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**Re: Docket R14-01: Proposed Changes to WMATA Facilities at
Takoma Metro Station**

My name is Paul C. Chrostowski. I hold an M.S. in Environmental Science and a Ph.D. in Environmental Engineering and Science. I am a registered Qualified Environmental Professional (QEP). In addition to my academic and professional training, I have over 40 years of experience as a consulting environmental engineer and scientist specializing in environmental impact analysis.

I have reviewed the development plans present in the docket, attended the public hearing No. 595 on Wednesday, June 18, 2014, listened to the testimony presented at the hearing, and reviewed the information in the public record concerning the history of Takoma Station. Based on this, I have the following comments on the proposed plan:

1. The scope and nature of the proposed plan require a comprehensive environmental impact assessment under the National Environmental Policy Act (NEPA).

The National Environmental Policy Act (NEPA) (42 USC § 4321 et seq.) established the environmental analyses that must be undertaken in the event of a major federal action. The relevant Council on Environmental Quality (CEQ) regulations define major federal actions to include (*inter alia*) “new and continuing activities, including projects and programs entirely or partly financed, assisted, conducted, regulated, or approved by federal agencies; new or revised agency rules, regulations, plans, policies, or procedures” (40 CFR § 1508.18). WMATA and its properties are inextricably intertwined with the federal government. WMATA’s Metro Facts (www.wmata.com/about_metro/docs.metrofacts.pdf) clearly states that “Metro and the federal government are partners in transportation”. Thirty-five Metro stations serve federal facilities and nearly half of its peak period riders are federal employees. The federal government contributes approximately 56% of Metro’s capital costs. The WMATA Compact was approved by the U.S. Congress; the federal government has representation on WMATA’s Board. These facts leave it perfectly clear that Metro’s activities are federal activities.

This project will require Federal Transit Administration (FTA) approval because the property on which the proposed development is to be located was purchased with federal transit funds. FTA’s involvement is sufficient to trigger a NEPA review. FTA guidance requires NEPA review when there are parking use considerations or when a joint development is a standalone project¹.

¹ Sharon Pugh, FTA Real Estate Workshop, Nov 1, 2012 “An FTA Update on Joint Development”.

The federal government is also involved due to the fact that it retains the rights to regulate cross-border pollution under several environmental statutes including the Clean Air Act and the Clean Water Act. Recently, courts have affirmed the Environmental Protection Agency's right to implement its Cross-State Air Pollution rule reinforcing the validity of this regulatory concept. The project is physically located in the District of Columbia, however, the environmental impacts including air and water pollution will disproportionately fall on the state of Maryland whose border is contiguous with the project boundaries. Both construction and operation of the project will create air pollution in the form of criteria pollutants, hazardous air pollutants and greenhouse gases and water pollution in the form of urban stormwater runoff that will migrate downwind and downgradient to Maryland. These pollutants are subject to federal regulation which meets a criterion of a major federal action.

These considerations and others certainly meet the common usage and regulatory definition of "major federal action" and therefore trigger NEPA review. Such review should be undertaken by preparing an environmental impact statement consistent with 40 CFR § 1502.

2. The WMATA Compact (Compact) requires a formal consideration of environmental impacts.

The Compact was designed to be the overarching document guiding the behavior of WMATA and its Board. The language in the Compact is eminently clear that the Board shall "consider data with respect to current and prospective conditions in the Zone, including, without limitation...preservation of the beauty and dignity of the Nation's Capital, factors affecting environmental amenities and aesthetics" (emphasis added). For a project of the magnitude of that proposed at Takoma Station which has the potential for a significant environmental impact, the only logical way to undertake this consideration is through a formal environmental review of the type anticipated by NEPA.

3. The August 2006 "Takoma Station Facilities with Joint Development: Environmental Evaluation" ("Evaluation") is severely deficient with respect to both the generally recognized scope of an environmental impact analysis and the currently proposed development alternative.

This document was prepared in 2006 to ostensibly evaluate the potential environmental impacts of the initial proposed development at Takoma Station. It was not undertaken citing any recognized authority and was not prepared in accordance with generally recognized principle of environmental impact assessment². In addition, this Evaluation did not include the currently proposed development alternative, nor anything even faintly resembling it, and was factually flawed.

