

APPENDIX D

Agency Correspondence



U.S. Department
of Transportation
**Federal Highway
Administration**

Colorado Division

October 21, 2013

12300 W. Dakota Ave., Ste. 180
Lakewood, Colorado 80228
720-963-3000

Dawn Roberts
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 2252A
Washington, DC 20460

Subject: Extend Review Period for Interstate 25 Improvements through Pueblo Final Environmental Impact Statement (FEIS)

Dear Ms. Roberts:

The Federal Highway Administration would like to extend the review period for EIS No. 20130264, Interstate 25 Improvements through Pueblo FEIS. The original Federal Register notice was published on September 13, 2013. The end of the review period should be changed from October 15, 2013 (originally) to October 31, 2013. This extension is due to the furlough of federal employees, affecting their ability to review the FEIS during the review period.

If you have any questions please contact Stephanie Gibson at stephanie.gibson@dot.gov or 720-963-3013.

Sincerely,

John M. Cater, P.E.
Division Administrator

By: Stephanie Gibson
Environmental Program Manager



United States Department of the Interior



OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Denver Federal Center, Building 67, Room 118
Post Office Box 25007 (D-108)
Denver, Colorado 80225-0007

October 24, 2013

9043.1
ER-11/1012F

John Cater
Colorado Division Administrator
Federal Highway Administrator
12300 West Dakota Avenue, Ste. 180
Lakewood, CO 80228

Dear Mr. Cater:

Thank you for the opportunity to review the Final Environmental Impact Statement (FEIS) and Section 4(f) Evaluation describing the transportation and environmental impacts associated with proposed improvements to Interstate 25 (I-25) through the City of Pueblo, Colorado. The Department of the Interior (Department) has reviewed the document, and hereby submits these comments to you as an indication of our thoughts regarding this project.

SECTION 4(f) EVALUATION COMMENTS

The Department acknowledges that this project has adverse effects to historic properties and park/recreation areas, and that a Programmatic Agreement amongst consulting parties was executed on July 26, 2012. We appreciate that you have consulted and come to agreement with the Colorado State Historic Preservation Office (SHPO) and the appropriate park and recreation responsible officials to minimize the adverse effects to these areas.

Following our review of the Section 4(f) Evaluation, we concur that there is no feasible or prudent alternative to the Preferred Alternative selected in the document, and that all measures have been taken to minimize harm to these resources.

SECTION 6(f) COMMENTS

We agree with the identification of certain properties within the I-25 New Pueblo Freeway corridor as having been improved with Land and Water Conservation Fund (LWCF) stateside program assistance. These properties are Fountain Creek Park and Trail, Runyon/Fountain Lakes State Wildlife Area, Arkansas River Pedestrian Bridge, Runyon Field Sports Complex,

Benedict Park, and JJ Raigoza Park. We also agree with the overall assessment of impacts to these LWCF-improved resources and the proposed measures to minimize harm at these properties. We appreciate the recognition that converted LWCF-assisted park land must be replaced with land of at least equal fair market value and of reasonably equivalent usefulness and location in compliance with LWCF regulations. Accordingly, we have no LWCF-related objection to the freeway project as proposed.

We appreciate the opportunity to review this document. Should you have questions about the Section 4(f) Evaluation comments, please contact Cheryl Eckhardt at 303.969.2851. Should you have questions about the LWCF, please contact Bob Anderson at 402.661.1540.

Sincerely,

A handwritten signature in black ink that reads "Robert F. Stewart". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Robert F. Stewart
Regional Environmental Officer

cc:

FHWA CO Chris Horn (chris.horn@dot.gov)

SHPO CO Ed Nichols (ed.nichols@state.co.us)

SLO CO Gary Thorson (gary.thorson@state.co.us)

CO DOT Thomas Wrona (thomas.wrona@state.co.us)

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December 6, 2013

Suzanne J. Bohan
NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation
U.S. Environmental Protection Agency-Region 8
1525 Wynkoop Street
Denver, Colorado 80202-1129

RE: I-25 New Pueblo Freeway Final EIS, EPA Comment Letter - CDOT Response
(CEQ # 20130264)

