



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

Reply To  
Attn Of: OAQ-107

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REC'D ANM-610  
PLAN, PGM, & CAP BR  
JUN - 7 1996  
ANM-610

Mr. Dennis Ossenkop  
Federal Aviation Administration  
Northwest Mountain Region  
1601 Lind Ave, S.W.  
Renton, Washington 98055-4056

JUN 0 6 1996

Dear Mr. Ossenkop:

This letter supplements our March 18, 1996 comments on the Final Environmental Impact Statement for Proposed Master Plan Update Development Actions at Seattle-Tacoma International Airport (final EIS) and it details our concerns with this and adjacent projects regarding air quality. Our review is in accordance with our responsibilities under Section 309 of the Clean Air Act (CAA) and the National Environmental Policy Act (NEPA).

We continue to have concerns about future air quality around the airport as well as the air quality analysis in the final EIS. Our comments are based primarily on conformity with the State Implementation Plan as required by the Clean Air Act (CAA) and cumulative impacts from other projects around the airport.

The conformity analysis in the final EIS is a draft conformity analysis. While we have been discussing this with FAA and other agency representatives in recent weeks, the draft EIS did not contain such an analysis and therefore this is the first formal opportunity EPA has had to comment on this issue. The intent of our comments is to provide the information needed for a final conformity analysis that will meet the requirements of the CAA.

The conformity provisions of the CAA mandate that any federal agency proposing a project in a nonattainment or maintenance area for air pollutants must demonstrate that the project conforms to the State Implementation Plan for pollutants of concern. Because with the project, the final EIS shows an increase in the severity of exceedances of the National Ambient Air Quality Standard for carbon monoxide (CO) at two intersections near the Sentac Airport, we believe the draft conformity analysis does not support your conclusion that the project conforms to the State Implementation Plan (SIP).

In order to demonstrate conformity with the SIP, the final conformity analysis should include the following items:

1. Creation of an emissions inventory that includes: (a) all reasonably foreseeable direct and indirect emissions for the pollutants of concern for the year of peak construction

emissions prior to 2000<sup>1</sup>, the years 2010 and 2020; (b) emissions from sources such as construction and haul vehicles, associated increased congestion; and (c) mobile emissions associated with the use of regular gasoline.

2. An air quality analysis that compares the "no project" and "with project" air quality impacts for the years stated in item one above.
3. Appropriate mitigation measures--if the "with project" scenario results in an increase in either the frequency or severity of exceedances above the levels in the "no project" scenario, measures should be developed to mitigate these impacts.
4. Commitments from appropriate governmental entities to conduct adequate, specific and enforceable mitigation measures that will prevent any increase in the severity or frequency of predicted exceedances of the National Ambient Air Quality Standards (NAAQS). Since the increased modeled exceedances occur at intersections outside of airport property, it may be necessary to obtain commitments to conduct these mitigation measures from other agencies or local authorities.

We have discussed our comments with the Washington Department of Ecology (WDOE) and the Puget Sound Air Pollution Control Agency (PSAPCA). All three agencies believe that monitoring is needed to assess the actual air quality near the airport and to determine the measures needed to mitigate any adverse air quality impacts from the project. Accordingly, we support the comments set out in WDOE's and PSAPCA's letters. In particular, we support the steps identified in PSAPCA's comment letter for establishing a monitoring program, which could be used for subsequent modeling and air quality analysis.

EPA understands that several major projects are proposed for the area around the airport, including the extension of SR 509 which will connect to the airport at the south end. We are concerned that cumulative air quality impacts from these projects are not understood. For this reason, we believe the Record Of Decision (ROD) should contain a more comprehensive cumulative impacts analysis, including a commitment to working with other agencies to implement a short-term and long-term air quality monitoring program that will accurately reflect baseline conditions and reflect the changes in air quality as several proposed projects in and around the Seatac Airport are developed.


We expect that the FAA and the Port of Seattle will address these issues as well as provide commitments to work with regional and local authorities to ensure that air quality standards are not violated around Seatac Airport. EPA, along with WDOE and PSAPCA, is committed to continue to work with FAA and the Port on developing appropriate monitoring, modeling and air quality analyses.

<sup>1</sup> Because conformity requirements for "special case analysis" differ from EPA requirements, analysis of emissions during the year of high impact is required.

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Detailed comments are enclosed, and if you have any further questions please contact me at (206) 553-1234 or Anita Frankel, Director of the Office of Air Quality at (206) 553-0218. Thank you for the opportunity to review this document.

