

TZB-191E

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The Environmental Protection Agency (EPA) received the Scoping Update Packet for the Tappan Zee Bridge/I-287 Corridor between Suffern, New York (Rockland County) and Port Chester, New York (Westchester County). The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) in cooperation with the New York State Department of Transportation (NYSDOT), the New York State Thruway Authority (NYSTA) and the Metropolitan Transportation Authority/Metro-North Railroad (MTA/MNR) are preparing an Environmental Impact Statement (EIS) to evaluate the transportation improvements which have been proposed for the 30-mile corridor. Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

According to the Purpose and Need statement, the Tappan Zee Bridge/I-287 Corridor has experienced significant increases in traffic congestion due to steady population growth and commercial development spanning several decades. Structural deficiencies exist along the bridge, such as inadequate or nonexistent lane width, shoulders and emergency lanes, limiting the ability to improve travel capacity to accommodate this trend. Maintenance demands for the bridge have also been extensive due to the age of the structure, which became operational in 1955.

The proposed project involves a slate of potential multimodal highway and transit alternatives to improve access, ranging from the initiation of bus rapid transit (BRT), light rail transit (LRT) and commuter rail transit (CRT), to rehabilitation of the bridge or complete replacement, both singly and in various combinations. Utilizing a unique strategy, the Tappan Zee Bridge/I-287 Corridor Scoping Update describes a new two-pronged analysis approach:

- Tier 1 will address the broad Corridor issues of transit mode selection and alignment associated with the preferred alternative
- Tier 2 will address the site-specific impacts of the bridge facilities and transit options from the Tier 1 analysis, as well as the highway improvements associated with the preferred alternative

The Scoping Update Packet indicates that a Long Term Needs Assessment and Alternatives Analysis were previously conducted by the Governors I-287 Task Force. The analysis included a Level 1 screening of 150 elements that were evaluated against a

set of selection criteria. The resultant 72 elements from the Level 1 screening were subsequently combined into 16 corridor wide scenarios which met the goals and objectives of the project. The Level 2 screening produced six alternatives, including the No Build Alternative. A Level 3 screening will address the transit mode selection, bridge rehabilitation or replacement, and the environmental assessment methodologies to be applied in the EIS. In addition, the Tier 1 transit analysis includes a Transit Mode Selection Implementation Plan which describes the process that will be utilized to compare CRT, LRT and BRT based on transportation, environmental and cost criteria.

EPA appreciates the level of communication and collaboration which has occurred since the Technical Advisory Committee was convened in 2003, shortly after the project's inception. We look forward to ongoing participation as this project evolves and is shaped by resource agency and public input. With regard to the more detailed comments that are attached, EPA would like to reiterate several of our initial comments, which are standard for a project of this type and magnitude.

The EIS should include a clear description of the basic project purpose and need, project alternatives, potential impacts to the environment, and mitigation for these impacts. Particular attention should focus on an evaluation of the environmental impacts of the proposal and alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options for the decision maker and the public (40 CFR 1502.14). Given the multi-modal nature of this project, it would also be informative to analyze greenhouse gas emissions associated with the implementation of each alternative.

Additionally, we want to emphasize that NEPA requires evaluation of indirect/secondary (growth) and cumulative effects which are caused by the action (40 CFR 1508.8(b) and 1508.7).

The EIS should thoroughly evaluate the project alternatives' indirect effects which could include potential effects related to induce changes in the pattern of land use, and related effects on air, water and other natural systems, including ecosystems. Cumulative impact analysis is of particular importance in this project because the proponent plans to address specific transit elements (e.g., station locations, transit vehicle types, operation and maintenance, transit site-specific impacts) in a separate Tier 2 level environmental document. We also urge the project proponent to incorporate the principles of environmental justice and pollution prevention into the proposed project.

We appreciate the opportunity to provide comments. Please send three copies of the EIS to our office when it is published. If you have any questions, please call LeAndrea Dames, of my staff, at (212) 637-3705.

COMMENTS

NEPA

Alternatives Analysis

NEPA requires that the EIS rigorously explore and objectively evaluate the No-Build and all reasonable alternatives, and briefly discuss the reasons for having eliminated other alternatives from further evaluation. [40 C.F.R. § 1502.14]. The No-Build Alternative must be evaluated and should allow the reader of the EIS to distinguish between project-related impacts and impacts due to nonproject background conditions. Although discussed in the Scoping Update, the EIS should also discuss the criteria that were used to select alternatives or the rationale for their elimination. We recommend that the EIS provide a thorough evaluation of such alternatives along with providing the alternative evaluation criteria and reasons for the other alternatives elimination.

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The alternatives analysis should demonstrate that the project sponsors have selected the least damaging practicable alternative based on costs, logistics and existing technology with respect to waters of the United States, including wetlands. [40 C.F.R. § 230.10(a)]

References

If the EIS incorporates information by reference, briefly describe the contents of the referenced material (assumptions, conclusions, decisions). The project sponsor should ensure that referenced materials are reasonably available for inspection. [40 C.F.R. § 1502.21].

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Air Quality

Rockland and Westchester Counties are in non-attainment status for particulate matter less than 2.5 microns in diameter (PM_{2.5}) and ozone (O₃), and Westchester County is a maintenance area for carbon monoxide (CO), having formerly been non-attainment. As such, the project description should be detailed enough to allow an identification of potential air quality impacts.

