Jeff Vlach

From: Janice.Osadczuk@dot.gov
Sent: Thursday, June 09, 2011 12:49 PM
To: Jeff Vlach; jsacksteder@ctsgec.com
Subject: FW: Comments May 26th SEIS Coord Meeting

Here are Coast Guard's comments on the project. Please include this in the meeting documentation and send me a response for Mr. Studt. Thanks

-----Original Message-----
From: David.H.Studt@uscg.mil [mailto:David.H.Studt@uscg.mil]
Sent: Thursday, June 09, 2011 12:24 PM
To: Osadczuk, Janice (FHWA)
Subject: Comments May 26th SEIS Coord Meeting

Ms. Osadczuk:

Eric Washburn, Bridge Administrator, Eighth Coast Guard District (obr),
1222 Spruce Street, St. Louis, MO 63103. I reviewed the CD provided with Mr. Vlach's letter. My comments/questions: Is Harrods Creek a waterway which the project will cross? In a map of the project area it appears that the Gene Snyder (I-265) extension to the Ohio River may cross it. Also is there any reference to the Migratory Bird Treaty Act of 1918 in the SEIS material? This may have been covered in the U.S.
Fish & Wildlife treatment but not mentioned.

Dave Studt
For Eric Washburn
CG Bridges
St. Louis, MO
314-269-2381

Jeff Vlach

From: Janice.Osadczuk@dot.gov
Sent: Thursday, June 09, 2011 2:54 PM
To: Jeff Vlach; jsacksteder@ctsgec.com
Subject: FW: Ohio River Bridges Project wetlands question

Gentlemen, - Here are comments from EPA - please include this in the meeting documentation and send me a response for Ramona. Thanks.

-----Original Message-----
From: Mcconney.Ramona@epamail.epa.gov
[mailto:Mcconney.Ramona@epamail.epa.gov]
Sent: Wednesday, June 08, 2011 8:34 AM
To: Osadczuk, Janice (FHWA)
Subject: Ohio River Bridges Project wetlands question

Dear Janice,

Thanks for the information regarding the document schedule. R4 & R5 received the P&N document yesterday afternoon.

We've been reading your methodology document, and want to clarify----are all the wetlands/404 impacts in Indiana, none in Kentucky?

Please let me know, thanks for your help,

Ramona K. McConney
NEPA Program Office
EPA Region 4
(404)562-9615

Jeff Vlach

From: tony.cooley@ky.gov
Sent: Friday, June 10, 2011 2:22 PM
To: George.Gilbert@ky.gov; Sharon.Gritton@ky.gov; Wilson.Tan@ky.gov; shawn.cecil@ky.gov; robert.daniell@ky.gov; ron.gruzesky@ky.gov; Jon.Maybriar@ky.gov; April.Webb@ky.gov; bob.bickner@ky.gov
Cc: Tammi.Hudson@ky.gov
Subject: RE: Jefferson Co. Bridges
Attachments: Page 56 Section 4.pdf; Section 4 crosses lagoon.pdf; Page 50 overview map.pdf

The proposed route for Section 4 of the new bridge plan appears to cross part of one of the sedimentation lagoons at the Payne Water Treatment Plant, AI 38627. These lagoons contain sediment settled from filter backwash water and are included as part of a beneficial reuse under SW 056-00019. I have asked Bob Bickner to add further comments as he is familiar with this site and permit.

Attached are an overview map extracted from page 50 of the *052611 Resource Agency Coordination Meeting Document.pdf* document, an image showing the proposed route extracted from page 56 of the same document, and a translucent overlay of that route matched to an image extracted from Arcview showing a larger area and more clearly showing the water treatment plant.

Tony Cooley ***P.E., P.G.***
Environmental Engineer II
EEC-DEP Division of Waste Management
Solid Waste Branch, Closure Section
502-564-6716
502-564-8158 ext 4654 (direct)

From: Gilbert, George (EEC)
Sent: Thursday, June 09, 2011 10:00 AM
To: Cooley, Tony (EEC); Gritton, Sharon (EEC); Tan, Wilson (EEC); Cecil, Shawn (EEC); Daniell, Robert (EEC); Gruzesky, Ron (EEC); Maybriar, Jon (EEC); Webb, April (EEC)
Subject: Jefferson Co. Bridges

V:\Dwm_Share\Bridges Jefferson Co

Here is the link to the CD that FHWA sent me on the bridges EIS supplement process meeting last month.

I noticed the new roadway is inland of the existing one, and no mention is made about investigating USTs or superfund sites. Maybe the EIS process does not call for it.

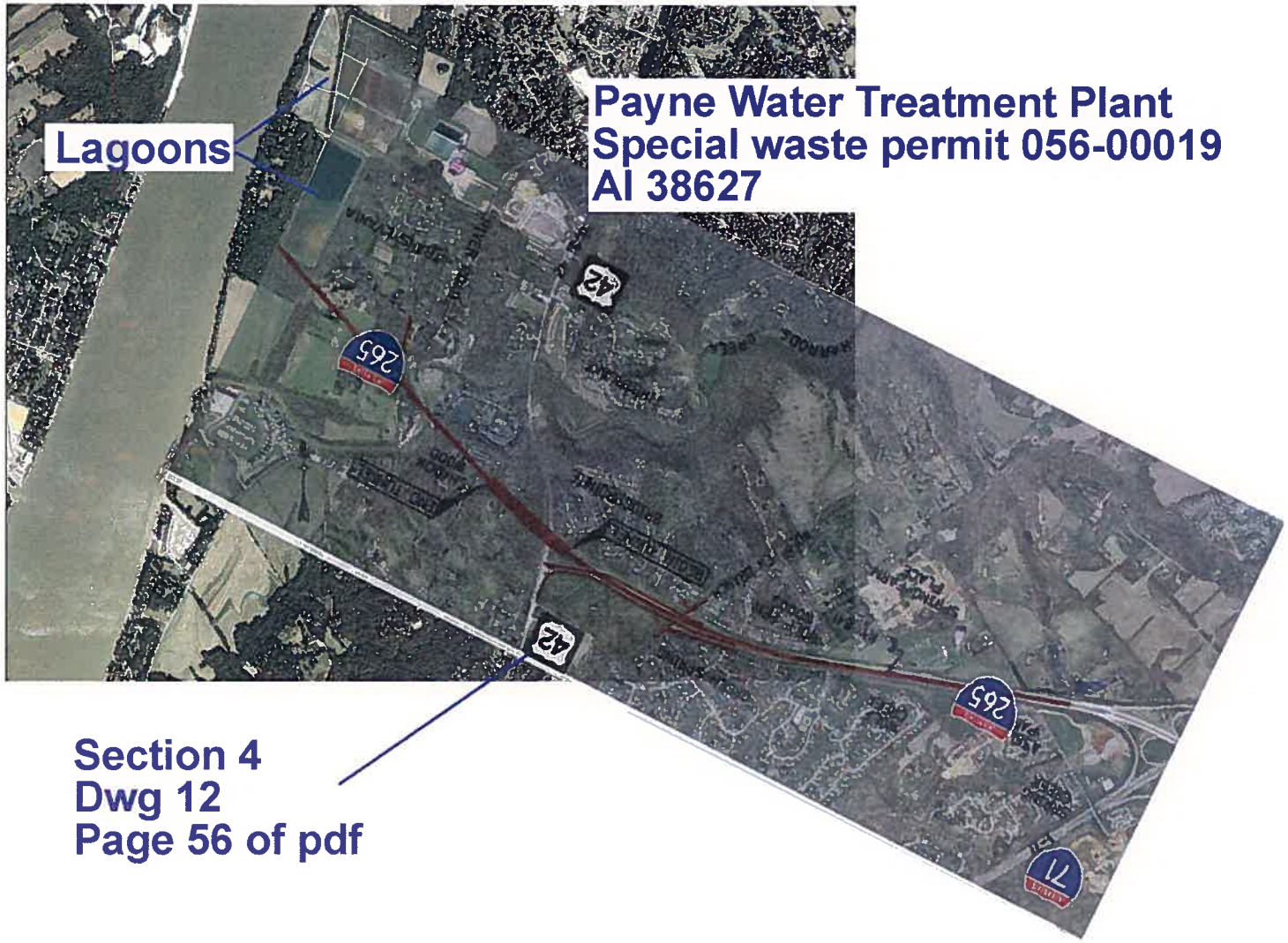
Anyway, here it is. Provide any comments by COB June 23. The comments will be used at the next meeting. Thx.

