



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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June 4, 2012

Ms. Janice Osadcuk
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 comments for the
Supplemental Final Environmental Impact Statement (SFEIS) for the
Proposed Louisville – Southern Indiana Ohio River Bridges Project
CEQ No. 20120129

Dear Ms. Osadcuk:

The U.S. Environmental Protection Agency (EPA) Regions 4 and 5 jointly reviewed the SFEIS for the Ohio River Bridges Project pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA), and Section 309 of the Clean Air Act. We appreciate your continuing coordination with us, and your responses to our comments on the Draft SEIS, which are included in this SFEIS. Region 4 has been designated as the EPA lead region for the project. The purpose of this letter is to provide you with the results of the EPA review.

In order to alleviate existing safety problems and traffic congestion and meet planned growth needs, the Federal Highway Administration (FHWA), the Indiana Department of Transportation (INDOT) and the Kentucky Transportation Cabinet (KYTC) proposed that new bridges be constructed in the metropolitan Louisville area, along with reconstruction of the existing Kennedy Interchange (also termed Spaghetti Junction), and implementation of non-motorized facility measures to facilitate traffic flow. The SFEIS is required in order to update environmental impact data and project plans that have changed since the earlier EISs and the 2003 Record of Decision for this project.

The SFEIS identifies the Modified Selected Alternative as the SFEIS Preferred Alternative. The Modified Selected Alternative includes tolling on both proposed bridges and 1) reconstructs the Kennedy Interchange within its existing footprint, 2) reduces the East End Bridge, roadway and tunnel from six to four lanes, and 3) eliminates the pedestrian/bike path from the Downtown Bridge because a similar facility will be provided on the nearby Big Four Bridge as a separate project.

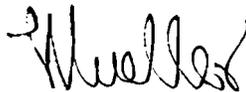
EPA recognizes the priority of the Louisville-Southern Indiana Ohio River Bridges Project to address long-term, cross-river transportation needs in metropolitan Louisville, Kentucky and Southern Indiana. While EPA continues to have some environmental concerns

regarding the project, we appreciate your methodical effort to identify the many complex issues and environmental impacts associated with this project, and your efforts to avoid and mitigate impacts. We appreciate SFEIS Chapter 8 – Mitigations, a list of all mitigation commitments to date. In addition, we note that the SFEIS includes the air quality conformity finding and supporting documentation. The air quality analysis results demonstrate conformity for PM2.5 and ozone, and adhere to the transportation conformity regulations.

Please see our enclosed detailed comments. In particular, we have some remaining comments regarding the Modified Selected Alternative concerning air quality/mobile source air toxics (MSATs), construction/clean diesel practices, stormwater/drainage capacity, noise impacts, Environmental Justice (EJ), wetlands/streams/floodplains, and pedestrian/bike access issues that should be addressed as the project progresses. Please address the remaining issues and document the mitigation commitments in the Record of Decision (ROD).

Thank you for the opportunity to comment on this project. We appreciate your continued coordination as this project progresses. Please send a copy of the ROD to Region 4 and Region 5 when it becomes available. If you have questions, please contact Ramona McConney, EPA Region 4 at (404) 562-9615, or Virginia Laszewski, EPA Region 5 at (312) 886-7501.

Sincerely,



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

Enclosure

Cc: Mr. Jose Sepulveda, P.E., FHWA - KY
Mr. Gary Valentine, KYTC
Mr. Paul Boone, INDOT

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Proposed Louisville – Southern Indiana Ohio River Bridges Project

Modified Preferred Alternative

The SFEIS identifies the Modified Selected Alternative as the SFEIS Preferred Alternative. The Modified Selected Alternative includes tolling on both proposed bridges, and 1) reconstructs the Kennedy Interchange within its existing footprint, 2) reduces the East End Bridge, roadway and tunnel from six to four lanes, and 3) eliminates the pedestrian/bike path from the Downtown Bridge, because a similar facility will be provided on the nearby Big Four Bridge as a separate project. The SFEIS Modified Preferred Alternative appears to have the least amount of direct impacts to resources of concern among alternatives analyzed in this SEIS.

Mobile Source Air Toxics (MSATs)

The SFEIS did not respond to all our comments, but does state in the response to comment F.1, (pages 7-80 through 7-82), that an emissions inventory for the project area travel network will be prepared.

A qualitative MSATs assessment is provided in SFEIS Section 5.4.4 and Appendix B.1.2. The SFEIS, Page 7-81 states,

“Though the project is projected to reduce AADT and the number of trucks in the downtown area and the AADT in the east end is well below the threshold for a ‘Project with Higher Potential MSAT Effects,’ the downtown area has AADT that approaches the threshold of 140,000 AADT. A quantitative assessment, consisting of a project area emissions inventory, will be performed to quantify the project area emissions reduction from 2010 to the design year (2030) for the project area travel network. In addition, the quantitative emissions inventory will provide emissions inventories for the project area roadway network with the incorporation of the FEIS Selected alternative or the Modified Selected Alternative. The quantitative MSAT analysis will be presented in the Revised ROD.”

Page 4-152 states, *“A quantitative MSAT assessment is currently being developed and will be included in the ROD. Any updates required for this section will be included in the ROD. The quantitative assessment will provide a project-level emissions inventory of the seven MSAT compounds identified by USEPA and compare emissions levels from the 2010, 2030 No-Action, and 2030 build scenarios.”*

We are pleased that the project team will conduct a quantitative MSAT analysis. The SFEIS states (Section 5.4.4, page 5-137), *“The quantitative emissions inventory will provide emissions inventories for the project area roadway network for the No-Action Alternative, the FEIS Selected Alternative, and the Modified Selected Alternative.”*

Recommendations: As part of that quantitative MSAT analysis, we encourage the project team to identify the locations of the sources in the emissions inventory and to prepare a screening level risk assessment for areas in the vicinity of the roads. The quantitative MSAT analysis should recognize that MSATs are local in nature, and the analysis should therefore model the impacts along the entire project area travel network, with special consideration for the locations of populations, particularly sensitive populations such as hospitals, schools, etc. EPA recommends that prior to the ROD, the FHWA, INDOT and KYTC give the public and agencies an opportunity to review and comment on the MSATs analysis.

Evaluating the entire network with a screening level risk assessment, including those segments that are heavily traveled as well as those with lower annual average daily traffic (AADT) values, will help the public understand the potential impacts of the different alternatives along the roadway network, and possibly allay the concerns of many people near the lesser traveled roads.

Although Section 1.3 of Appendix B.1.2 lists several mitigation options, the SFEIS commits to only a few. For example, Section 5.4.5 states that the construction contractor will be encouraged to maintain equipment, limit idling, and use clean diesel fuel. The ROD should be more explicit concerning mitigation approaches, not only for the construction period, but also for the operational period.

The SFEIS (pages 5-137, 5-138 and 7-81) outlines post-construction mitigation strategies for MSAT emissions. As a part of either build alternative (see SFEIS sections 3.2.2 and 3.2.3), the project includes:

- Travel Demand Management, in the form of non-motorized facility enhancements and employer-based trip reductions, to reduce overall vehicle-mile of travel.
- Expanded Intelligent Transportation System applications, such as traffic management centers or incident management systems.
- Enhanced bus service.

EPA recommends that prior to the ROD, the FHWA, INDOT and KYTC give the public and agencies an opportunity to review and comment on any additional MSAT mitigation measures identified. Any additional MSAT mitigation measures should be committed to in the ROD.

EPA recommends that the signed Memorandum of Agreement (MOA) with the Transit Authority of River City (TARC) to implement the enhanced bus service identified as part of the selected alternative be included in the ROD.

Construction/Clean Diesel Measures

Exposure to diesel exhaust by construction workers and those who live or spend a substantial amount of time near a construction site can have serious health implications. This is especially important in the highly populated urban area of Southern Indiana – Louisville, Kentucky.

Page 7-87 and/or page 8-13 of the SFEIS state: 1) The contractor will be expected to obtain the necessary permits from [Indiana and Kentucky permitting agencies] and to follow the regulations that are cited, and 2) [s]pecial notes will be established in the project that will encourage the contractor: (1) to maintain his equipment to assure the best possible operation; (2) to limit idling times and start-ups such that emissions are reduced; and (3) to encourage the use of clean diesel fuel mixtures. There is no explanation as to why Indiana and/or Kentucky will not mandate the use of these clean diesel strategies by their contractors in their construction contracts in order to help ensure the protection of human health during project construction.

Recommendations: We recommend that the ROD identify any updated commitments by FHWA, INDOT and KYTC to implement diesel emission reduction strategies during project construction. EPA also continues to recommend that the project team implement overall diesel emission reduction activities through various measures such as: switching to cleaner fuels, retrofitting current equipment and emission reduction technologies, repowering older engines with newer clean 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.

Climate Change Adaptation

The SFEIS states, “[r]egarding the design of stormwater runoff and drainage capacity, both states have developed design policies based on historical climatological data that will be adhered to when developing the final plans. Base design storm evaluations are checked on 100-year storms.”

Our climate is changing. Historical climate data will not be sufficient in predicting future storm events. 100-year storms are occurring with increasing frequency. The number of storm events occurring with greater intensity is also increasing. Designs based on historical 100-year storms may not be sufficient in the future.

EPA suggests this may be particularly applicable for designing adequate handling of stormwater runoff and drainage of the proposed roadway and tunnel in order to protect the health and safety of the public who use the tunnel and roadway, or live/work near it during an intense storm event.

Recommendations: EPA recommends that INDOT and KYTC account for increased storm frequency and intensity in the design of this project in order to help insure the health and safety of the public. The ROD should commit to accounting for increased storm frequency and intensity in the design of this project.

Environmental Justice (EJ)

The census data provided in this SFEIS uses 2010 demographic data when available; otherwise, the 2000 Census data is used (page 4-5).

Page 5-43 of the SFEIS states, “. . . FHWA has concluded that the Modified Selected Alternative is likely to have disproportionately high and adverse effects on minority and low-income populations. Although the impacts would not be “predominantly borne” by environmental justice populations, the impact would be appreciably more severe or greater in magnitude for these populations. Therefore, in accordance with FHWA Order 6640.23, it is necessary to consider strategies for minimizing and mitigating the economic effects of tolling on minority and low-income populations.”

The SFEIS (pages 7-57 and 8-20) mentions that KYTC and INDOT will conduct a more detailed assessment of the potential economic effects of tolls on low-income and minority communities, and make the results of the study publicly available. Ideally, this assessment should have already been performed and the results and specific mitigation measures committed to in the SFEIS and ROD. It appears that this assessment will be performed after the ROD. Please explain in the ROD what methods will be used, and what mitigation measures will be studied.

Recommendations: EPA recommends that additional details regarding the proposed assessment of the potential economic effects of tolls on low-income and minority communities be identified, and the specific roles and responsibilities of INDOT, KYTC and FHWA be identified in the ROD.

In the response to EPA’s SDEIS EJ comment regarding traffic diversions, (D.3 and D.18 responses on pages 7-57, 7-58, and 7-67), the SFEIS states that traffic will be diverted into EJ areas of concern from 100 to 922 vehicles per hour. While this increase in vehicles may not be estimated to cause congestion, it may cause disproportionate noise and local mobile source air impacts in these areas.

EPA recommends INDOT and KYTC look at mitigation measures, such as vegetation planting to reduce noise and diesel pollution in new higher traffic areas. We recommend the ROD include INDOT and KYTC commitments to reduce noise and diesel pollution in new higher traffic areas, whether or not these areas are covered under the historic properties First Amendment MOA.

Water Quality

We commend INDOT and KYTC for committing to include provisions in the INDOT and KYTC contracts for monetary fines should a contractor fail to implement appropriate construction best management practices (BMPs) to protect surface and ground water (SFEIS, pages 5-196, 5-198, 5-216, 5-217, 5-220, 7-92 and 8-8).

Wetlands/Streams/Floodplains

The SFEIS provides a commitment to bridge across the following rivers/creeks: Lentzier Creek, unnamed tributary to Lentzier Creek, Harrods Creek, Bear Grass Creek and the Ohio River, and to span their 100-year floodplains when feasible. However, the proposed wetland mitigation plan identified in the SDEIS and mentioned in the SFEIS is not included in the SFEIS, as we requested.

EPA reserves its right to provide further review comments during the U.S. Army Corps of Engineers (USACE) Clean Water Act (CWA) Section 404 permitting process for this project.

Pedestrian/Bikeway Access

Pages 4-19 and 4-20 state, “[t]he ramp, which is within Waterfront Park, was completed in 2010. Construction on the bridge decking is currently underway and is expected to be completed in 2013. For the Indiana side, a FONSI was approved by FHWA on October 19, 2011. The FONSI included an Individual Section 4(f) Evaluation for both sides of the river and the bridge, itself. INDOT has committed to allocating \$8 million in Federal funds for developing the approach to the bridge in Jeffersonville. The City of Jeffersonville has agreed to provide an additional \$2 million, which, together with INDOT funding, will fully fund the Big Four Bridge project. INDOT sought bids for construction of the Indiana approach in February 2012.”

Recommendations: Since the Big Four Bridge pedestrian/bike path is being substituted for a pedestrian/bike path being incorporated into the design of the proposed new downtown bridge, the ROD should provide an update regarding the status of the construction on the Indiana side of the Big Four Bridge pedestrian/bikeway and provide a projected completion date.