The affected environment section should identify any existing air pollution problems in the area, especially existing problems that may worsen as a result of the proposed project. This section should identify the air basin in which the project lies, and the climate, topography, and meteorological conditions as they affect basin air quality.

The EIS should describe the area's criteria pollutant attainment/nonattainment status and the severity of any nonattainment problems. The status of air quality planning should be discussed, including the status of existing and proposed air quality plans. Air quality rules and regulations affecting the project should be summarized. The EIS should demonstrate that the proposed action meets the requirements of 40 CFR Part 93, including project-level analyses for localized CO and PM_{2.5} impacts, if appropriate.

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Given the general concerns about adverse health effects resulting from mobile source pollutants and the project's potential for emissions in close proximity to residential communities and sensitive receptors (e.g., schools, nursing homes, hospitals), EPA recommends performing an analysis of potential mobile source air toxics (MSAT)

impacts. This information may be used in alternative comparison and in the minimization and mitigation of potential impacts. The March 2007 report entitled “Analyzing, Documenting, and Communicating the Impacts of Mobile Source Air Toxic Emissions in the NEPA Process” conducted for the American Association of State Highway and Transportation Officials (AASHTO) Standing Committee on the Environment and funded by the Transportation Research Board ([http://www.trb.org/NotesDocs/25-25 \(18\)JR.pdf](http://www.trb.org/NotesDocs/25-25%20(18)JR.pdf)) describes an analysis process.

In addition to including estimates of all project-related criteria pollutant emissions from both construction and operation, the EIS should also discuss the potential to release hazardous air pollutants as specified in Section 112 of the Clean Air Act Amendments and estimate emissions.

The potential human health risks of exposure to hazardous air pollutants should be assessed.

In addition, to minimize the impacts of the construction phase of the project and protect the health of adjacent communities, NYSDOT can ensure the use of the cleanest available diesel engines during construction by adopting clean diesel practices as air quality mitigation measures and enforcing those measures through its construction contracts. Measures could include, for example, the use of EPA-certified Tier 4 engines, if available, during the project's construction phase, use of best available retrofit technology for older engines, a project-wide idling minimization plan, or electrification of construction sites to reduce the use of diesel-powered generators.

Water Quality

The EIS should identify impacts to water, floodplains, and wetlands, including identification of Section 404 Clean Water Act requirements and proposals to ensure compliance with these requirements. The EIS should discuss the proposed project's compliance with State and local water quality management plans' and State-adopted, EPA-approved water quality standards. The project should be fully coordinated with the State Department of Environmental Conservation to ensure protection of water quality and maintenance of beneficial uses.

The EIS should address the Federal Antidegradation policy (40. CFR 131.12), which is intended to restore and maintain the chemical, physical, and biological integrity of the Nation's waters [Section 101(a)], and how the project will comply with these goals. The Antidegradation Policy states that where the quality of the waters exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the State finds, after full intergovernmental coordination and public participation, that allowing lower water quality is necessary to accommodate important economic or social development. Even then, the State shall assure water quality adequate to fully protect existing uses.

Federal agencies must comply with the federal consistency requirements of the State's Nonpoint

Source Management Program [Clean Water Act, §§ 319(b)(2)(F), 319(k)]. The EIS should identify potential sources of nonpoint pollution from the construction and operation of the proposed action. Pollutants from these activities may include, but are not limited to, sediment, hydrocarbons, heavy metals and herbicides. Provide information on how requirements of the State nonpoint source program will be met by the proposed action.

The EIS should evaluate the potential of the proposed activity to cause adverse aquatic impacts such as increased siltation and turbidity; changes in the direction of stream flow, substrate, dissolved oxygen, and temperature; and habitat deterioration. The document should identify critical fisheries habitat which may be affected, especially spawning and rearing areas; key wildlife species and acres of habitat affected; and other sensitive aquatic sites such as wetlands.

The BIS should describe and map drainage patterns and riparian areas in the proposed project limits. Outline existing beneficial uses of these areas, disclose potential impacts from the proposed project, and identify special measures that will be taken to protect vulnerable areas from adverse effects of implementing the project.

Should any wetlands be impacted by any component of the project, EPA will review the proposed action for compliance with the Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials (40 CFR 230) [hereafter referred to as the Guidelines], promulgated pursuant to Section 404(b)(1) of the Clean Water Act (CWA). The least environmentally damaging alternative should be identified in the EIS.

Hazardous Substances

If the project sponsors expect to use hazardous substances (40 C.F.R. § 302.4) in conjunction with the proposed action, the EIS should discuss how the project sponsors will protect against spills in compliance with the requirements of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the methods that will be used to clean-up and dispose of spills/wastes in compliance with the Resource Conservation and Recovery Act (RCRA) regulations found at 40 C.F.R. § 260 to 268.

If the project will encounter hazardous materials or substances in construction, the EIS should discuss how the material will be handled and disposed of and how RCRA and State waste disposal requirements apply to the project.

Noise

The EIS should identify and analyze expected noise impacts and noise abatement measures. In particular, the EIS should (a) discuss the existing background level data, (b)

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identify sensitive receptors, (c) analyze future noise levels as related to the No Build and Build alternatives, and
(d) commit to mitigate measures where projected noise levels exceed acceptable standards.

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