



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

AUG 03 2009

REPLY TO THE ATTENTION OF:  
E-19J

Jim Liptack, Project Manager  
Wisconsin Department of Transportation, Southeast Region  
141 N.W. Barstow Street  
Waukesha, Wisconsin 53187

Re: Draft Environmental Impact Statement for the Zoo Interchange Corridor Study,  
Milwaukee County, Wisconsin - EIS No. 20090170

Dear Mr. Liptack:

The U.S. Environmental Protection Agency has reviewed the Draft Environmental Impact Statement (EIS) for the above-mentioned project prepared by the Federal Highway Administration and the Wisconsin Department of Transportation. Our review is pursuant to the National Environmental Policy Act, the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

The need for proposed improvements was identified in the Southeastern Wisconsin Regional Planning Commission's 2003 report: *A Regional Freeway Reconstruction Plan for Southeastern Wisconsin*. The project's scope includes rebuilding mainline roadway and bridges, modifying interchange access to improve safety and traffic flow, reconstructing local streets affected by freeway reconstruction, and enhancing the aesthetic appearance of the reconstructed freeway. Proposed activities include reconstruction of the Zoo Interchange and the adjacent Interstate 94, Interstate 894, and U.S. Highway 45 approaches. The proposed project would accomplish the following:

- maintain a key link in the local, state, and national transportation network,
- address obsolete design to improve safety,
- replace deteriorating pavement and bridges, and
- accommodate future projected traffic volumes at an acceptable level of service.

The Draft EIS documents the analysis of seven alternatives:

- No Build Alternative – Only maintenance and minor improvements would be performed under this alternative. The No Build Alternative does not include safety or capacity improvements.

- Transportation Demand Management (TDM) Alternative – The TDM Alternative strives to reduce the number of vehicle trips through transit ridership and other strategies.
- Transportation System Management (TSM) Alternative – The TSM Alternative includes measures to maximize efficiency and use of the highway system to help alleviate or postpone the need to expand capacity through the use of freeway traffic management and intelligent transportation systems.
- Replace-in-Kind Alternative – The Replace-in-Kind Alternative proposes to replace the freeway system in its current configuration.
- Spot Improvement Alternative – The Spot Improvement Alternative proposes to replace the existing freeway system in or close to its existing configuration. In addition, safety issues that can be fixed with little or no new right-of-way acquisition would be addressed.
- Modernization Improvement Alternative (6-lane) – The 6-lane Modernization Improvement Alternative proposes to replace existing roadway and bridges, while completely reconfiguring the freeway system to address safety issues.
- Modernization Improvement Alternative (8-lane) – The 8-lane Modernization Improvement Alternative proposes to replace existing roadway and bridges, completely reconfigure the freeway system to address safety issues, and add one new lane in each direction to address congestion.

Pursuant to numerous meetings held during 2008, three alternatives and several sub-alternatives were retained for consideration:

- No Build Alternative,
- Modernization Improvement Alternative (6-lane), and
- Modernization Improvement Alternative (8-lane).

Potential impacts related to these three alternatives are analyzed in the Draft EIS. WisDOT and FHWA will identify a Preferred Alternative following review of comments received during the public comment period.

Based on our review of the Draft EIS, we view the build alternatives as equally acceptable from an impacts standpoint. Nevertheless, EPA has rated the Draft EIS as “**Environmental Concerns, Insufficient Information – EC2.**” We have assigned this project a rating of EC-2 based on two items: 1) the need to clarify why certain sub-alternatives were retained for consideration and 2) our request to commit to including all Mobile Source Air Toxics (MSATs) mitigation measures in the Record of Decision (ROD). A copy of our rating definitions is enclosed with this letter. In addition to the two items mentioned above, we also recommend the Final EIS address issues pertaining to wetlands, surface water runoff management, and wildlife habitat.

### Alternatives Retained for Detailed Study

The Draft EIS adequately documents the process by which alternatives were developed, evaluated, and either dismissed or retained for additional analysis. However, several sub-alternatives listed in the Draft EIS do not include an explanation of the benefits that may be derived if that sub-alternative is implemented; other alternatives, such as Modernization Alternative 1 (E1) for the East Leg, include an explanation of the safety issue that will be corrected if that sub-alternative is implemented.

For instance, Modernization Alternative 3 (S3) for the South Leg describes the construction activities/enhancements/future footprint which will occur if this alternative is selected; however, it does not contain an explanation of the benefits to be derived and/or safety issue that would be addressed if this sub-alternative is implemented. An explanation focused on the benefits of the potential enhancements (e.g., provide local street access or adequate acceleration/deceleration distance) would be helpful to understand why this alternative was retained and the advantages and disadvantages of each alternative.

The same comment applies to the following alternatives:

- E1/E3 Hybrid Alternative for the East Leg,
- the Modernization Alternatives 1, 2, and 3 for the North Leg which do not provide direct access to/from Bluemound Road and I-94,
- the North Avenue Diamond Interchange (Sub-alternative),
- the North Avenue Single-Loop Interchange (Sub-alternative), and
- the North Avenue Double-Loop Interchange (Sub-alternative).