Section 4

THE OHIO RIVER BRIDGES

East End Kentucky

Payne Water Treatment Plant
Louisville Water Company
AI: 38627
Special Waste Permit
active
SW 059-00019


Payne Water Treatment Plant
Special waste permit 056-00019
AI 38627
Lagoons
Section 4
Dwg 12
Page 56 of pdf
42
265
42
265
71

The Bridges Project

Jeff Vlach

From: robert.daniell@ky.gov
Sent: Tuesday, June 14, 2011 3:37 PM
To: George.Gilbert@ky.gov
Cc: Cheryl.Yunt@ky.gov; Dawn.Baase@ky.gov
Subject: FW: Jefferson Co. Bridges
Attachments: Page 56 Section 4.pdf; Section 4 crosses lagoon.pdf; Page 50 overview map.pdf; Jefferson Bridge Project UST Response.xls

George, attached is information regarding UST's is the area.

Rob Daniell, Manager
Underground Storage Tank Branch
200 Fair Oaks
Frankfort, KY 40601
(502) 564-5981 Ext. 4782

From: Yunt, Cheryl (EEC)
Sent: Tuesday, June 14, 2011 3:18 PM
To: Daniell, Robert (EEC)
Cc: Baase, Dawn (EEC)
Subject: FW: Jefferson Co. Bridges

Rob,

Please find attached a list of UST sites and their status that are in the area of the Jefferson Co Bridges project. Please let me know if you need anything further.

Thanks!!

Cheryl Yunt
Environmental Technologist III
Underground Storage Tank Branch
(502) 564-5981, ext. 4013
Fax: (502) 564-0094

From: Daniell, Robert (EEC)
Sent: Friday, June 10, 2011 2:38 PM
To: Yunt, Cheryl (EEC); Baase, Dawn (EEC)
Cc: Terry, Lori (EEC)
Subject: FW: Jefferson Co. Bridges

Have we looked at this project previously for potential UST issues? From the maps in the pdf that George has linked below, it is hard to identify the roads in the area to try and ID UST facilities.

Rob Daniell, Manager
Underground Storage Tank Branch
200 Fair Oaks
Frankfort, KY 40601
(502) 564-5981 Ext. 4782

From: Cooley, Tony (EEC)
Sent: Friday, June 10, 2011 2:22 PM
To: Gilbert, George (EEC); Gritton, Sharon (EEC); Tan, Wilson (EEC); Cecil, Shawn (EEC); Daniell, Robert (EEC);

Gruzesky, Ron (EEC); Maybriar, Jon (EEC); Webb, April (EEC); Bickner, Bob (EEC)
Cc: Hudson, Tammi (EEC)
Subject: RE: Jefferson Co. Bridges

The proposed route for Section 4 of the new bridge plan appears to cross part of one of the sedimentation lagoons at the Payne Water Treatment Plant, AI 38627. These lagoons contain sediment settled from filter backwash water and are included as part of a beneficial reuse under SW 056-00019. I have asked Bob Bickner to add further comments as he is familiar with this site and permit.

Attached are an overview map extracted from page 50 of the *052611 Resource Agency Coordination Meeting Document.pdf* document, an image showing the proposed route extracted from page 56 of the same document, and a translucent overlay of that route matched to an image extracted from Arcview showing a larger area and more clearly showing the water treatment plant.

Tony Cooley ***P.E., P.G.***
Environmental Engineer II
EEC-DEP Division of Waste Management
Solid Waste Branch, Closure Section
502-564-6716
502-564-8158 ext 4654 (direct)

From: Gilbert, George (EEC)
Sent: Thursday, June 09, 2011 10:00 AM
To: Cooley, Tony (EEC); Gritton, Sharon (EEC); Tan, Wilson (EEC); Cecil, Shawn (EEC); Daniell, Robert (EEC); Gruzesky, Ron (EEC); Maybriar, Jon (EEC); Webb, April (EEC)
Subject: Jefferson Co. Bridges

V:\Dwm_Share\Bridges Jefferson Co

Here is the link to the CD that FHWA sent me on the bridges EIS supplement process meeting last month.