Dear Ms. Bohan:

Colorado Department of Transportation (CDOT) would like to provide a more in depth response to concerns expressed in the October 31, 2013 comment letter from the US Environmental Protection Agency (EPA) regarding the *I-25 Improvements through Pueblo Final Environmental Impact Statement (EIS)*, CEQ #20130264. The purpose of this letter is to directly respond to one of the topics in the comment letter concerning air quality protection for adjacent Pueblo neighborhoods from PM10 (particulate matter with a diameter of 10 micrometers or less) effects during construction. CDOT will include this letter within the future *Record of Decision* document for the previously mentioned *EIS*.

The EPA commented on the *Draft EIS* to request real-time PM10 monitoring during new interstate corridor construction. CDOT's consolidated response to that request was included in the *Final EIS*. CDOT stated that real-time PM10 monitoring would not be deployed during construction, because the Pueblo area is in attainment for both the primary public health and the secondary environmental PM10 National Ambient Air Quality Standards (NAAQS) under the federal Clean Air Act, and that current *EIS* commitments and construction best management practices (BMPs) adequately control construction generated dust from ground disturbance, demolition activities and diesel equipment emissions. The *Draft EIS* noted:

- All work performed on the project will be performed in accordance with appropriate *CDOT Standard Specifications for Roadway and Bridge Construction* (2011 edition. Published by CDOT, Office of Bid Plans, 421 East Arkansas Avenue, Denver, CO 80222).
- An Air Pollution Emissions Notice (APEN) dust control permit from the Air Pollutions Control Division (APCD) of the Colorado Department of Public Health and Environment will be acquired by the construction contractor. This provision will be specified in the Record of Decision and in a future Request for Proposal to retain contractor for the project.

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In addition, CDOT will include a compilation of BMPs in contractor special construction provisions that list specific dust control measures to implement during specified types of construction activity that are prone to dust generation. A “construction air quality control plan” will be required to be provided by the contractor as a tool to specify dust (PM10) control activity recognition and BMP deployment as special project conditions (specifications) to be implemented on each construction project of the I-25 New Pueblo Freeway. Mitigation measures in the construction air quality control plan will include:

- Require construction vehicle engines to be properly tuned and maintained.
- Use water or wetting agents to control dust.
- Have a wheel wash station and/or crushed stone apron (tracking pad) at egress/ingress areas to prevent dirt being tracks onto public streets.
- Use street sweepers to remove dirt tracked onto streets.
- Use a binding agent for long-term excavated materials.
- Schedule work outside of normal hours for sensitive receptors; this should be necessary only in extreme circumstances, such as construction immediately adjacent to a church, outdoor playground, or school.

As specified in EPA’s October 31st letter, data on construction related PM10 monitoring have been summarized to document that no violations of the 150 $\mu\text{g}/\text{m}^3$ NAAQS have occurred on projects that conducted PM10 monitoring during construction activity. These data are provided for three CDOT construction projects including:

- 2002-05 CDOT I-25 TREX through metropolitan Denver,
- 2013 CDOT I-70 Twin Tunnels in Clear Creek County, and
- 2006-08 CDOT I-25 COSMIX through Colorado Springs.

A nationwide survey of real time PM 10 monitored transportation construction projects resulted in only three reports:

- 2010 (published) Arizona DOT Construction Activity, Emissions, and Air Quality Impacts resulted in three sources Real-World Observations from an Arizona Road-Widening Case Study;
- 2009 (published) Illinois DOT Dan Ryan Freeway Reconstruction Project in Chicago; and the
- 2013 Lower Manhattan Construction Command Center air quality monitoring system. (The lower Manhattan project monitors air quality issues resulting from the consequences of “9/11” and results are considered inappropriate data relating to normal transportation construction.)