Sincerely,

  
for Chuck Clarke  
Regional Administrator

Enclosure

cc: Doug Brown, Ecology  
Paul Carr, Ecology  
Barbara Hinkle, Port of Seattle  
Gene Peters, Landrum and Brown  
Mary Vigilante, Synergy Consultants  
Dennis McLerran, PSAPCA  
Brian O'Sullivan, PSAPCA

**Attachment to the Environmental Protection Agency Air Quality Comments  
On the Proposed Master Plan Update Development Actions  
at Seattle-Tacoma International Airport**

**General Conformity**

The conformity provisions of the Clean Air Act mandate that any federal agency proposing to conduct a project in a non-attainment or maintenance area make a determination that its project would not:

- (i) cause or contribute to any new violation of any standard in any area;
- (ii) increase the frequency or severity of any existing violation of any standard in any area; or
- (iii) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

Through Section 176(c) of the Federal Clean Air Act, Congress established a higher test for federal agencies and the expenditure of federal money than is the case for non-federal public or private entities. The conformity provisions require a federal agency to affirmatively find that its actions will not worsen air quality conditions in areas that have previously violated the National Ambient Air Quality Standards (NAAQS). EPA recognizes that the modeling used to determine carbon monoxide impacts at intersections is for screening purposes to predict worst-case scenarios. However, the conformity provisions require that a federal agency ensure that worst-case pollutant impacts with its project are no worse than the worst-case pollutant impacts without such a project.

The general conformity rules establish certain public notification and comment procedures that a federal agency must follow when making a conformity determination (58 FR 63214, November 30, 1993). The conformity determination contained in the Final EIS is the draft conformity finding, and implies that it may be modified after the public comment period. The FAA has stated that the final conformity determination will be included in the Record of Decision for this EIS. While the draft conformity analysis does not support a conformity determination, the final determination could, based upon a corrected emissions inventory and commitment to appropriate mitigation measures.

**Mitigation Measures**

Section 93.160 of the general conformity rule sets forth the requirements for enforceable mitigation measures that must be taken when an increase in the frequency or severity of exceedances is modeled. This section states:

- (a) Any measures that are intended to mitigate air quality impacts must be identified and the process for implementation and enforcement of such measures must be described, including an implementation schedule containing explicit timelines for implementation.
- (b) Prior to determining that a Federal action is in conformity, the Federal agency making the conformity determination must obtain written commitments from the appropriate persons or agencies to implement any mitigation measures which are identified as conditions for making conformity determinations.

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Given the EIS's projected increases in the severity of exceedances of the CO NAAQS, mitigation measures meeting the requirements of 93.160 are necessary in order to demonstrate conformity.

#### Changes in Mitigation Measures

It should be noted that the general conformity rule also foresees situations where mitigation measures may need to be modified in the future due to changed circumstances. Section 93.160 (e) establishes the mechanism where mitigation measures may be modified so long as the new mitigation measures continue to support the conformity determination. While the mitigation measures need to be clearly specified, they may be changed, if needed.

The results from a monitoring program, such as the type identified in the EPA, WDOE, and PSAPCA comment letters of June 6, 1996, may form the basis for modifying mitigation measures. Air quality analysis based on such monitoring and related modeling could demonstrate that mitigation measures committed to in order to demonstrate conformity were no longer needed, or that different or additional measures were appropriate.

#### Alternative to Mitigation Measures

One alternative approach to determining conformity that would not necessarily include mitigation measures might be a phased development of the project. With this option, FAA would grant a full approval for certain projects that are proposed in the FEIS while conditionally approving implementation of other projects contingent upon further environmental analysis. This assumes that the projects are truly separable, and therefore that the FAA would be able to show conformity for each of the major subsets of proposed projects. It should be noted that both the general conformity rule and NEPA regulations identify criteria for determining when projects can be assessed separately. Both sets of criteria would need to be met. If this approach is used, then the monitoring program supported by EPA, WDOE, and PSAPCA would be useful to support the modeling that would be required to demonstrate conformity for the conditionally approved projects. Elements of such an approach are set out in the PSAPCA letter to FAA, dated June 6, 1996.

#### Cumulative Impacts

The Council on Environmental Quality Regulations for Implementing the Provisions of The National Environmental Policy Act state in 40 CFR Part 1502.16(a) and (b) that the Environmental Consequences section of an EIS will include discussions of direct effects and their significance and indirect effects and their significance (section 1508.8). According to 40 CFR Part 1508.8, cumulative impacts are considered "effects" and should therefore be discussed in this section of the EIS. A Cumulative Impact is the effect "on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." (Section 1508.7) We believe the ROD should reflect consideration of the cumulative impacts of the following projects since they may affect one another: Senc expansion, the SR 509 proposal, the South Aviation Support Area, the

DesMoines Creek Business Park, the Federal Detention Center, the Seatac Hotel, the City of Seatac improvements to three miles of International Boulevard near Seatac Airport, the proposed CTI campus and the 28/24th Arterial.

