UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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OCT 31 2013

Ref: 8EPR-N

Mr. John Cater
Division Administrator
Federal Highways Administration
12300 West Dakota Avenue, Suite 180
Lakewood, CO 80228

Mr. Don Hunt
Executive Director
Colorado Department of Transportation
4201 E. Arkansas Avenue
Denver, CO 80222

Re: I-25 Improvements through Pueblo Final Environmental Impact Statement, Colorado
CEQ # 20130264

Dear Mr. Cater and Mr. Hunt:

The U.S. Environmental Protection Agency (EPA) Region 8 has reviewed the I-25 Improvements through Pueblo Final Environmental Impact Statement (EIS) and Section 4(f) Evaluation prepared by the Federal Highway Administration (FHWA) and the Colorado Department of Transportation (CDOT). Our comments are provided for your consideration pursuant to our responsibilities and authority under Section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4332(2)(C), and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609.

PROJECT DESCRIPTION

The FHWA and CDOT propose improvements to 7 miles of Interstate 25 (I-25) from just south of US Highway 50/State Highway 47 to just south of Pueblo Boulevard in Pueblo, Colorado. The purpose of this project, the New Pueblo Freeway, is to: (1) improve safety by addressing deteriorating roadways and bridges and unsafe road characteristics on I-25, and (2) improve local and regional mobility within and through the city to meet existing and future travel demands. Two build alternatives, the Existing I-25 alternative and the Modified I-25 alternative, as well as the No Action alternative are analyzed in the Draft EIS. Both build alternatives widen the highway from four to six lanes, straighten I-25 through the downtown area, reduce the number of interchanges from 11 to 5, create new frontage roads and extend other roads, and include bicycle and pedestrian enhancements. The major difference between the two alternatives is that the Existing I-25 alternative would relocate the Union Pacific Railroad (UPRR) tracks

and the Modified I-25 alternative would shift the alignment of I-25 to the east between Abriendo Avenue and Indiana Avenue to avoid relocating the UPRR tracks.

The FHWA and CDOT have identified the Modified I-25 alternative as the preferred alternative for the New Pueblo Freeway project because it best meets the project purpose and need and, with the proposed mitigation, appears to cause the least overall harm to Section 4(f) properties. Due to funding constraints, the project will be built in two or more phases.

ENVIRONMENTAL CONCERNS

EPA's Draft EIS comment letter, dated December 13, 2011, focused on environmental justice and air quality concerns. Since then, the EPA's Region 8 CERCLA Assessment Team has initiated the process to consider listing the Colorado Smelter and Santa Fe (Bridge) Culvert sites (aka the Arkansas River and Santa Fe Street sites in the Draft EIS) on the Superfund National Priorities List. Our additional comments follow.

Environmental Justice

We appreciate the additional language provided in the Final EIS regarding potential health impacts during construction, and the commitment on page 3.6-18 to coordinate with the Colorado Department of Public Health and Environment (CDPHE) to develop a construction monitoring plan. The EPA anticipates a more detailed explanation of this monitoring plan in the Record of Decision (ROD) for the first phase of the project and the subsequent ROD for the second phase.

Air Quality

In our comment letter on the Draft EIS, we recommended that real-time monitoring for PM_{10} during construction be performed in project areas adjacent to residential neighborhoods to confirm that best management practices (BMPs) effectively protect public health. Your response was that the City of Pueblo was in attainment for both the PM_{10} and $PM_{2.5}$ National Ambient Air Quality Standards and thus no real-time monitoring for particulate matter would be provided for this project. In our view, the attainment status of a project area is not the appropriate screening tool because attainment does not assure that localized, construction-related health impacts will be avoided from any construction project. We would like to better understand the rationale behind this decision.

The EPA thanks the FHWA and CDOT for participating with the EPA and CDPHE in a teleconference on October 30, 2013, regarding our concerns with potential air quality impacts during construction, and we would like to continue this conversation. As discussed during our conference call, the EPA would appreciate seeing any available data that would confirm the effectiveness of the proposed BMPs in protecting adjacent neighborhoods from PM_{10} related effects, perhaps from the TREX project or another similar highway project running through an urban area. In addition, we would be particularly interested in learning whether or not real-time monitoring results have caused changes in management decisions and BMPs for similar projects.

Hazardous Materials

The EPA completed its screening investigation of the types of contaminants associated with the Colorado Smelter site in 2010 and reported their findings in 2011. Information about contamination levels found in the Colorado Smelter slag area is available on the site's EPA webpage (www2.epa.gov/region8/colorado-smelter). Exhibit 3.11-4 in the Final EIS indicates that the Colorado Smelter site would not be impacted by the preferred alternative. The EPA believes that the slag area and a residential area south of Mesa Avenue and between I-25 and Berwind Avenue with potential heavy metals impacts are within the project area. The EPA recommends that the FHWA and CDOT work closely with the state health department and the EPA to determine whether this site will be disturbed by the project when the final design has been completed. If it is within the project area, the EPA recommends that the FHWA and CDOT conduct a Phase II characterization study and ensure effective mitigation is in place before construction.

Thank you for the opportunity to provide comments on the I-25 Improvements through Pueblo Final EIS and for extending the comment deadline by two weeks because of the government shutdown in early October. If you have any questions or would like to discuss our comments or rating, please contact me at 303-312-6925 or Carol Anderson of my staff at 303-312-6058.

Sincerely,

for Suzanne J. Bohan
Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation

cc by email:
Chris Horn, Federal Highway Administration
Joe DeHeart, Colorado Department of Transportation, Region 2

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