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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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JUL 24 1998

Harold J. Brown
Division Administrator
Federal Highway Administration
Leo W. O'Brien Federal Building
Clinton Avenue & North Pearl Street
Albany, New York 12207

Class: EC-2

Dear Mr. Brown:

The Environmental Protection Agency (EPA) has reviewed the draft environmental impact statement (EIS) for the U.S. Route 219 improvement project, located between the Village of Springville and the City of Salamanca, in Erie and Cattaraugus Counties, New York. This review was conducted in accordance with Section 309 of the Clean Air Act, as amended (42 U.S.C. 7609, PL 91-604 12(a), 84 Stat. 1709), and the National Environmental Policy Act.

In addition to the no action alternative, two build alternatives were evaluated in the draft EIS: 1) upgrading the existing U.S. Route 219 to include four travel lanes generally along the existing alignment, with some bypasses proposed around business districts; and 2) construction of a new four-lane limited access freeway along a new alignment generally east of and parallel to existing U.S. Route 219. The draft EIS does not identify a preferred alternative. Based on our review, we offer the following comments.

Purpose and Need and Alternatives

The stated purpose of the project is to improve capacity and to address safety deficiencies on 28 miles of U.S. Route 219, and to eliminate the two-lane corridor gap between the Village of Springville and the City of Salamanca, thus upgrading through traffic and enhancing regional and local economic opportunities.

Regarding safety issues, the draft EIS states that since statewide average accident rates for four-lane divided highways are slightly higher than for two-lane undivided highways like existing Route 219, future accident rates for the upgrade alternative are projected to be higher than for the no-action alternative. Therefore, the upgrade alternative would not address the safety deficiencies.

Regarding the corridor gap issue, the freeway alternative only improves the Route 219 corridor up to the Pennsylvania state line. At that point, traffic will feed back into a two-lane highway. The final EIS should discuss what percentage of traffic will continue into Pennsylvania and whether there are plans to improve the Pennsylvania state portion of Route 219. In addition, the final EIS should discuss the connection to NY Route 17 where significant portions of the traffic would probably be diverted. Without addressing these issues, the freeway alternative would not address the need to upgrade through traffic.

Air Quality

A microscale (hotspot) analysis was performed for the alternatives, predicting that none of the alternatives would cause, contribute to, or worsen any violation of the carbon monoxide (CO) National Ambient Air Quality Standards. However, for the CO analysis, a persistence factor of 0.68 was used for estimating 8-hour concentrations from 1-hour concentrations. As explained in EPA's "Guideline for Modeling Carbon Monoxide from Roadway Intersections" (EPA-454/R-92-005, November 1992), "...EPA recommends the use of a 0.7 persistence factor in a local area where monitoring data are not available. If a persistence factor other than 0.7 is obtained through the use of monitored data in a local area, it should be used rather than 0.7." Consequently, the final EIS should include support for the selection of a persistence factor other than 0.7 based on monitored data in the local area, or use 0.7 as recommended.

In a related matter, the draft EIS includes meteorological data for the CO analysis that date from 1987 through 1991. Please note that for refined modeling with CAL3QHCR, five years of the most recent available meteorological data should be used. (See 40 CFR 51 Appendix W: Guideline on Air Quality Models.) While it is not unusual for a few years to elapse between collection of meteorological data and its availability on the EPA's bulletin board system, more recent data are available directly through the National Climatic Data Center (NCDC). Therefore, the final EIS should include results of CAL3QHCR model runs based on the most recent meteorological data available from NCDC.

Wetlands

With regard to wetlands, the upgrade alternative impacts 51 individual wetlands, totaling 11.6 acres. Most of the impacts

would be to palustrine scrub-shrub wetlands; their location adjacent to the existing Route 219 has lowered their value. The freeway alternative impacts 70 individual wetlands, totaling 31.4 acres. These are primarily palustrine forested wetlands of moderately good quality, providing wildlife habitat and diversity, flood control, ground water discharge and/or recharge, and sediment stabilization. Mitigation is proposed for both alternatives; the mitigation appears to be acceptable.

However, the Clean Water Act Section 404(b)(1) Guidelines (40 CFR Part 230) require the selection of the least damaging, practicable alternative, which in this case would be the upgrade alternative. If the freeway alternative is selected, the final EIS would need to document why this is in accord with the Section 404(b)(1) Guidelines.

The final EIS should also note that any filling activity in wetlands will require a permit from the U.S. Army Corps of Engineers. Accordingly, a discussion of the wetlands permitting requirements should be included in the final EIS.

Environmental Justice

Executive Order 12898 requires federal agencies to adopt strategies to address environmental justice concerns. Both of the build alternatives involve the use of land within the boundaries of the Seneca Nation of Indians (SNI). EPA commends the Federal Highway Administration and New York State Department of Transportation for their coordination with the SNI, and we underscore the necessity for continuing to maintain federal-Indian nation relations. The draft EIS acknowledges that some form of a new or supplemental agreement will be required should either of the build alternatives be recommended in the final EIS. Updates and any resolution of these efforts should be described in the final EIS.

While the draft EIS describes the efforts undertaken to address the issues related to the SNI, it does not identify the presence or absence of any other minority and/or low income populations. Accordingly, the final EIS should document measures (particularly outreach and coordination efforts) used to determine whether the proposed project would result in disproportionate adverse impacts to any other environmental justice communities.

Cultural Resources

The draft EIS indicates that the study area contains historic and cultural resources that are eligible for inclusion on the National Register of Historic Places, and commits to the development of a Programmatic Agreement to address compliance with the National Historic Preservation Act. We concur with this approach.

In conclusion, based on our review and in accordance with EPA policy, we have rated this draft EIS as EC-2, indicating that we have environmental concerns (EC) about potential air quality and wetlands impacts, the project's purpose and need, and environmental justice issues, and that additional information (2), as outlined in this letter, should be presented in the final EIS.

Thank you for the opportunity to comment on this project. If you have any questions concerning our comments, please contact Deborah Freeman of my staff at (212) 637-3730.

Sincerely yours,



Robert W. Hargrove, Chief
Strategic Planning and Multi-media Programs Branch

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