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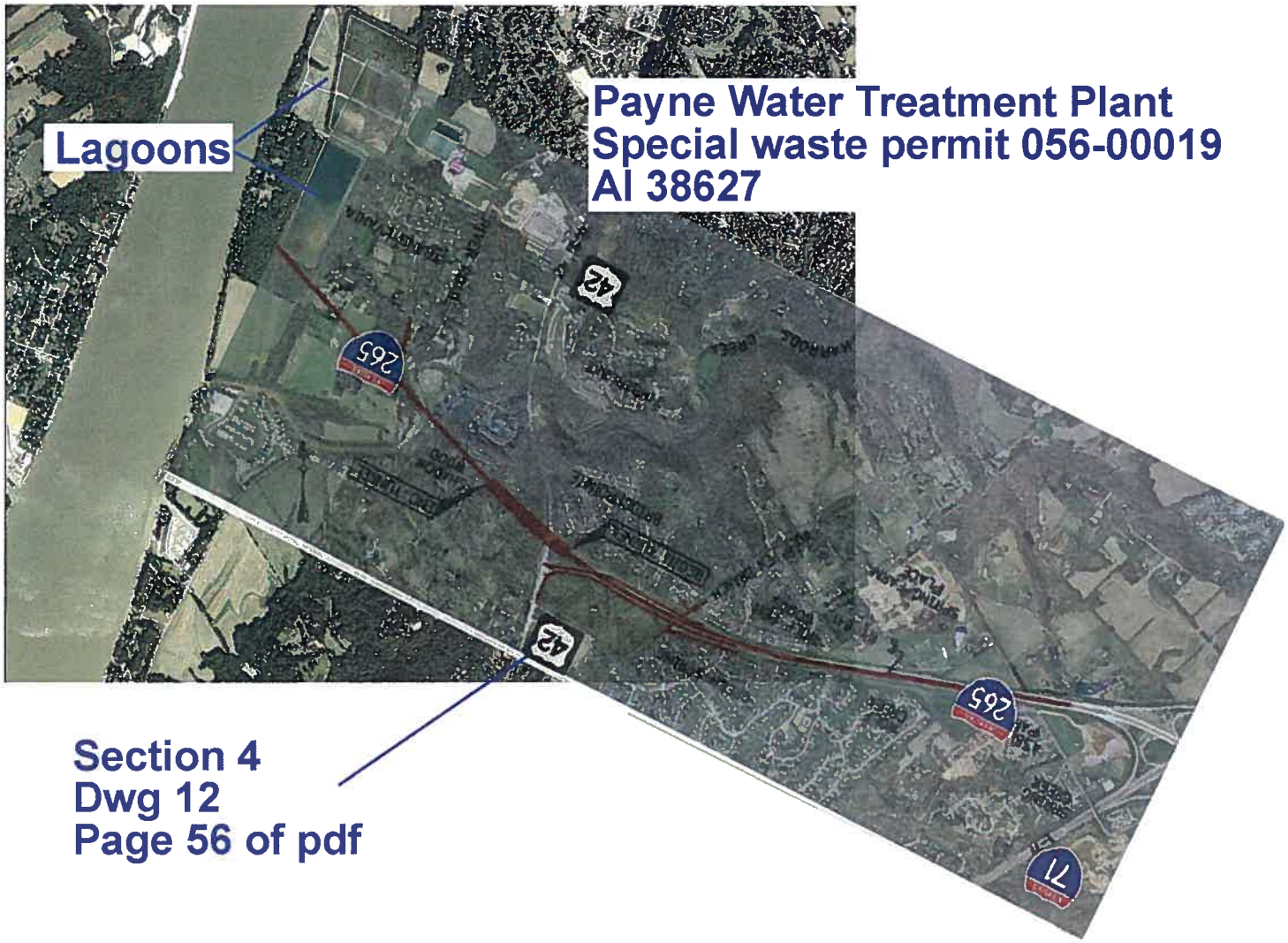
Anyway, here it is. Provide any comments by COB June 23. The comments will be used at the next meeting. Thx.

Section 4

THE OHIO RIVER BRIDGES

East End Kentucky

Payne Water Treatment Plant
Louisville Water Company
AI: 38627
Special Waste Permit
active
SW 059-00019


Payne Water Treatment Plant
Special waste permit 056-00019
AI 38627
Lagoons
Section 4
Dwg 12
Page 56 of pdf
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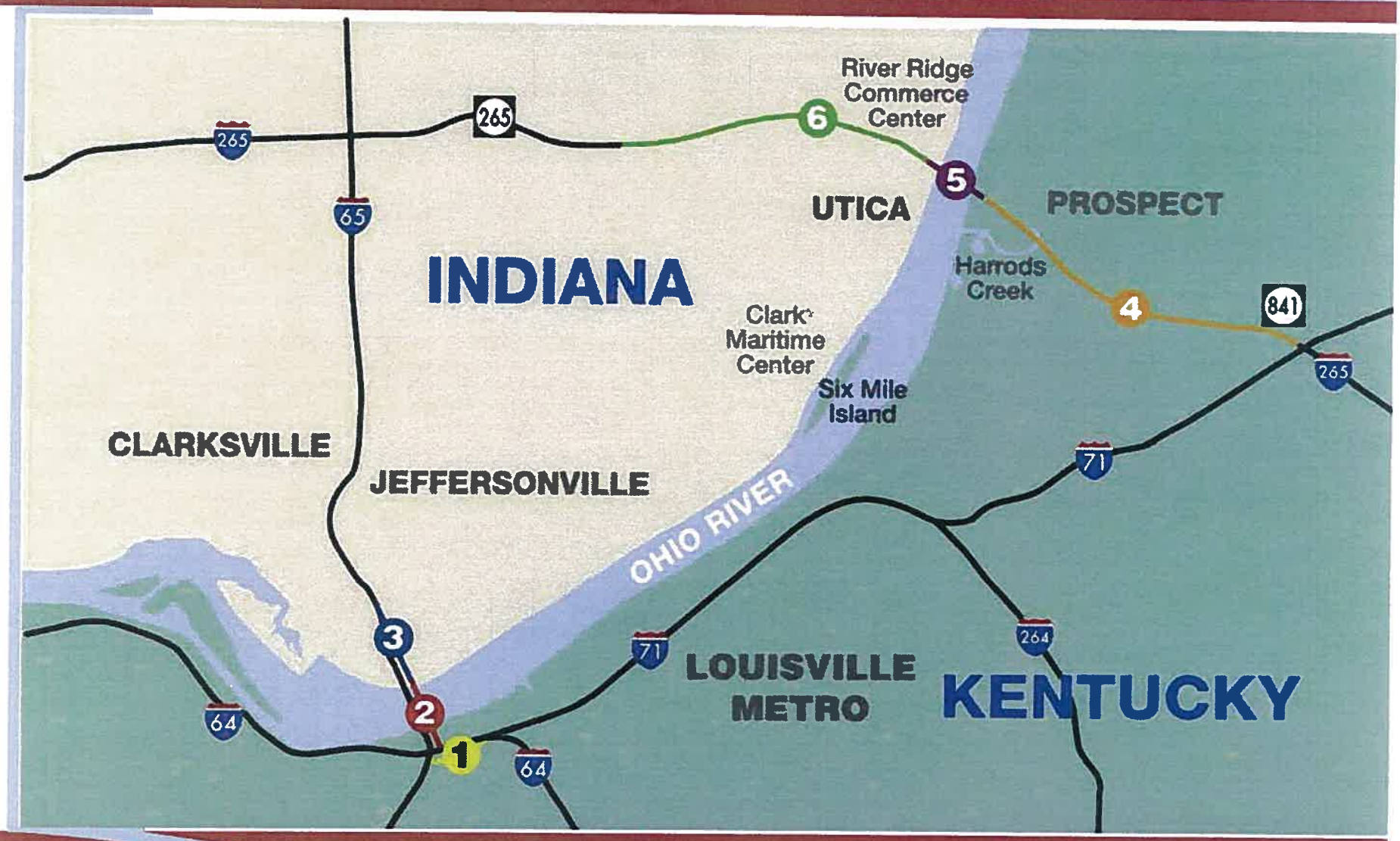
42