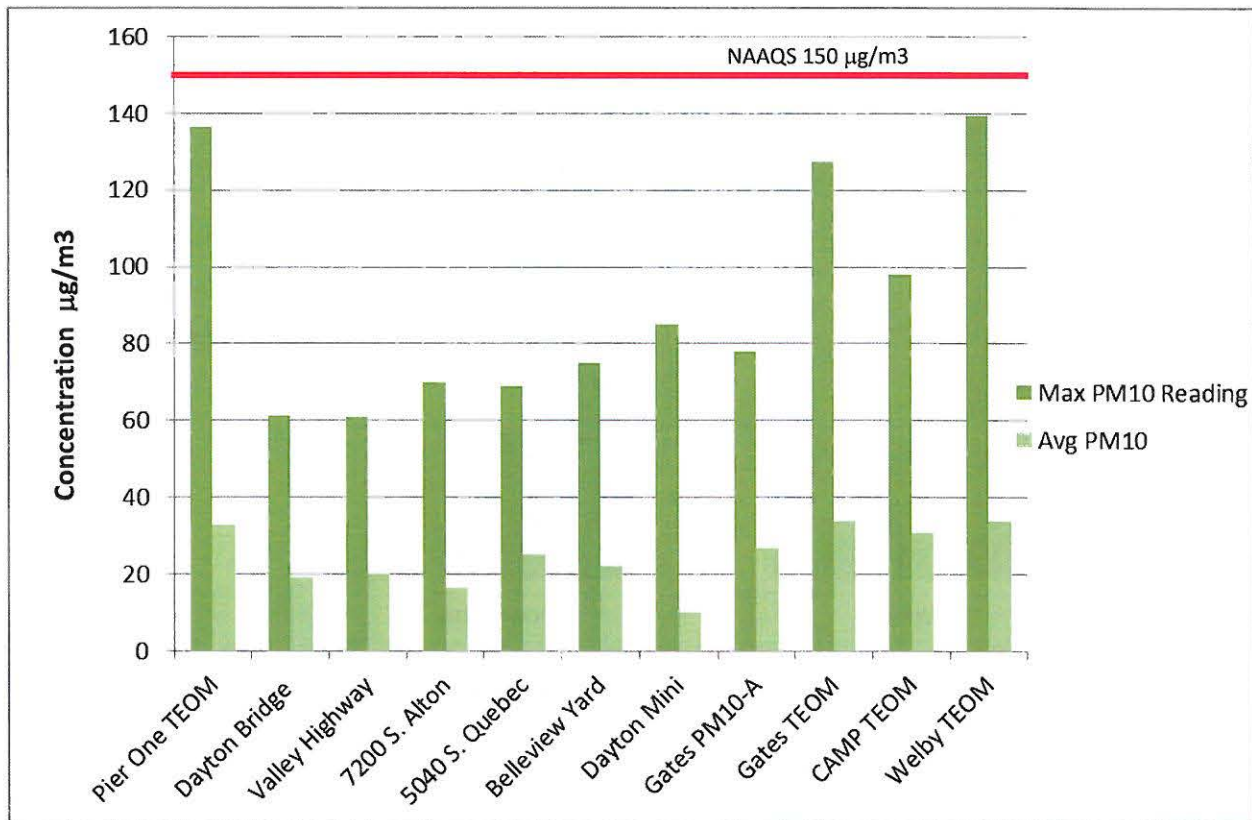
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I-25 TREX. Nine TEOM and filter type monitors and one real-time PM10 monitor were deployed in proximity to TREX construction activities along I-25 during highway reconstruction to widen and add light rail in the south-central Denver metro area from January 2002 through December 2005. The monitors experienced a variety of quality assurance issues including downtime due to vandalism and malfunctions, however; germane data are summarized in the graph below illustrating the maximum 24-hour NAAQS concentration experienced over the duration of construction and the overall average daily 24-hour level during TREX construction at each of the monitoring sites.



There were no reported violations of the PM10 NAAQS during construction of the TREX project.