We noted several inconsistencies in projected air quality for the same intersections in the EIS's for the aforementioned projects. This variability underscores the need for additional coordination between project leads. The inconsistencies are as follows:

- 1) The modeling results for air quality in the Seatac final EIS conflict with those from the draft EIS for the SR 509/South Access Road Corridor Project at two intersections (both EIS's used the same models). The two EIS's model conflicting results for existing conditions and future action alternatives at South 188th and International Blvd., and South 200th and International Blvd. for the average CO concentrations indicated on page 4-7 in the SR 509 EIS, as compared with the same analyses on page IV.9-1 IH in the Seatac final EIS. Both analyses model CO violations for existing conditions, but for future action alternatives the Seatac analysis shows modeled CO violations where the SR 509 analysis does not.
- 2) Modeled air quality impacts at South 200th and International Blvd. are shown in the South Aviation Support Area Final EIS (pages 4-106 to 109 and 112), the 28/24th Street Arterial Final EIS (page 3.22) and the CTI Final EIS (page 4-7, 8). The results vary for each project ranging from 5.0 to 13.3 parts per million CO.

The ROD should clearly indicate that the FAA has taken all of these local projects into consideration when modeling air impacts. The data from modeling should be available to other agencies so that their analyses will be consistent with FAA's. Data sharing will contribute to a better overall air modeling analysis that will also assure a more comprehensive cumulative impacts presentation.

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# Clean Air Report

An exclusive biweekly report on the Clean Air Act and U.S. air policy

Vol. VII, No. 19 — September 19, 1996

## Membership expansion to command EPA attention?

### GRAND CANYON VISIBILITY COMMISSION WEIGHS RESTRUCTURING EFFORT

In an effort to ensure that their recommendations for western emission control strategies are given proper consideration by EPA, officials with the Grand Canyon Visibility Transport Commission (GCVTC) are exploring ways to restructure the organization. The GCVTC reportedly is considering expanding the number of states participating in the commission and opening the doors to federal agencies, allowing them an equal vote.

But the commission must establish that it has the legal authority to revamp the group, especially considering that the GCVTC was created under the federal auspices of the Clean Air Act. Funding the restructuring effort also promises to be a significant hurdle (p3).

### Nonattainment

#### UTILITIES DECLINE EPA INVITATION ON JOINT NOx STRATEGY

Electric utility officials say they are not ready to embrace an invitation by EPA to cooperatively develop a nitrogen oxide (NOx) reduction framework because they are being overwhelmed with deregulation and open access issues (p5). Some of the Senate's harshest critics of the Clean Air Act are questioning the logic behind EPA release of a fine particulate matter standard amid lingering questions about health and ambient air data (p6). And a recent American Lung Association report warns that an ozone standard under consideration by EPA will fail to protect 57 million Americans from unhealthy air (p7).

### Mobile Sources

#### EPA POISED TO GIVE CLUES ON OFF-ROAD ENGINE STANDARD

EPA is slated to issue by Sept. 20 a document forged with California regulators and engine manufacturers outlining a federal rulemaking to further slash NOx emissions from off-road engines (p4). Sources tracking the contentious development of the national low emission vehicle program predict the matter of states' rights to impose zero emission vehicle mandates will be shelved until after the November elections (p11). Federal Aviation Administration officials are delaying the progress of an expansion project at the Seattle-Tacoma Airport out of concern that the proposal does not meet conformity requirements (p11).

### Enforcement

#### INDUSTRY TARGETS INFLEXIBILITY IN KEY 'CAM' PROVISION

Industry representatives insist EPA fails to make a clear distinction between slips in emissions monitoring practices and egregious Title V violations in a key element of the proposed compliance assurance monitoring program (p14). EPA officials, meanwhile, say they are on track to release the hotly debated credible evidence rule by the end of the year (p15). House Republicans are pushing for congressional hearings to determine why the Clinton administration is "doing less with more" in regards to enforcement of environmental regulations (p16).

### Suppressed report on FERC air impacts spurs IJC resignation

The top Canadian official on the International Joint Commission resigned last week, reportedly over efforts by supporters of President Clinton within the commission to shelve a controversial report on the effects of the Federal Energy Regulatory Commission's open access rule on air quality (p5).