The Bridges Project



AI_ID	AI_NAME/ADDRESS	X_COORD	Y_COORD	ALT_AI_ID	Removal Date	Tank #	Tank Size	Tank Substance
51726	Harrods Creek Imports Inc	-85.63265	38.32725	1101056	11/28/1995	STOR 1	4000	GAS
	6337 Upper River Rd				11/28/1995	STOR 2	500	KER
	Harrods Creek, KY 40027				11/28/1995	STOR 3	2500	GAS
					11/28/1995	STOR 4	2500	GAS
47945	Harrods Creek Boat Harbor	-85.628633	38.332377	1009056	10/1/2001	STOR 1	4000	GAS
	6221 Guthrie Beach Rd				10/1/2001	STOR 2	4000	GAS
	Harrods Creek, KY 40027				1/9/1992	STOR 3	1500	DSL
					10/1/2001	STOR 4	1000	DSL
38627	Payne WTP	-85.628889	38.343611	3468056	10/28/1993	STOR 1	500	GAS
	7400 Upper River Rd							
	Louisville, KY 40059							
66511	South Central Lsvlkyhc 51153	-85.620521	38.343587	769056	5/23/1994	STOR 1	1500	DSL
	7601 River Rd Harrods Cr 51153							
	Louisville, KY 40027							
60766	Harrods Creek Fire Dept	-85.622306	38.336139	1797056		STOR 1	1000	GAS
	8905 US Hwy 42					STOR 2	1000	DSL
	Prospect, KY 40059							
63321	Circle K #3244	-85.619972	38.339861	723056	3/15/2000	STOR 1	4000	GAS
	9109 US 42				3/15/2000	STOR 2	8000	GAS
	Prospect, KY 40059				3/15/2000	STOR 3	8000	GAS
					3/15/2000	STOR 4	4000	GAS
						STOR 5	12000	GAS
						STOR 6	12000	GAS
2193	Fivestar Foodmart 7676	-85.6177	38.3419	27056		STOR 1	10000	GAS
	10306 US 42					STOR 2	10000	GAS
	Prospect, KY 40059					STOR 3	6000	GAS
						STOR 4	4000	DSL

Comments
NFA issued for STOR 1-4 on 5/27/2004
NFA issued for STOR 3 on 3/9/1993
NFA issued for STOR 1-2 & 4 on 4/5/2011
NFA issued for STOR 1 on 6/24/1994
NFA issued for STOR 1 on 2/21/1995
STOR 1-2 are active tanks. Tanks are in compliance as of 7/23/2010.
For AI# 63321 (STOR 1-4), three mobile dual-phase extraction (mDPE) events were performed at MW6 in October, November, and December 2009. Following the mDPE work, a round of groundwater samples was collected in March and May 2010. Results showed that BTEX increased in MW6 *after* mDPE work. An increase in contamination at an extraction point sometimes means that the extraction point was not located in the most contaminated portion of the plume. Ahad prepared a new directive for the site in on 2/1/11 and it asks for 2 additional monitoring wells to be installed and asks for MW6 to be redeveloped (consultant likely suggested a problem with the mwell as the cause for the increased BTEX), plus a number of groundwater analyses. My guess is that Ahad recognized that the BTEX increase could be due to a problem with MW6 but also wants to be sure the subsurface has been adequately characterized. C&P prepared a reimbursement worksheet for the directive and it is locked presently in TEMPO (typically means that a directive has been approved). The WAL shows that Marge assigned it back to Ahad on 3/18/11. The WAL task is not complete though. The draft letter has a 3/21/11 date on it but does not include Ahad's signature and the letter is not locked. Based on what is in TEMPO, it appears that Ahad has not sent this directive. The bottom line – significant BTEX appears to remain in groundwater (1.3 mg/L at MW6) but additional site assessment is needed to perform effective future corrective actions. A directive is pending.
STOR 5-6 are active tanks. Tanks are in compliance as of 7/20/2010.
STOR 1-4 are active tanks. Tanks are in compliance as of 6/11/2009.

Jeff Vlach

From: Sheri.Adkins@ky.gov
Sent: Wednesday, June 22, 2011 2:21 PM
To: George.Gilbert@ky.gov
Cc: shawn.cecil@ky.gov
Subject: FW: Jefferson Co. Bridges

George,

From what I can tell, the EIS is based on making sure that the project isn't messing anything up; SFB sites are already messed up and probably why they don't address them in the EIS. As far as whether this is the norm or not, I haven't the experience or knowledge base to answer that; what I do know is that KYTC is working closely with us and has been for years, to address any problems that should arise as a result of SFB involvement on a property, so it is being taken into consideration in the overall course of the project.

In response to the e-mail string regarding the apparent shifted location of the bridges project, for the main part (spaghetti junction) it appears the options are go forth with the original approved plans, re-do what's already in existence, or do nothing. As mentioned, KYTC is and has been working very closely w/ SFB to ensure that they are following EEC regulation and statute, and also to ensure that they are protective for transportation in regards to not accruing environmental liability. All SFB sites within that construction area have been assessed as appropriate and if additional properties were to come into play, they too would be assessed for environmental concerns. KYDOT is very much aware that failure to properly asses an area with environmental concern prior to do anything other than ponder the property can bring on unwanted liability to their cabinet.

In section 3 (which we have not discussed with KYTC) an AI search did not produce any results in the vicinity that was related to SFB activity; the majority of the AI's in the area were related to DOW and permitting.

If you need additional information or comments from SFB on the project, please let me know.

Sheri Adkins, P.G.
Supervisor - State Section
Superfund Branch
Division of Waste Management
200 Fair Oaks Lane, Frankfort KY 40601
502-564-6716 ext. 4734
sheri.adkins@ky.gov

No trees were bothered in the sending of this message.
However a large number of electrons were terribly inconvenienced.

From: Cecil, Shawn (EEC)
Sent: Friday, June 10, 2011 2:58 PM
To: Adkins, Sheri (EEC)
Subject: FW: Jefferson Co. Bridges

Sheri,

Please investigate.

Shawn A. Cecil, P.G.
Branch Manager

DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Division of Waste Management
Superfund Branch

Phone: (502) 564-6716 ext 4728
Fax: (502) 564-2705
Email: shawn.cecil@ky.gov

From: Gilbert, George (EEC)
Sent: Thursday, June 09, 2011 10:00 AM
To: Cooley, Tony (EEC); Gritton, Sharon (EEC); Tan, Wilson (EEC); Cecil, Shawn (EEC); Daniell, Robert (EEC); Gruzesky, Ron (EEC); Maybriar, Jon (EEC); Webb, April (EEC)
Subject: Jefferson Co. Bridges

V:\Dwm_Share\Bridges Jefferson Co

Here is the link to the CD that FHWA sent me on the bridges EIS supplement process meeting last month.

I noticed the new roadway is inland of the existing one, and no mention is made about investigating USTs or superfund sites. Maybe the EIS process does not call for it.

Anyway, here it is. Provide any comments by COB June 23. The comments will be used at the next meeting. Thx.

THE OHIO RIVER BRIDGES

Comment Form

June 27 and 28, 2011 Public Meetings

Name	Address
Betsy Bennett for Sierra Club, Cumberland Chapter	Louisville, Ky.
Phone	**Email** bruddben@aol.com

Comments (Please attach additional pages if needed.)