I-70 Twin Tunnels. Monitoring of the Twin Tunnel construction project was an outcome of the Context Sensitive Solutions (CSS) process with stakeholders during NEPA analysis. Although the purpose of the Twin Tunnels PM10 monitoring was to document dust from tunnel bore blasting operations and not to monitor overall construction dust, two real-time PM10 monitors were located along I-70 within the construction limits of the project. The project was located in a high traffic volume interstate corridor

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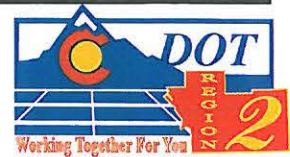
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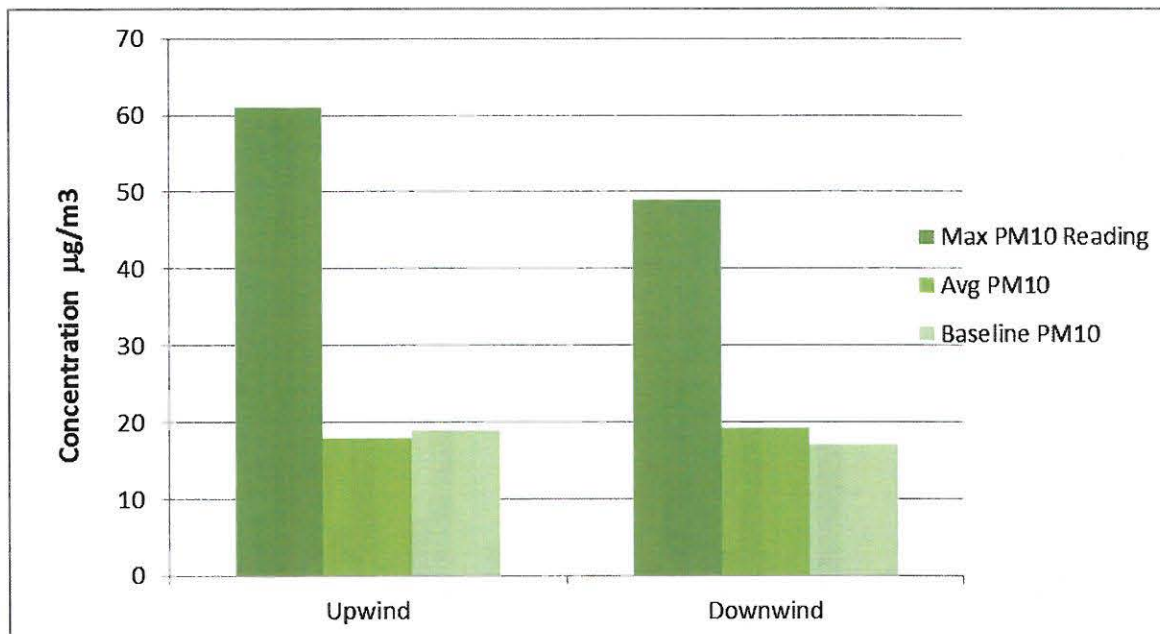
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within a steep sided mountain valley with prevailing down-canyon winds. Baseline monitoring prior to major construction was conducted from February and March of 2013, while blasting and construction activity was monitored from April through August 2013, when blasting ceased. The average pre-construction 24-hour PM10 concentration was 18 $\mu\text{g}/\text{m}^3$. The daily 24-hour PM10 reading average during construction and blasting activity was 20 $\mu\text{g}/\text{m}^3$. The maximum 24-hour concentration and overall average daily 24-hour level at each monitor is illustrated in the graph below. The baseline average daily concentration is also shown for each monitoring site.



This project established a rolling 8-hour average of the PM10 NAAQS as a construction “alert level” to facilitate immediate BMP response should a high emissions concentration be detected at one of the PM10 monitors. This alert threshold was not exceeded during project construction. There was no PM10 NAAQS exceedance during construction of Twin Tunnels.

I-25 COSMIX. The I-25 reconstruction and widening project in Colorado Springs was constructed from 2006 through 2008. During the first part of that period, APCD operated a PM10 monitor at 101 W. Costilla Street, a few blocks east and downwind of the construction activity. The highest 24-hour average concentration recorded during that period was 101 $\mu\text{g}/\text{m}^3$, which is 33% below the PM10 standard. The next highest value recorded was 67 $\mu\text{g}/\text{m}^3$, less than half of the standard.

