



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

RECEIVED  
AUG 18 1997  
FHWA

Bradley D. Keazer, Acting Division Administrator  
California Division  
Federal Highway Administration  
980 9th Street, suite 400  
Sacramento, CA 95814

Dear Mr. Keazer:

The U. S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the **Marin Route 101 NOV Cap Closure Project, Karin County, California**. We provide our comments pursuant to the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act and the Council on Environmental Quality's (CEQ) Regulations for Implementing NEPA.

The project sponsors propose to construct High Occupancy vehicle (HOV) lanes to close the gap in the existing HOV system-*on Route 101* in Marin county. The DEIS assessed the environmental impacts from constructing a Southbound only HOV lane in the short term as the fundable alternative, the Ultimate Gap closure project as another alternative meeting all of the project objectives, and finally, a no action alternative. Both of the build alternatives would utilize the existing roadway, widening the road bed to the east in the southbound HOV alternative and preserving Right of way on the west side for the future ultimate gap closure. The DEIS does not identify a referred alternative, although since there is only funding available and programmed for the Southbound HOV lane, we assume that this would be the preferred alternative.

We have rated the DEIS as EC-2, Environmental concerns, Inadequate Information, (see enclosed "Summary of Rating Definitions and Follow-up Action"). This rating is based on our concerns with the presentation of air quality impacts, the relocation of the San Rafael Viaduct, impacts to the future rail project, minimization of impacts to coastal zone resources, and indirect impacts. We commend FHWA and Caltrans for incorporating TSM measures into the alternatives. We encourage Caltrans and FHVA to continue in their efforts to provide alternatives to single occupancy vehicles. We recommend that FHWA and Caltrans continue their coordination with metropolitan Transportation Commission and Marin County on more TSM and transit measures.

We appreciate the opportunity to review and provide comments on this Draft EIS- Please send two copies of the Final EIS to

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this office at the same time it is officially filed with our Washington, DC office. If you have any questions, please feel free to contact me at (415) 744-1584, or have your staff contact David J. Carlson of my staff at (415) 744-1577.

**Sincerely,**

A handwritten signature in black ink, appearing to read 'David Farrel', with a horizontal line underneath.

David Farrel, Chief  
Office of Federal Activities

*Enclosure: 5 pages*

cc: Jeffrey Brooks, FHWA - IX  
Gary Ruggerone, California Department of Transportation

## **SUMMARY OF RATING DEFINITIONS AND FOLLOW –UP ACTION**

### **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 must 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 environmental quality, public health or welfare. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

### **Adequacy of the Impact-Statement**

#### **Category 1-Adequate**

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**

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.

\*Prom- EPA Manual 1640. "Policy and Procedures for the Review of Federal Actions impacting the Environment."

## NEPA COMMENTS

### Alternatives Analysis\Purpose and Need

The description of the alternatives to be evaluated in the DEIS was very minimal and could only be found in the introduction to the DEIS. The FETS would benefit from a strengthened project alternatives description located in the alternatives analysis section, which clearly describes all of the aspects of the proposed alternatives. For example, we are concerned that the alternatives may have an adverse impact on the Northwestern Pacific Railroad (NWPR) right of way and future viability for a rail project. This point is unclear in the DEIS and the discussion leads the reader to believe that the widening of 101 into the rail right of way will force the relocation of businesses and residences to regain this lost right of way for a rail project in the future. This relocation could cause significant impacts to the human environment such that implementation of a future rail line would be less likely. The transportation section of the DEIS makes a case for the benefits that *could* be realized from a rail system alongside route 101 and we would agree with that analysis. we believe that if this is the case, then the project should examine other alternatives that will not preclude the future implementation of a rail project.

We are concerned that the DEIS briefly mentions that the relocation of the San Rafael viaduct is part of the project yet never elaborates on the reasons for the relocation, or the impacts and issues involved with the relocation. We strongly recommend that the FEIS contain a detailed discussion of the San Rafael viaduct, its purpose and uses, the reason for the proposed relocation, a description of the new location, the impacts associated with the relocation and how the viaduct would function in the future in the new location.

### Indirect Impacts

FHWA did not address the issue of indirect impacts as required by 40 CFR 1502.16. we are concerned that the issues of indirect impacts to air quality, and traffic were not examined and presented in the DEIS. The DEIS should have looked at the indirect impacts of changing the capacity of the vehicles on the local network, and if the existing streets have the capacity to handle any additional traffic. Relatedly, the DEIS should also have included a discussion of any intersections or street segments that will operate at a LOS D or worse for inclusion in a CO hotspot analysis, even if they are outside of the study area. A discussion of the impacts to traffic on local arterials and at significant intersections in the area as well as an expanded air

quality analysis that covers these parts of the street network should be included in the FEIS.