As we have stated in previous comments in earlier years, the purpose and need for this two-bridge project remains indefensible. The downtown bridge is truly needed and the fix for Spaghetti Junction is truly needed, but there is no need for an eastern bridge at this time. This is even more true today than it was a few years ago - in good economic times and lower gas prices.

The demographics of the community are changing, with more people moving into town and considerable disinvestment in the suburbs. Hopefully the SEIS will be studying these issues as well.

Indiana

Jeff Vlach

From: Janice.Osadczuk@dot.gov
Sent: Wednesday, June 29, 2011 4:00 PM
To: jsacksteder@ctsgec.com; Jeff Vlach
Subject: FW: LSIORB - Comment (UNCLASSIFIED)

Here are the Corp's comments on the methodology. Please incorporate them.

-----Original Message-----
From: Hagan, Charles M LRL [mailto:Charles.M.Hagan@usace.army.mil]
Sent: Tuesday, June 21, 2011 11:32 AM
To: Osadczuk, Janice (FHWA)
Cc: McKay, Gregory A LRL
Subject: LSIORB - Comment (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Janice,

Please note on the May 26, 2011, DRAFT of Environmental Analysis Methodology, toward the bottom of Page 1:

... and the Regional Supplements to the USACE Wetland ...
Midwest Region (Indiana) and the Eastern Mountains and Piedmont Region
(Kentucky)

Thanks,

Max Hagan
Environmental Engineer
Regulatory Branch
Louisville District Corps of Engineers
max.hagan@usace.army.mil
Office: 502-315-6690

Comments on our Regulatory Services are invited:
http://ice.disa.mil/index.cfm?fa=card&site_id=915&service_provider_id=11
6097

Classification: UNCLASSIFIED
Caveats: NONE

DNR Indiana Department of Natural Resources

Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 · Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 · dhpa@dnr.IN.gov

June 30, 2011

Janice Osadczuk
Engineering Services Team Leader
Federal Highway Administration
Federal Office Building, Room 254
575 North Pennsylvania Street
Indianapolis, Indiana 46204

Federal Agency: Federal Highway Administration ("FHWA")

Re: Request for comments on the May 26, 2011 Resource Agency Coordination Meeting and "Environmental Analysis Methodology" for the proposed Supplemental Environmental Impact Statement ("SEIS") for the Louisville-Southern Indiana Ohio River Bridges Project (INDOT Des. Nos. 0201294, 0300798, 0201296, 0201297; DHPA No. 1774)

Dear Ms. Osadczuk:

Pursuant to the National Environmental Policy Act of 1969 ("NEPA"), as amended (42 U.S.C. § 4321, *et seq.*) and pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470f), and implementing regulations at 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials received by e-mail on May 25, 2011 and the June 13, 2011 summary of the May 26 Resource Agency Coordination Meeting, regarding the aforementioned project in Clark County, Indiana and Jefferson County, Kentucky.

On page 8 of the May 26, 2011 "Environmental Analysis Methodology," we are told that "[i]n consultation with the SHPOs, FHWA will redetermine and document the APE' (i.e., the Section 106 area of potential effects). Through our office's participation in the June 1, 2011 Section 106 consulting parties meeting for the SEIS, we have learned that traffic modeling and diversion studies are underway in conjunction. We look forward to reviewing the results of those studies, because we think they will play an important role in determining whether the 2003 NEPA study areas and the 2003 Section 106 areas of potential effects will need to be expanded for the SEIS as a result of the tolling alternative. In terms of the physical impacts of the project, tolling might reduce the footprint somewhat. However, because we sense that tolling could cause drivers to seek non-tolled means of crossing the Ohio River (i.e., the George Rogers Clark/Second Street Bridge, the I-64 Sherman Minton Bridge, and the streets and roads that lead to and from them), we think that the area in which indirect impacts would be felt from increased traffic—and all that goes with it—might very well be larger than was the case in 2003, at least for the Downtown Bridge.

Also on page 8 of the "Environmental Analysis Methodology," the INDOT Cultural Resources Manual is cited as "guidance" for "The evaluation of impacts to historic and cultural resources . . . " As stipulated in the 2003 memorandum of agreement (pp. 35-36), we would suggest adding the following standards and guidelines: (1) the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation; (2) the Advisory Council on Historic Preservation: Treatment of Archeological Properties: A Handbook; (3) the most recent version of the Guidebook for Indiana Historic Sites and Structures—Archaeological Sites; and (4) the most recent version of the Kentucky Guidelines: Specifications for Conducting Fieldwork and Preparing Cultural Resource Assessment Reports.

The discussion on page 9 of the "Environmental Analysis Methodology" mentions that the recently updated Indiana Historic Sites and Structures Inventory ("IHSSI"—the Indiana SHPO's ongoing, above-ground survey program) for Clark County gave several properties within the Indiana Downtown and Indiana East End areas of potential effects (a Section 106 term) a rating of Outstanding, whereas those properties had not been so highly rated in the 1988 Clark County Interim Report. The discussion goes on to say that "[t]his 'Outstanding' designation would likely qualify them as eligible

for the National Register of Historic Places . . . ." We should clarify that although a property that receives an IHSSI rating of Outstanding very often is determined later to be individually eligible for the National Register, that rating should not be taken as verification that the property necessarily *is* individually eligible. The Outstanding rating by itself does not imply that a property already has been determined eligible for the National Register of Historic Places, either by a federal agency official, in consultation with the Indiana SHPO during a specific Section 106 review, or formally by the Keeper of the National Register. We also should point out that a property that has been rated Notable (the next lower rating after Outstanding) in an IHSSI survey occasionally is found to be individually eligible for the National Register upon closer examination. A rating in an IHSSI survey typically is simply a recommendation regarding the relative significance of the property.

That is not to say, however, that because the rating of any property lying within a National Register-listed or -eligible historic district recently has been elevated to Outstanding or Notable, that particular property necessarily must be evaluated intensively enough to determine whether it is individually eligible for the National Register. Unless such a property might be affected by the project differently from the way the historic district as a whole might be affected (e.g., by being in the path of, or in very close proximity to, the project area), we think that in many instances it would be sufficient, for the purposes of NEPA and 36 C.F.R. § 800.4(c), for FHWA and the Indiana SHPO to agree that the property is a resource that contributes to the significance of the historic district.

If you have questions about archaeological issues, please contact Dr. Rick Jones at (317) 233-0953 or rjones@dnr.IN.gov. Questions about buildings or structures should be directed to John Carr at (317) 233-1949 or jcarr@dnr.IN.gov. In all future correspondence regarding the Louisville-Southern Indiana Ohio River Bridges Project, please refer to DHPA No. 1774.

