



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

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OFFICE OF THE
REGIONAL ADMINISTRATOR

August 5, 2005

Andrew D. Brennan
Director of Environmental Affairs
Massachusetts Bay Transportation Authority
10 Park Plaza, Room 6720
Boston, Massachusetts 02116

RE: Silver Line Phase III Supplemental Draft Environmental Impact Statement/Supplemental Environmental Impact Report (SDEIS/SEIR) Boston, Massachusetts CEQ # 20050240

Dear Mr. Brennan:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, we have reviewed the Federal Transit Administration's (FTA)/Massachusetts Bay Transportation Authority's (MBTA) Supplemental Draft Environmental Impact Statement/Supplemental Environmental Impact Report (SDEIS/SEIR) for Phase III of the Silver Line in Boston, Massachusetts.

The SDEIS describes the impacts associated with the completion of the MBTA's bus rapid transit (BRT) service known as the Silver Line through a connection between Phases I and II of the Silver Line via a new tunnel identified as the Core Tunnel Segment. EPA recognizes the role of the Phase III tunnel to meet commitments of the Administrative Consent Order for the Central/Artery Project and air quality commitments of the State Implementation Plan. Based on our review of the SDEIS/SEIR we have no objections to the project as described and we rate this SDEIS "LO-1 - Lack of Objections-Adequate" in accordance with EPA's national rating system, a description of which is attached to this letter. The attachment to this letter includes air quality comments for your consideration as you develop the Final Environmental Impact Statement (FEIS) for the project.

617-918-1010

Please contact Timothy Timmermann (617-918-1025) of EPA's Office of Environmental Review with any comments or questions about this letter.

Sincerely,



Robert W. Varney
Regional Administrator

attachment

cc:

Richard H. Doyle, Federal Transit Administration

Additional Detailed Comments on the Silver Line Phase III SDEIS/SEIR

Transportation Conformity

The Boston metropolitan area, (including the communities of Boston, Cambridge, Chelsea, Everett, Malden, Medford, Quincy, Revere, and Somerville), was redesignated to attainment for carbon monoxide on April 1, 1996. A year 2010 motor vehicle emission budget of 228.33 tons of carbon monoxide per winter day was established by the State Implementation Plan for maintenance area. While currently attaining the national ambient air quality standard for carbon monoxide, Boston remains a maintenance area for carbon monoxide.

On April 15, 2004, EPA designated and classified the "Boston-Lawrence-Worcester (E. Mass), Massachusetts" area moderate nonattainment for the 8-hour ozone national ambient air quality standard. The designation and classification was published in the Friday, April 30, 2004 Federal Register and became effective on June 15, 2004.

MBTA's Silver Line Transit Project, is included in the Boston Metropolitan Planning Organization's Long Range Transportation Plan (TP) and Transportation Improvement Program (TIP) and modeled in the regional air quality transportation conformity analysis prepared for the eastern Massachusetts 8-hour ozone nonattainment area, and the Boston metropolitan area carbon monoxide attainment area with a maintenance plan. Having already satisfied transportation conformity requirements at the transportation plan and program level, the NEPA analysis must now demonstrate how project level transportation conformity is satisfied. The SDEIS acknowledges this requirement on page 4-52 where it states "... The conformity determination requirement at the "project level" requires the inclusion of a "hot-spot" analysis to insure that new transportation projects in the CO attainment area do not cause or contribute to possible CO nonattainment."

The carbon monoxide micro-scale air quality analyses conducted in the project area (documented on page 5-37 through 5-39) as part of the SDEIS demonstrate that carbon monoxide concentrations will be below the 1- hour and 8-hour national ambient air quality standards (NAAQS) for carbon monoxide in the year 2013. The current project level air quality analysis (covering only the year 2013) does not adequately demonstrate that during the time frame of the 2004-2025 regional transportation plan: (1) no new local violations will be created as a result of the project; and (2) the severity or number of existing violations will not be increased as a result of the project. EPA believes that the project level conformity analysis should address these two areas and evaluate additional years including the last year of the current conforming long range transportation plan in accordance with Section 93.116(a) of the Transportation Conformity Rule.

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 public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the 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.