### EPA spurns pleas for redesignation, NOx waiver moratorium

EPA has rejected a request by environmentalists that the agency discontinue redesignation of nonattainment areas and granting of waivers for NOx exceedances until it addresses several outstanding questions regarding pollution transport (p8).

### White House hones in on post-2000 carbon abatement strategy

The Clinton administration is tightening its grip on a highly anticipated strategy to further slash carbon emissions after this decade. Among the tenets likely to be proposed before a committee of the international Climate Change treaty this December is a call for emissions reductions from developed countries, as well as a dramatically strengthened enforcement backbone (p19).

### Exclusive Interview:

#### Sen. Craig Thomas pushes for heightened cost-benefit analyses

Adding his voice to a growing chorus of EPA critics, U.S. Senator Craig Thomas (R-WY) is urging the agency not to lose sight of the regulatory cost of tightening particulate matter and ozone standards in the agency's high-profile revisions (p26).

ozone standard.

A district survey also uncovered that one in five companies already uses low- and zero-level VOC water-based solvents that are currently on the market.

SCAQMD face stiff opposition from the trucking community, because industry officials insist water-based solvents will be useless in maintaining heavy-duty trucks. This concern prompted district officials to agree to a one-year study to address the concerns of the trucking industry.

## **Mobile Sources**

### **Freeing up EPA to issue final rule**

#### **STATES RATIFY NLEV AGREEMENT, ZEV ISSUE APPEARS HEADED FOR SHELF**

In the wake of the recent ratification by state air managers of their memorandum of understanding (MOU) over EPA's 49-state national low emission vehicle (NLEV) rule, the issue of whether states can implement mandates that require automakers to sell zero-emission vehicles (ZEVs) appears "headed for the shelf" until after this November's elections, sources close to the issue say.

Though the states' unanimous ratification of their MOU represents a bold show of unity directed at both automakers and EPA, states nonetheless appear content to let EPA address that issue outside the context of the voluntary NLEV rule. EPA sources indicate this is the agency's preferred route.

On Sept. 5, members of the Ozone Transport Commission (OTC) -- comprised of 12 northeastern states and the District of Columbia -- voted 24 to 0 to endorse their MOU submitted to EPA in draft form in late August. OTC's version of the MOU on a voluntary NLEV program was only a preliminary document initialed by members, an OTC source explains, and it required approval from the entire 24-member OTC for final ratification.

Automakers had submitted their own MOU Aug. 23, with the two MOUs diverging on the matter of the rights of individual states to move forward with their own programs for ZEVs. OTC supports such a provision, while automakers are seeking a delay in the forced marketing of electric vehicles in any agreed-upon 49-state LEV program.

The MOUs seemingly marked an unsuccessful conclusion to a two-year effort by the groups to develop a voluntary NLEV program that EPA could use to supplant a rule that the states agreed to in 1994. In September 1995, EPA had proposed to require industry to begin introducing gasoline-powered model LEVs in the Northeast by 1997 and to phase in an increasingly stringent NLEV program throughout the country in order to meet a national emission standard in 2001.

The unity displayed by OTC represents a "pretty powerful response to automakers and a strong statement to EPA," one source close to the debate says. States' "unequivocal support" of OTC's MOU "flows directly from automakers' behavior," the source explains, claiming "[automakers] pushed too far" and "got too cocky" with their MOU. "It's rare to see that kind of unity," the source continues, but "it is understandable" considering the automakers' position and the looming deadline for state implementation plans that makes forward movement by the administration on a voluntary NLEV rule especially critical.

OTC's MOU ratification "evens the playing field" between states and automakers in the NLEV debate, another source says, by "showing in writing that their positions are unified across the board." It further puts on paper that "states won't challenge EPA on the NLEV rule," giving the agency assurance to move forward with a rulemaking.

EPA sources indicate that the agency plans to build upon the principles in the two MOUs, and possibly issue a final rule by early next month.

### **ICAA 'conformity' standard allegedly not met**

#### **AIR-RELATED CONCERNS SLOW FAA DECISION ON SEATTLE AIRPORT EXPANSION**

The Federal Aviation Administration (FAA), reportedly concerned that an expansion project at the Seattle-Tacoma Airport (SeaTac) remains out of compliance with the Clean Air Act's "conformity" provision, has postponed its Record of Decision (ROD) that allows the project to move forward. Projects must receive an approved ROD pursuant to the National Environmental Protection Act.

The delay comes following months of negotiations between local, state and federal air quality officials seeking an agreement with the FAA and SeaTac operator the Port of Seattle that would guarantee no further deterioration of the region's air quality from the proposed SeaTac expansion.

The groups have been working on a memorandum of understanding (MOU) which sources say will establish an approach for a monitoring program and agreed-upon carbon dioxide (CO<sub>2</sub>) and nitrogen oxide (NO<sub>x</sub>) standards for the area, and potentially pave the way for a smooth ROD approval. But repeated concerns from EPA, state air agencies and civic



groups over the possible air impacts from an expansion now seem to have slowed the project's momentum.

The SeaTac Airport is located in King County, WA, within a designated nonattainment area for CO<sub>2</sub> and ozone. The state Department of Ecology is currently working with EPA to redesignate the area into attainment status based upon the recent history of monitoring, control strategies and maintenance plans.

The FAA proposed last February to expand SeaTac by adding a third runway, and released an Environmental Impact Statement (EIS) evaluating the potential environmental impacts of the third runway and other improvements at the airport. As required by the Clean Air Act, the FAA made a preliminary determination that the proposed expansion would not impede or delay Washington's efforts to bring the Seattle metropolitan area into compliance with federal air quality standards for CO<sub>2</sub> and ozone.

In response to the EIS, EPA and the state Department of Ecology filed formal comments stating that the air quality modeling analysis presented in the EIS did not demonstrate "conformity" to the state clean air plan as required by the Clean Air Act. Federal law prohibits the FAA from approving or funding the proposed expansion unless the agency determines that the air quality analysis demonstrates that the project would not prevent or impede Seattle's effort to attain national air quality standards.

Furthermore, EPA and the Department of Ecology each expressed concern that the project would result in additional violations of CO<sub>2</sub> standards at key roadway intersections near the airport as a result of additional car and truck traffic. The air quality agencies were also concerned that the FAA had not committed in writing to "binding and enforceable measures" that would reduce pollution caused by congestion at the roadway intersections. Both agencies recommended a comprehensive program to monitor air quality around the airport.

The project has already been delayed by local civic groups contending that it did not do enough to reduce noise in surrounding neighborhoods. The Port of Seattle addressed those concerns by vowing to beef up noise reduction efforts, thus reviving the plan. Since then, measures to reduce air pollution have dominated the discussions, with the FAA, the Port, local EPA officials and Department of Ecology representatives meeting over the past few months in an effort to craft an agreement on how to move the project forward while satisfying the outstanding environmental concerns.

The postponement of the ROD "means the Port of Seattle can't move forward until they receive federal approval from FAA," one source close to the issue says. While FAA originally supported the project, the source points out, the federal agency is feeling pressure from EPA and other groups to ensure that the expansion meets all necessary environmental requirements.

FAA officials could not be reached for comment.

## Permits

### Trouble ahead for EPA's innovative approach?

#### 3M PULLS OUT OF PROJECT XL, PROGRAM COMES UNDER ECOS SCRUTINY

In the wake of a caustic debate between EPA and Minnesota over the state's involvement in the agency's Project XL regulatory reform program, the 3M Corporation's Hutchinson plant -- the model for Minnesota's Project XL proposal -- has opted to seek permits for its facility through more traditional regulatory channels.

The move by 3M signals the death knell for Minnesota's participation in Project XL and has prompted state environmental officials to create a task force to develop a dispute resolution mechanism for addressing debates between state agencies and EPA on a host of regulatory flexibility-related issues.

Minnesota was the first state delegated by EPA to run Project XL -- the administration's initiative launched late last year to reshape the relationship between companies and government regulators by allowing firms with stellar environmental records more freedom to develop their own pollution-prevention procedures -- and 3M's proposal was the state's first attempt to implement the program. 3M was seeking a Title V operating permit that would place a plant-wide emissions cap over all of the Hutchinson facility's air toxics sources.

But Minnesota could not forge an agreement with EPA on what level of guarantees the facility must provide regarding environmental improvement, and the Minnesota Pollution Control Agency (MPCA) subsequently informed EPA of its intention to suspend work on the Hutchinson project. A primary sticking point between MPCA and EPA in crafting an agreement was the issue of whether or not 3M had to guarantee superior environmental performance "up front." State officials argued that because XL is an experimental project, the company should be granted some flexibility to test approaches even if they did not ultimately achieve environmental improvement. EPA maintained that the state needed to implement a detailed test that ensured at every step along the way that the program was achieving better environmental results than would have been required under otherwise applicable rules. On this point, no compromise was possible, both sides contend (see Sept. 5 issue, p3).