Very truly yours,

James A. Glass, Ph.D.
Deputy State Historic Preservation Officer

JAG:JRJ:JLC:jlc

emc: Janice Osadczuk, Indiana Division, Federal Highway Administration
Michelle Allen, Indiana Division, Federal Highway Administration
Laura Hilden, Indiana Department of Transportation
Staffan Peterson, Ph.D., Indiana Department of Transportation
Mary Kennedy, Indiana Department of Transportation
Shaun Miller, Indiana Department of Transportation
Patrick Carpenter, Indiana Department of Transportation
Melany Prather, Indiana Department of Transportation
Mark Dennen, Kentucky State Historic Preservation Officer
John Sacksteder, Community Transportation Solutions-General Engineering Consultant
Jeffrey Vlach, Beam, Longest & Neff, L.L.C.
John Mettille, Wilbur Smith Associates
Kevin Senninger, Ratio Architects, Inc.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

June 30, 2011

Ms. Janice Osadczuk
Team Leader, Environmental Services
U.S. Department of Transportation
Federal Highway Administration
575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

SUBJECT: EPA review and scoping comments for the Draft Supplemental Environmental Impact Statement (DSEIS) for the Proposed Louisville – Southern Indiana Ohio River Bridges Project

Dear Ms. Osadczuk:

The U.S. Environmental Protection Agency (EPA) Regions 4 and 5 received your scoping information packet regarding the Ohio River Bridges Project. Thank you for your continuing coordination with us. We reviewed your documents and are providing the enclosed comments.

As we discussed at the May 26, 2011 Resource Agency Coordination Meeting, the DSEIS is required in order to update environmental impact data and project plans which have changed since the earlier EISs and the 2003 Record of Decision for this project were published. We note that the Purpose and Need has not changed.

These comments are provided based on the recent information you provided. Impacts should be avoided and minimized to the extent feasible. If substantial changes to project plans occur, we may have additional comments as the project proceeds. If you have questions, please contact Ramona McConney, EPA Region 4 at (404)562-9615, or Virginia Laszewski, Region 5 at (312) 886-7501.

Sincerely,

Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

Cc: Gary Valentine, KYTC
Paul Boone, INDOT

EPA review and scoping comments for the
Draft Supplemental Environmental Impact Statement (DSEIS) for the
Proposed Louisville – Southern Indiana Ohio River Bridges Project

Proposed Environmental Analysis Methodology

In general, EPA concurs with the 3-step evaluation process and the resources to be assessed in the upcoming DSEIS as identified in the Meeting Summary of the May 26, 2011 Resource Agency Coordination Meeting for this project. We also have the following comments regarding the upcoming DSEIS and the proposed environmental analysis methodology and documentation for the DSEIS.

Since it has been eight years since the 2003 EIS/Record of Decision (ROD), the DSEIS should contain a full environmental analysis of impacts associated with each DSEIS alternative identified for evaluation (DSEIS alternatives have not yet been finalized). If information from the 2003 EIS is still relevant, please include this information in the DSEIS and/or provide a concise summary of the relevant 2003 information in the DSEIS and provide a detailed reference to the 2003 EIS/ROD (volume/chapter/appendix, section, page numbers, chapters, sentences and/or tables) where the specific information can be found. EPA is concerned that most reviewers do not have access to, or the time needed, to quickly find the referred to information in the voluminous materials that make up the 2003 EIS documentation.

Alternatives

Currently, FHWA/INDOT/KYTC proposes three alternatives for evaluation in the DSEIS:

1. No-action / No build.
2. The Selected Alternative (as approved by the 2003 ROD) with tolls.
3. A Modified version of the Selected Alternative with tolls and the following cost-saving alternatives: rebuild the Kennedy Interchange in-place; remove the pedestrian walkway/bikeway from the Downtown Ohio River Bridge; and reduce the East End Bridge and approaches from six lanes to four lanes, with the option to widen to six lanes in the future.

At this time, EPA recommends the following additional alternatives be evaluated in the DSEIS:

4. The Selected Alternative (as approved by the 2003 ROD with updated information - e.g., financing/cost) **without tolls.**
5. A Modified version of the 2003 Selected Alternative **without tolls** and the following cost-saving alternatives: rebuild the Kennedy Interchange in-place; remove the pedestrian walkway/bikeway from the Downtown Ohio River Bridge; and reduce the East End Bridge and approaches from six lanes to four lanes, with the option to widen to six lanes in the future.

Alternatives Analysis

We understand that the proposed reconstruction of the Kennedy interchange in-place would implement a cost-saving approach, as compared to previous interchange placement designs from earlier EISs and the ROD. The DSEIS should evaluate how this change in plan will meet the

project's purpose and need, the effects of this change on traffic flow, safety, and environmental impacts, as well as community and environmental justice (EJ) impacts.

The DSEIS should evaluate the impacts of the East End bridge, roadway and tunnel. We note that current design plans call for four lanes, with the option to add two additional lanes if future traffic demand warrants. Since the plan for four lanes is a proposed cost-saving measure and differs from plans in previous EISs and the ROD (six lanes), the DSEIS should document the advantages and disadvantages of the proposed four lane facility, and the impacts of this change as compared to previous design plans, as well as environmental and community impacts.

The DSEIS should evaluate the removal of the pedestrian/bikeway facility from the design of the Downtown I-65 Bridge (as compared to earlier design plans from the previous EISs and ROD). Since this change in bridge design is a cost-saving measure and elimination of the pathway has been proposed because of a separate project to complete the Big Four Bridge pedestrian walkway and bike path, the DSEIS for the Ohio River Bridges Project should include a map showing the location of the Big Four Bridge relative to the proposed Ohio River Bridges project facilities, clarify the status of the Big Four Bridge project regarding its construction/completion timeline, describe the access for bikers and pedestrians, and have information regarding the anticipated amount of pedestrian/bikeway traffic.

The U.S. Army Corps of Engineers (Corps) 2007 Environmental Assessment (EA) for the Big Four Bridge stated that there were no plans to provide access from Indiana onto the bridge. In February 2011, the Governors of Kentucky and Indiana jointly announced updated plans for the bridge, including a ramp to be constructed to provide access into Jeffersonville, Indiana. Updated information regarding the proposed design, construction timeline and Jeffersonville ramp access should be discussed in the DSEIS as they relate to the Ohio River Bridges Project.

Finally, the DSEIS should discuss whether the lack of a pedestrian/bikeway facility on the Downtown I-65 Bridge would significantly deter bike and pedestrian traffic in that area, and whether increased motor vehicle traffic could result, and therefore air emissions, as the result of a lack of pedestrian/bikeway facility on the Downtown I-65 Bridge.

We note that the DSEIS will also evaluate tolling of the new bridges as a financing strategy. The DSEIS should clarify how tolls will be collected (e.g., will toll booths or other facilities require construction?). We recommend that the DSEIS explain what the tolls are expected to be used for (e.g., to pay for all or part of project construction costs, pay for maintenance costs, mitigation costs, subsidize other roadway projects in Indiana and/or Kentucky, etc.). Also, the DSEIS should describe the effect that tolls will have on traffic, commuters, and residents, and whether the tolls would present disproportionate impacts to low-income motorists. The DSEIS should identify whether or not bridge tolling is expected to be permanent or temporary, and then assess relevant potential impacts accordingly. In addition, the impacts of the infrastructure required to support tolling (such as toll booths) should be evaluated.

Air Quality

We note that a modified version of the selected Two Bridges/Highway Alternative with tolls will be included in the DSEIS. We note that the Far East Bridge, roadway, and tunnel will be reduced (as compared to earlier plans identified in the ROD) from six lanes to four lanes. The Transportation Conformity requirements state that the project's design, concept, and scope must be consistent with the project as it is envisioned in the Long Range Transportation Plan (LRTP). Therefore, before the final ROD is signed, the change in scope of the project must be reflected in the LRTP.

The project area is currently maintenance for ozone and non-attainment for the annual PM2.5 standard. A modified version of the selected Two Bridges/Highway Alternative with tolls will be included in the DSEIS. Because the area is nonattainment for PM2.5, the proposed toll booth locations should be evaluated for traffic congestion, and may need hot spot modeling if the number of trucks or expected idling could cause or contribute to a violation of the standard under the National Ambient Air Quality Standards (NAAQS). We note that the Far East Bridge, roadway, and tunnel will be reduced (as compared to earlier plans identified in the ROD) from six lanes to four lanes. The vehicle emissions could become concentrated in the tunnel. The FHWA will need to analyze how the toll booth locations may affect vehicle queuing and hot-spot emissions, including air quality in the tunnel area. We recommend the DSEIS discuss the likelihood that FHWA will be able to demonstrate conformity for each DSEIS alternative.

In addition, the DSEIS should identify how exhaust in the proposed tunnels would be vented and the locations of those vents. The DSEIS should provide an evaluation of the potential for localized adverse air quality impacts, including mobile source air toxics (see *Mobile Source Air Toxics (MSATs)* discussion below), to the people living in the neighborhoods and communities in the vicinity of emissions vents and/or proposed toll booths or other areas that may be prone to congestion. Potential mitigation measures to avoid, reduce and compensate for any potential adverse impacts should be identified in the DSEIS.

Greenhouse Gas (GHG) Emissions

The GHG discussion in the DSEIS should address both construction and operational impacts from the proposed project. The Council on Environmental Quality (CEQ) issued draft guidance on when and how federal agencies must consider GHG emissions and climate change in their proposed action. While this guidance is not yet final, further data collection may be necessary in the future regarding GHG emissions from this project.

Climate Change

The EPA is committed to identifying and responding to the challenges that a changing climate poses to human health and the environment. Adaptation will require that the EPA anticipate and plan for future changes in climate and incorporate considerations of climate change into many of its programs, policies, rules and operations to ensure they are effective under future climatic conditions. Please see the EPA's Policy Statement on Climate-Change Adaptation at http://www.epa.gov/climatechange/effects/downloads/adaptation-statement.pdf

Due to potential increased severity and intensity of precipitation events due to climate change, the DSEIS should identify and evaluate impacts to the proposal and any proposed design measures that could be undertaken to reduce impacts. This might include, but is not limited to, identifying how proposed tunnels, bridges and stormwater treatment areas might be designed (type/size) to accommodate increased floodwaters and treat stormwater runoff and/or inadvertent hazardous materials spills during such events. This assessment should also include impacts to proposed smaller bridges and/or culverts associated with the project's smaller stream crossings (e.g., Harrods Creek, Beargrass Creek, on the Kentucky side and other streams on the Indiana side, including intermittent and headwater streams).

Mobile Source Air Toxics (MSATs)

The Clean Air Act requires EPA to control hazardous air pollutants (or "air toxics") from mobile and stationary sources. EPA identified a group of 21 mobile source air toxics (MSATs), which are set forth in an EPA final rule, Control of Emissions of Hazardous Air Pollutants from Mobile Sources (66 FR 17235, March 29, 2001). Most recently, EPA has published another proposal to further control mobile source air toxics (71 FR 15804, March 29, 2006). In this proposal, EPA identifies seven MSATs of greatest concern because of their contribution to cancer and/or noncancer risk: benzene, 1,3-butadiene, formaldehyde, acrolein, polycyclic organic matter, naphthalene, and diesel exhaust (specifically, diesel particulate matter and diesel exhaust organic gases).

There is heightened concern for human health from projects that result in mobile source air toxics emissions and particulate matter, particularly diesel exhaust. A large number of human epidemiology studies show increased lung cancer associated with diesel exhaust and significant potential for non-cancer health effects.

Consequently, EPA recommends that the DSEIS disclose potential MSAT emission impacts resulting from each of the build alternatives (including construction activities) for purposes of comparison, including a discussion of the resulting cancer and non-cancer health effects associated with emissions of, at a minimum, benzene, 1,3-butadiene, formaldehyde, acrolein, and diesel exhaust (specifically, diesel particulate matter and diesel exhaust organic gases). Particular attention should be given to populated areas near proposed toll booths and tunnel exhaust vents.

If additional air toxics are associated with the project that may substantively impact the study area, they should be included in the analysis as well. The specific human populations to be assessed should include the general population as well as sensitive receptor populations such as schools, healthcare facilities (e.g., hospitals), elderly populations, and environmental justice communities. Both regional and near roadway impacts (typically within 200 meters of the project) should be considered.

Such analyses should include, for example: (1) the disclosure of all locations at which exposures to sensitive receptors may increase because of construction, widening or moving roads and ramps, increased traffic, increased diesel traffic, or increased loads on engines; and (2) an assessment of the factors that could influence the degree of adverse impact on the population

such as the amount of construction activity, proximity of construction to people, etc. Analytical approaches that will lead to an understanding of potential increases (or decreases) in exposures to these target populations will typically require the development of emissions inventories for the various build alternatives and may also require dispersion modeling. The analysis should assess the cumulative impact posed by the project in combination with exposures to chemicals that result from other sources which impact the study area.

Clean Diesel Recommendations

Reducing emissions from diesel engines is one of the most important public health challenges facing the country. Potential emissions from diesel engines include high levels of particulate matter, hydrocarbons and carbon monoxide. Emissions from diesel engines during potential queuing of trucks at toll booths and during project construction are a particular concern in this populated urban area. These emissions can be controlled through strategies and technologies that reduce unnecessary idling, including auxiliary power units, the use of electric equipment; and the use of advanced pollution control technology such as diesel oxidation catalysts or particulate filters, that can be installed on the exhaust of the diesel engine. Retrofits are a cost effective and efficient means to control emissions, and have been successfully applied to many diesel engines across the country.

Therefore, EPA recommends that the project implement overall diesel emission reduction activities through various measures such as: switching to cleaner fuels, retrofitting current equipment with emission reduction technologies, repowering older engines with newer cleaner engines, replacing older vehicles, and reducing idling through operator training and/or contracting policies. EPA can assist in the future development or implementation of these options. We recommend the DSEIS identify proposed emission reduction activities that could be undertaken to reduce diesel emissions. These reduction strategies can then be incorporated into construction bid specifications and contracts.

