



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

January 14, 2009

Ms. Diane Ratcliff
Director, Office of Planning
Maryland Transit Administration
6 Saint Paul Street, 9th Floor
Baltimore Maryland 21202

Re: Purple Line, Alternatives Analysis/Draft Environmental Impact Statement, Montgomery and Prince George's Counties, Maryland, September 2008 (CEQ No. 20080422)

Dear Ms. Ratcliff,

In accordance with the National Environmental Policy Act (NEPA) of 1969, Section 309 of the Clean Air Act and the Council on Environmental Quality regulations implementing NEPA (40 CFR 1500-1508), the U.S. Environmental Protection Agency (EPA) has reviewed the Alternatives Analysis/ Draft Environmental Impact Statement (AA/DEIS)for the Purple Line, referenced above. The document is complete and written in a manner easily readable by the public and agencies. The document is rated by EPA as LO-1; LO indicating that the EPA lacks any objections to all alternatives. The numerical rating of 1 indicates that EPA believes the information in the document is complete. A few suggestions for improvement of the DEIS are presented below. A summary of EPA's rating criteria is enclosed.

The AA/DEIS evaluates social, historical and environmental impacts of a range of alternatives: a baseline no build alternative, a Transportation System Management (upgrades of existing services, selected intersection and signal improvements), a low, medium and high investment Bus Rapid Transit (BRT; Alternatives 3, 4, and 5 respectively, with slightly different routes, amount of dedicated transitway, tunneling and grade separation), and a low, medium and high investment Light Rail Transit (LRT; Alternatives 6, 7, and 8 respectively, with different amount of tunneling and grade separation). Environmental impacts of each alternative are relatively low for a 16 mile transitway. Vegetative wetland impacts range for the build alternatives from 0.98 to 1.36 acres, open water from 0.17 to .2 acres, stream impacts from 3,892 to 5,662 linear feet, forest impacts of between 10.7 acres to 24.62 acres and park impacts range from 1.98 acres to 3.02 acres. The transitway crosses, or approaches, several important stream valley parks including Rock Creek, Sligo Creek, Northwest Branch, Paint Branch, Northeast Branch and Brier Ditch. The AA/DEIS could be improved by clarifying park names in Figure 4.4-1 and more easily correlating the figure to the data tables (reference to Table 4.4-2 on the figures is incorrect; it seems to be done correctly within the Natural Resources Technical

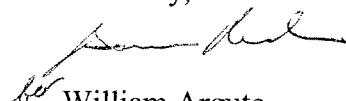
Report). Impacts to resources are minimized as the transitway follows existing roadway or former rail guideway. Further minimization of impacts to streams, floodplains and wetlands should be pursued through design, and be included as a consideration in selection and design of the required project maintenance facility sites. Design, or right-of-way purchase, that can protect or enhance stream buffer or floodplain function may be considered.

Environmental Justice (EJ) analysis identified populations of concern and benefits to the community. It is not clear how evaluation of potential disproportionate impacts, which was concluded to not be anticipated, were made. There is a need to specify the impacts that will occur within the EJ communities, and explain the efforts to address impacts. Residential displacements throughout the corridor should be clearly summarized in the document (reference to Table 3-6 in the Socioeconomic Technical Report would be useful or addition of a simplified summary). A short indirect and cumulative effects (ICE) analysis was provided in the document. Discussion of cumulative effects could be improved by indicating specific foreseeable projects planned in the area of the ICE study boundary (or reference the page where the information can be found, such as in the Socioeconomic Technical Report) and their potential impact to resources (cultural or natural) that are affected by the proposed project. Trend analysis of the resources of concern was not discussed for the selected timeframe of the ICE study.

Conceptual mitigation discussed in the AA/DEIS and Natural Resources Technical Report is reasonable, and will need to be developed in coordination with appropriate regulatory agencies in more detail as the project progresses. Potential replacement of currently used trails should be clearly presented (or reference made to pages or figures where information can be found in technical reports). EPA will be pleased to participate in the development of mitigation. EPA supports evaluation and incorporation of design that can potentially reduce environmental impacts such as pervious surface for the LRT transitway, low impact development BMPs for park and rides (or kiss-and-rides) that may be included in the infrastructure project, research into low emissions vehicles for the BRT option (possibility of partial zero emissions hybrid buses), and low emissions equipment use during construction.

Thank you for providing EPA with the opportunity to review this project. If you have questions regarding these comments, the staff contact for this project is Ms. Barbara Rudnick; she can be reached at 215-814-3322.

Sincerely,



William Arguto
NEPA Team Leader
Office of Environmental Programs

Enclosure



Printed on 100% recycled/recyclable paper with 100% post-consumer fiber and process chlorine free.
Customer Service Hotline: 1-800-438-2474

RATING THE ENVIRONMENTAL IMPACT OF THE ACTION

- **LO (Lack of Objections)** The review has not identified any potential environmental impacts requiring substantive changes to the preferred alternative. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposed action.
- **EC (Environmental Concerns)** The 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.
- **EO (Environmental Objections)** The review has identified significant environmental impacts that should be avoided in order to adequately protect 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). The basis for environmental Objections can include situations:
 1. *Where an action might violate or be inconsistent with achievement or maintenance of a national environmental standard;*
 2. *Where the Federal agency violates its own substantive environmental requirements that relate to EPA's areas of jurisdiction or expertise;*
 3. *Where there is a violation of an EPA policy declaration;*
 4. *Where there are no applicable standards or where applicable standards will not be violated but there is potential for significant environmental degradation that could be corrected by project modification or other feasible alternatives; or*
 5. *Where proceeding with the proposed action would set a precedent for future actions that collectively could result in significant environmental impacts.*
- **EU (Environmentally Unsatisfactory)** The review has identified adverse environmental impacts that are of sufficient magnitude that EPA believes the proposed action must not proceed as proposed. The basis for an environmentally unsatisfactory determination consists of identification of environmentally objectionable impacts as defined above and one or more of the following conditions:
 1. *The potential violation of or inconsistency with a national environmental standard is substantive and/or will occur on a long-term basis;*
 2. *There are no applicable standards but the severity, duration, or geographical scope of the impacts associated with the proposed action warrant special attention; or*
 3. *The potential environmental impacts resulting from the proposed action are of national importance because of the threat to national environmental resources or to environmental policies.*

RATING THE ADEQUACY OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (EIS)

- **1 (Adequate)** 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.
- **2 (Insufficient Information)** The draft EIS does not contain sufficient information to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the 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 proposal. The identified additional information, data, analyses, or discussion should be included in the final EIS.
- **3 (Inadequate)** The draft EIS does not adequately assess the potentially significant environmental impacts of the proposal, or the 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. The identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. This rating indicates EPA's belief that the draft EIS does not meet the purposes of NEPA and/or the Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS.