level at which hearing loss occurs (a sound level of 55 dBA is typical for light traffic 50 feet away). Projected construction noise is very loud and raises the question how disruptive this might be at night. A noise mitigation plan would be useful but would not provide the same discussion as examining different construction schedule options. We recommend the document provide a short qualitative description about the differences in impacts if the construction were not continuous. We think this will assist the document to be more complete and useful.

F-006-005

It is possible that construction for all activities could occur up to 24 hours per day, 7 days per week, within permitting requirements, if necessary. However, it is likely that the proposed construction activities and shifts will vary depending on the location and type of construction activity. The current construction plans for each build alternative do not assume continuous construction, even though that option is possible to maintain schedule, for instance.

The project's construction plans describing construction activities and durations are summarized in Chapter 3 of the Final EIS and discussed in more detail in Appendix B, Alternatives Description and Construction Methods Discipline Report, of the Final EIS. Appendix F, Noise Discipline Report, presents noise-related construction effects. In addition, the project is coordinating closely with the City of Seattle through its noise variance permitting process to find ways to address the concerns of sensitive populations within and near the project corridor.