The Evaluation included two alternatives for the joint development project, both of which contained EYA townhouse development in different configurations. Although precise figures for the number of dwelling units are difficult to obtain from WMATA or EYA, the 2006 alternatives

² e.g., see Glason, J. Therivel, R., Chadwick, A. 2013. *Introduction to Environmental Impact Assessment* (Natural and Built Environment Series).

included approximately 88 dwelling units whereas the current propose plan contains up to 212 dwelling units (up to 262 units have also been discussed). In addition, of course, the 2006 proposal was for low-scale townhouses whereas the current proposal is for high density mid-rise apartments. The 2006 proposal evaluated 25 additional vehicles as a result of development. Even WMATA's fundamentally flawed traffic study³ for the current proposal shows over twice that number during peak periods. A "no action" alternative was not included. Rigorous analysis of alternatives is at the heart of an environmental assessment, regardless of the authority under which it is prepared. The no action alternative is explicitly required by NEPA (40 CFR § 1502.14). Generally recognized principles of environmental impact analysis mandate the inclusion of all reasonable alternatives including alternatives that may have been eliminated from detailed study in an earlier stage of the process. The omission of the current proposal as an alternative in addition to the omission of the no action alternative render this Evaluation meaningless in the context of the Takoma Station project under consideration.

There are additional factual issues that are problematic with this Evaluation. For example (page 16), the evaluation states that the favored alternative is "of comparable density and scaling as the surrounding area". The Evaluation fully recognized that the surrounding area was comprised of single family homes and low-scale garden apartments. The proposed plan has failed to conduct any analysis regarding comparability to the surrounding area. To cite another example, the Evaluation notes (p. 31) that a property adjacent to the development site will be screened from the redeveloped area by a landscaped park. Presumably, this refers to 7036 Eastern Ave NW, a low-scale garden apartment complex adjacent to WMATA's property. Contrary to the assertions in the 2006 Evaluation, the current proposal will shrink the existing park buffer from over 100 ft to essentially zero, thus subjecting the residents of this complex to noise, particulate matter from vehicular traffic, and light pollution at night.

Probably the most significant problem with the Evaluation was the large number of statements and conclusions that were made on the basis of no factual evidence or analysis. These statements and errors show the need for careful analysis of the current proposal. For example, the Evaluation asserted that there were no parklands on the existing site. This is contrary to the plain language usage of the term "parklands" and the perceptions of the residents who believe that there is substantial park space on the site. This was clearly enunciated by the testimony of Marcie Stickle at the hearing⁴. The Evaluation also contended without proof that there would be no destruction of natural resources and no diminution of aesthetic values. The loss of the parkland would in actuality result in impacts to both natural resources and aesthetics. Ecosystem services of the existing tree canopy would be lost in addition to attenuation of pervious surfaces for stormwater infiltration. Habitat for urban wildlife would similarly be destroyed. The Trust for Public Land has recognized that urban parks are a necessity for the well- being of city residents (<http://www.tpl.org/our-work/parks-for-people>). The loss of these green spaces and

³ An independent traffic analysis conducted by Joe Mehra, P.E., PTOE (February 20, 2014) concluded that the WMATA traffic study had deficiencies, errors and omissions that made the study results invalid.

⁴Also see letter from Historic Takoma to Chairman Gladys W. Mack dated March 21, 2000 and attached report by Joel Solomon "The History of the Park at the Takoma Metrorail Station"..

consequent impact on public health and welfare should be carefully evaluated for both the current proposal and no-action alternative.

The Evaluation also asserted without proof that there would be no water pollution from the 2006 proposal. The current proposal leaves very little pervious surface. Stormwater impinging onto pavement, rooftops and other impervious surfaces will carry with it typical urban stormwater contaminants. It is highly likely that a substantial amount of this pollution will be transported across state lines into Maryland where it will require management by the City of Takoma Park. Ultimately this stormwater will flow into the degraded Anacostia River. The original Evaluation considered air quality impacts to be minimal, however, it failed to take into account the air pollution that would be associated with activities of the new residents. The proposed plan could bring an additional approximately 470 people to this project (based on 212 units and DC census showing an average of 2.17 persons per household). These individuals will be heating and cooling their residences, cooking, driving vehicles and performing other activities that will generate criteria pollutants, hazardous air pollutants, and greenhouse gases. The ecological footprint of a city is proportional to its population⁵ and an increase in populations such as that anticipated by this project will only serve to exacerbate the ecological footprint of the region. The region is currently non-attainment for ozone and fine particulate, thus the situation will only be made worse by this additional pollution. In addition, construction activities, which are anticipated to occur over several years will generate substantial amounts of peak air pollution, especially with fine particulate from diesel-powered vehicles and construction dust. This was not accounted for in the original Evaluation and requires analysis for the proposed plan.