WATER QUALITY

**National Pollution Discharge Elimination System (NPDES)**

The DEIS states that there may be an increase in nonpoint source pollution from the alternatives. While the DEIS does contain a good description of the possible mitigation measures that could be utilized to either prevent or reduce erosion and runoff impacts to the water resources in the project study area, we are concerned with the potential cumulative effects on the bay from urban runoff, including that which would be generated by the roadway and other associated projects. We recommend that FHWA and Caltrans, discuss the capacity of a stormwater conveyance facility along the roadway and its ability to handle additional pollutant loads.

In order to assist FHWA and Caltrans and offer suggestions on other measures which could be utilized to minimize these runoff and erosion impacts, we refer to the January 1993, EPA and National Oceanic and Atmospheric Administration joint Guidance for Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters (Guidance) that was prepared pursuant to Section 6217(g) of the Coastal Zone Reauthorization Amendments of 1990. We recommend FHWA and Caltrans consider this Guidance for the Marin Route 101 HOV gap closure project. These guidelines should be referenced in the discussion of mitigation of the construction impacts, as well as the discussion of implementing the guidelines along the roadway, park and ride lots, and associated facilities when construction is completed.

Section 6217(g) (5) defines management measures as, "economically achievable measures for the control of the addition of pollutants from existing and new categories and classes of nonpoint sources of pollution, which reflect the greatest degree of pollutant reduction achievable through the application of best available nonpoint pollution control practices, technologies, processes, siting criteria, operating methods, or other alternatives."

We appreciate the brief discussion of the NPDES permitting requirements. We recommend that FHWA and Caltrans commit to the implementation of the Storm water pollution prevention plan containing Best Management Practices (BMPs) prior to commencing any construction, in the Record of Decision (ROD).

U.S. EPA Comments - Draft Environmental Impact Statement  
Marin 101 HOV Gap Closure project  
August, 1997

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## Coastal Zone Management

The DEIS did not indicate if FHWA has consulted with the California Coastal Commission regarding the development of the HOV gap closure project.

The Coastal Zone Management Act (CZMA), requires that Federal Agencies be consistent with the policies of state coastal zone management programs when conducting activities which affect a coastal zone. The Federal Agency must review the state Coastal Zone Management Plan (CZMP) to determine whether the activity would be consistent with the Plan and then notify the State of its determination. Federal agencies must prepare a written consistency determination which includes; a detailed description of the action, its associative facilities, and coastal zone effects; a brief statement on how the activity would be consistent with the state CZMP, and data to support the consistency determination.

We encourage FHWA to contact the California Coastal Commission and the Bay Conservation and Development commission (BCDC), to discuss the plans for the HOV lanes on the freeway. The FEIS should contain a discussion concerning the applicability of the CZMA and the State CZMP to the proposed development activities.

## AIR QUALITY

### Air Quality Impact Analysis

The Marin Route 101 HOV gap closure project is proposed in the Bay Area Air Quality Management district, an area that is designated a federal nonattainment for Carbon Monoxide, and a state nonattainment area for PM<sub>10</sub>, and is a maintenance area for ozone. While in the past years numerous exceedances of the ozone standard have occurred, the DEIS does not clearly discuss the status of the area. The FEIS should offer a discussion of the current air quality status of the Bay Area.

The air quality analysis presented in the DEIS was incomplete. The DEIS discussed the impacts to CO in very general terms, but never disclosed the location and types of receptors modeled, if there were intersections that evidenced a deterioration of LOS to D or worse, which would be cause to model the CO emissions from that location, or if the identified bottleneck locations are cause for further modeling.

The FEIS should provide much more detail on the modeling that was performed, the receptors modeled, the criteria for modeling those receptors, and if there was modeling done for the intersections that will either remain or deteriorate to a LOS D

**U.S. EPA Comments - Draft Environmental Impact Statement**  
**Marin 101 HOV Gap Closure project**  
August, 1997

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or worse. Modeling of these intersections should be done now, if it hasn't already, and the results presented in the FEIS.

#### Construction Impacts

The DEIS does not contain a discussion of management practices that would be employed to minimize air related construction impacts. We recommend that the FEIS include a discussion of possible mitigation measures to ensure that these activities are protective of air quality.

#### POLLUTION PREVENTION

Pursuant to Public Law 010-508, Pollution Prevention Act of 1990 (PPA), "it is the policy of the United States that pollution should be prevented or reduced at the source whenever feasible; pollution that cannot be prevented should be recycled in an environmentally safe manner, whenever feasible; pollution that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible, and disposal or other release into the environment should be employed only as a last resort and should be conducted in an environmentally safe manner." The FEIS should describe how FHWA will implement programs and practices to insure that the project will comply with the PPA.