Water Quality

Potential impacts of the various alternatives on surface and ground water quality, including public and private drinking water supplies, should be addressed in the DSEIS (see *Wellhead Protection Areas (WHPAs)* section below). Mitigation measures should be identified.

The potential impacts to water resources associated with stormwater runoff and/or inadvertent hazardous materials spills on the roadway/bridges or in the tunnels are of particular concern. The DSEIS should address how the project could be designed to redirect stormwater and hazardous materials spills off the roadway/bridges and from the tunnels to areas for detention and, if necessary, treatment prior to release to surface or ground water. Also, de-icing materials should be specifically addressed as a material that needs to be controlled in the stormwater runoff. We recommend that potential retention and treatment areas for the various alternatives be identified in the DSEIS. In addition, best management practices (BMPs) should be implemented during construction in order to protect water resources.

Streams

The DSEIS should provide an update on the quality/condition of the Ohio River and the various streams in the project area, including identification of any total maximum daily loads (TMDLs) for a particular stream. Measures to avoid and minimize impacts to all streams, including headwater and intermittent streams, should be discussed in the DSEIS. We recommend bridging across streams and their 100-year floodplain when feasible, to help maintain the stream bed in its natural state and provide access for wildlife under the bridge/roadway.

Wellhead Protection Areas (WHPAs)

We note that wellhead protection areas (WHPAs) occur in the project area in both Kentucky and Indiana. The project team should ensure that proper construction practices are followed, and that coordination takes place to determine whether any site-specific protection measures are needed for the identified public water supplies.

The DSEIS should also include an evaluation of the effects of the project on water supply related to the amount of impervious surfaces to be constructed. Alternative minimization strategies such as pervious concrete or porous pavement should be considered to help offset impacts, in areas where feasibility and safety requirements are met. Alternative paving materials have additional environmental benefits besides groundwater recharge, including reduced stormwater runoff and reduced pollution.

Wetlands

We understand that wetland delineations are currently underway. The DSEIS should clarify whether any of the modified alternatives being investigated will impact wetlands, as well as evaluating measures taken for avoidance and minimization of impacts. If wetland impacts will occur, the DSEIS should include a draft wetland mitigation plan.

Noise

In addition to operational impacts, construction impacts should also be disclosed and minimized. The expected construction time should be disclosed in the DSEIS to help assess the magnitude of construction impacts. Efforts should be made to minimize construction impacts in terms of fuel choice and engine tuning of equipment, site selection for staging areas, working hours during the day, limiting open burning, use of shielding (hush-houses) for stationary equipment, fugitive dust control, and other areas.

In addition to traffic noise affecting residences and commercial sites along roadways, it should be noted, relevant to the proposed project, that traffic across bridges can be particularly noisy. This is because bridges are high and exposed, sound travels well and is unimpeded over water, and vehicle tires traveling across expansion joints produce additional noise.

We understand that the type of roadway surfacing material used may substantially influence the amount of noise impacts generated. As long as feasibility and safety requirements are met, we recommend surfacing materials that minimize noise.

Environmental stewardship should include measures to avoid and minimize noise impacts. If noise walls are not feasible, then other measures such as vegetative barriers and earthen berms should be considered to minimize noise to impacted receptors.

Environmental Justice (EJ)

We appreciate your consideration of EJ issues in your analysis methodology. The EJ assessment should identify EJ communities in the project area, determine whether these communities would bear disproportionate impacts from the project, give details regarding plans for meaningful involvement by EJ communities, and list the benefits and burdens of the project on residents and EJ communities in the impact area. Community cohesion issues should also be taken into consideration during the scoping period. If project impacts will be disproportionate, mitigation measures should be evaluated, and the affected communities should have meaningful involvement in the mitigation discussion.

The upcoming DSEIS should include updated demographic information and identify EJ populations and data sources. Demographic information is available from the U.S. Census Bureau (www.census.gov), and the U.S. Bureau of Labor Statistics (www.bls.gov). EPA guidance for *Consideration of EJ in Clean Air Action Section 309 Reviews* and *Incorporating EJ Concerns in EPA's NEPA Compliance Analyses* is available at: http://www.epa.gov/compliance/resources/policies/nepa/index.html

Publicly available EPA Web-based tools can also be used to conduct preliminary screening level EJ reviews: *EJView* (http://epamap14.epa.gov/ejmap/entry.html) and *NEPAssist* (https://nepassist.epa.gov/nepave/entry.aspx). EJ Maps of the surrounding communities that indicate the proximity of communities with potential EJ concerns to the proposed project alignment should be included in the DSEIS. Information from these sources should be used in conjunction with information acquired the public involvement, community interviews, surveys and/or ground verification processes.

Since tolling as a revenue source will be evaluated in the DSEIS, the effects of tolling on communities in the project's impact area needs to be disclosed. In addition, public participation and outreach activities should include EJ communities and other stakeholders that will be impacted by the construction and operation of the new bridges.

Regardless of the makeup of the affected population, adverse impacts of the project should be controlled so that significant effects on human health are avoided and/or minimized. In addition, cumulative and secondary impacts of the project on EJ communities should also be considered and discussed in the DSEIS.

Threatened and endangered species

EPA will defer to the U.S. Fish and Wildlife Service (FWS) regarding potential project impacts to federally-protected species. The DSEIS should clarify whether there are any threatened or endangered species located in or near the proposed project sites. In addition, mitigation for impacts should be addressed in the DSEIS.

Secondary and cumulative impacts

EPA has concerns about how indirect and cumulative impacts could affect species and communities, air, water quality and habitat. The DSEIS should give a detailed analysis of secondary and cumulative impacts. Indirect impacts are those impacts that would not occur but for the proposed project. These impacts should be listed and discussed, including those facilities that would be induced to locate in the project area due to accessibility due to the new bridges and roadways. Indirect impacts would also be associated with any other infrastructure improvements, such as utilities needed for new development induced by the bridges.

The cumulative impacts analysis should document those ongoing and proposed projects in the foreseeable future within the project area that would impact the same resources as the proposed bridges. As part of the secondary/cumulative impacts re-evaluation, the DSEIS should identify if the local communities have implemented or updated their local comprehensive plans and/or implemented or updated zoning and/or other ordinances to better protect natural resources in their communities since the 2003 EIS/ROD.

Historic Preservation

We note that the National Historic Preservation Act Section 106 Process will be reinitiated in accordance with the existing Memorandum of Agreement. Based on the information in the document, there are historic preservation and cultural resource issues that will need to be finalized with the State Historic Preservation Officers (SHPOs) in both Indiana and Kentucky.

The DSEIS should reflect the project team's coordination with the SHPOs. The DSEIS should discuss procedures for events such as unearthing archaeological sites during prospective construction. Typical procedures include work cessation in the area until the SHPO is notified and grants approval of continued construction.

We understand that properties near the Big Four Bridge in Indiana may be eligible for listing in the National Register of Historic Places. Coordination should continue with the Indiana and Kentucky SHPOs regarding the bridge design plans, and the plans for the Jeffersonville ramp access.