The Evaluation failed to address the energy requirements of the proposal put forth in 2006. Since that time, awareness of the need for energy conservation and greenhouse gas mitigation has heightened and energy requirements of both the construction and subsequent operation of the residences and Station need to be addressed.

The Evaluation asserted that no adverse noise impacts were anticipated from the joint development proposal and that construction activities would comply with the DC noise regulations. Due to its configuration and massing, the current proposal raises many additional questions regarding noise, especially the exacerbation of traffic, ventilation, and other mechanical noise due to the urban canyon effect⁶. This issue requires careful analysis, preferably with acoustic modeling, to ensure that nearby residents will not be impacted by noise during operation of the Development. In addition, during construction, noise should also be regulated in accordance with the City of Takoma Park and Montgomery County MD noise regulations.

The Evaluation asserted without proof that there were no adverse environmental justice impacts. That may not be true for the current proposed plan. The loss of parkland in addition to the proximity of the project to affordable housing raises the specter of environmental justice

⁵ Rees, W. (1992). Ecological footprints and appropriated carrying capacity. *Environ & Urbanization* 4:121-130. Also Wacknagel, M. & Rees, W. 1996. *Ecological Footprint: Reducing Human Impact on Earth*.

⁶ Lu, KK & Li KM 2002. The propagation of sound in narrow street canyons. *J Acoust Soc. Am.* 112:537-50.

concerns. This needs to be addressed in a comprehensive analysis using the criteria in Executive Order 12898.

4. Regardless of the procedural requirements of NEPA and the Compact, the degree of controversy surrounding this project and common equity concerns mandate a comprehensive environmental analysis.

Joint development at this site has been highly controversial since its inception. This has been well documented in the media and underscored by the testimony of a large number of public officials and individuals at the public hearing. Residents of Maryland are particularly concerned that the adverse impacts of this project will fall disproportionately on them while benefits such as taxes accrue to the District of Columbia. One way to allay these concerns would be to conduct an objective comprehensive environmental impact review. The review should include the proposed plan, a no-action alternative, and a proposal consistent with the Takoma Central District Plan recommendation of a residential density of 22-32 dwelling units per acre. The analysis can be facilitated by using the standard format used by NEPA (40 CFR § 1502.10) which is generally understandable to municipal officials and residents and will ensure objectivity and completeness. The review should culminate in a recommendation to a proposed alternative and mitigation measures where required.

Finally, this review cannot take place in a vacuum. There are numerous additional projects recently constructed, underway or planned for this area. Currently, these projects are for at least one-half million square feet of development including at least 670 dwelling units within a mile of Takoma station. The impacts of these projects will be cumulative and a cumulative impact analysis should be undertaken. At a minimum, this analysis should include the redevelopment of Walter Reed, Takoma Central which will have 160 residential units in addition to a destination 7,500 square ft retail/restaurant project, Takoma Theater, 6924 Willow Street, Spring Place, 6856 Eastern, Douglas development's project at Willow & Maple, and renovation and reopening of the former Theological Seminary property at 6896 Laurel St.

In conclusion, it is clear that WMATA has failed to consider the potential environmental impacts of the proposed plan. This is in contravention to its own requirements as stated in the Compact as well as the requirements of NEPA and common equity concerns. The Evaluation conducted in 2006 is sufficiently flawed that it cannot be used as a basis for an environmental review of the current project. Based on these and other considerations, WMATA should undertake a comprehensive environmental review including all viable alternatives and the Board should not act on the current proposal until such a review is completed.

Very truly yours,

Paul C. Chrostowski, Ph.D., QEP.
June 30, 2014