Likewise, Table 2-5, Secondary Screening of Alternatives by Leg, should be revised to include a reason(s) for the proposed retention of the South Leg Alternative. We recommend the rationale included in the Final EIS focus on the reasons for having retained the alternatives through the Draft EIS stage.

### Air Quality

#### *MSATs*

We acknowledge the fact that a quantitative analysis focused on MSATs was conducted for this project. The results of the air quality analysis determined that MSAT emissions will decrease under both of the Build Alternatives. In addition, the Draft EIS describes several mitigation measures that WisDOT will consider including on a voluntary or mandatory basis.

In addition to those mitigation measures mentioned in Appendix A of the Draft EIS, *Summary of Measures to Mitigate Adverse Effects*, other mitigation measures employed for

projects in or near communities that we would like considered for this project include:

- a. Installation of the latest air pollution control devices on all construction equipment (See EPA's Verified Technologies List for diesel engines at <http://www.epa.gov/otaq/retrofit/verif-list.htm>);
- b. Use of ultra low sulfur fuel (ULSD) or a blend of ULSD fuel with biodiesel exclusively for construction equipment;
- c. Limiting the age of off-road vehicles used in construction projects;
- d. Restricting construction activities around certain more sensitive receptors (e.g., hospitals and schools, when in session); and
- e. Using existing power sources or clean fuel generators, rather than temporary power generators.

We recommend these mitigation measures be added to those proposed in the Draft EIS and that all mitigation measures be committed to in the ROD.

#### *Particulate Matter (PM)*

Clean Air Act section 176(c)(1)(B) is the statutory provision that must be met by all projects in non-attainment and maintenance areas that are subject to transportation conformity. In PM<sub>2.5</sub> non-attainment areas, projects that involve significant levels of diesel vehicle traffic are defined as projects of air quality concern and that need to complete PM<sub>2.5</sub> hot-spot analyses as required under 40 CFR 93.123(b)(4). If EPA designates the project area non-attainment for the PM<sub>2.5</sub> air quality standard before the required FHWA authorization, a project-level conformity determination may be required for this project.

#### Wetlands

EPA and the Army Corps of Engineers (Corps) are in the process of updating the Advance Identification (ADID) of wetlands and water bodies generally unsuitable for receiving fill in Southeastern Wisconsin. The update will be based on a new set of maps of the primary environmental corridors, about to be adopted by the Southeastern Wisconsin Regional Planning Commission (SEWRPC). The detailed, updated maps will be available on the SEWRPC website. These new maps should be compared against the current understanding of the location of primary environmental corridors for the project to see if there have been any changes in the study area. At this point, the Draft EIS indicates that the build alternatives avoid the primary environmental corridors. If this situation changes, and if there is no practicable alternative to dredging or filing waters in these areas, then proposed compensatory mitigation should be sought that contributes to the primary environmental corridor system in the watershed. Early consultation with the Corps and EPA would help in this situation, if it is necessary.

#### Surface Water

The Draft EIS discloses several best management practices that can be utilized for stormwater management. The Draft EIS also indicates that selection of different water quality

and water quantity management options will take place during the design phase. One stormwater management option is construction of a retention/detention pond at 84<sup>th</sup> Street, which would require re-alignment of Honey Creek. This action would be subject to the Clean Water Action Section 404 permit process. Early coordination with EPA on this issue is requested.

### Wildlife

A large migratory population of Monarch butterflies uses the Milwaukee County Grounds. The greatest concentration of Monarch butterflies on the grounds can be found in trees near the Eschweiler Buildings, which are used for roosting. An adjacent meadow, including a berm along US 45, is used for nectaring. The berm may enhance the attractiveness of this site by providing a wind break for the butterflies.

The build alternatives will not affect the trees adjacent to the Eschweiler Buildings. However, the southern half of the berm, between US 45 and the nectaring area, will be removed under both build alternatives. This would remove some of the nectaring area and part of the wind break. We understand that high quality habitat will not be disturbed. Nevertheless, we request WisDOT work with city and county officials to develop a management plan for the Monarch butterfly. One part of this management plan might incorporate native plantings to mitigate for impacts.

### Summary

In summary, we request that FHWA and WisDOT add clarifying remarks to the alternatives section for all alternatives retained for consideration, include the additional mitigation measures mentioned above, and commit to all measures in the project plan by including these commitments in the ROD. Additionally, we recommend the Final EIS address issues pertaining to wetlands, surface water runoff management, and wildlife habitat.

Please send one copy of the Final EIS to my attention once it becomes available. Should you have any questions regarding the contents of this letter, please do not hesitate to contact me or Kathy Kowal of my staff at (312) 353-5206 or via email at [kowal.kathleen@epa.gov](mailto:kowal.kathleen@epa.gov).

Sincerely,



Kenneth A. Westlake  
Supervisor, NEPA Implementation  
Office of Enforcement and Compliance Assurance

Enclosure – Summary of Rating Definitions