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In early 2008, the PM₁₀ monitor was relocated north to 130 W. Cache La Poudre at approximately the same distance from I-25 and also located on the east (downwind) side of construction. The highest value at this site was 100 µg/m³, and the second high was 46 µg/m³, less than a third of the PM₁₀ standard.

I-57 Dan Ryan Freeway. The reconstruction of the Dan Ryan freeway in Chicago was a much bigger project than the pending I-25 project in Pueblo. Only summary presentations were made available at this time, which describe the project scope and air quality monitoring results. The project reconstructed an 11-mile portion of I-57, the second busiest expressway in the U.S. with over 300,000vpd, 20% multi-unit trucks, involving 3 major system interchanges, 19 service interchanges, and 6 railroad grade separations. Air quality monitoring of particulates (and other pollutants) was conducted for baseline and construction level concentrations at 26 localities from September 2004 through October 2008.

This project established a construction PM₁₀ “action level” at 80% of the PM₁₀ NAAQS, and it was not exceeded during the entire construction timeframe.

Arizona Study. The Arizona DOT study conducted monitoring to estimate the impact of construction activity on near-road particulate concentrations along an approximate four-mile segment of State Road 92 in Cochise County in southeastern Arizona.

The Arizona study was conducted in 2009. PM₁₀ (and other pollutants) were monitored immediately upwind and downwind of a roadway construction project. The graph below summarizes the monitored incremental impact on PM₁₀ concentrations during the monitoring period.

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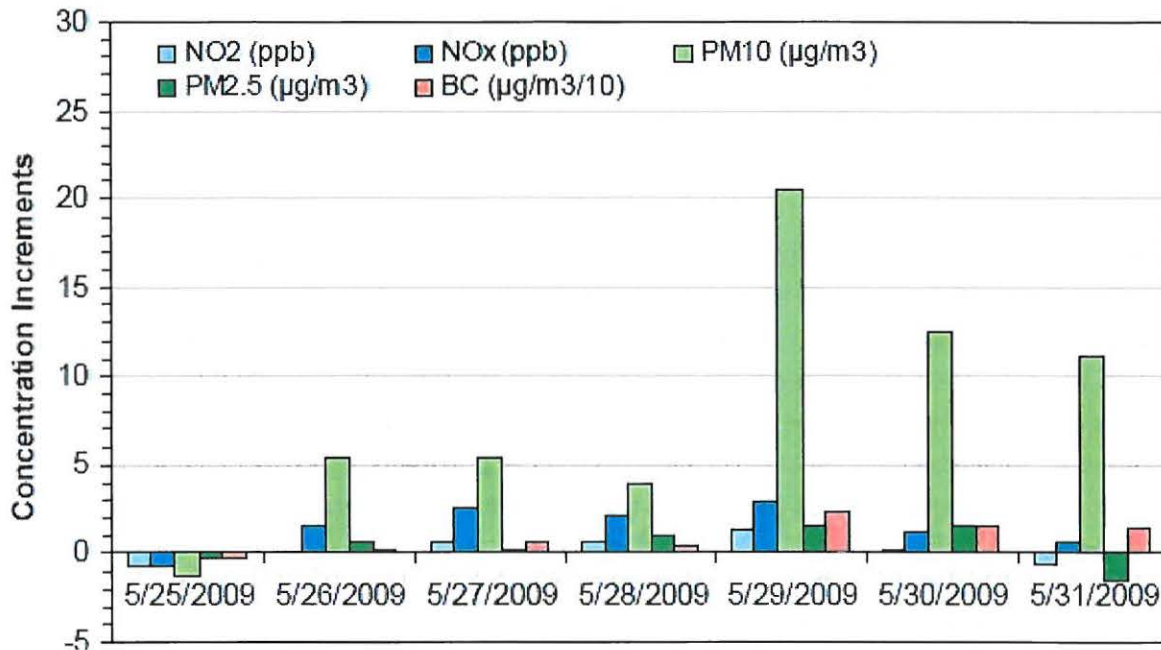
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[Figure 8 from Construction Activity, Emissions, and Air Quality Impacts resulted in three sources: Real-World Observations from an Arizona Road-Widening Case Study]

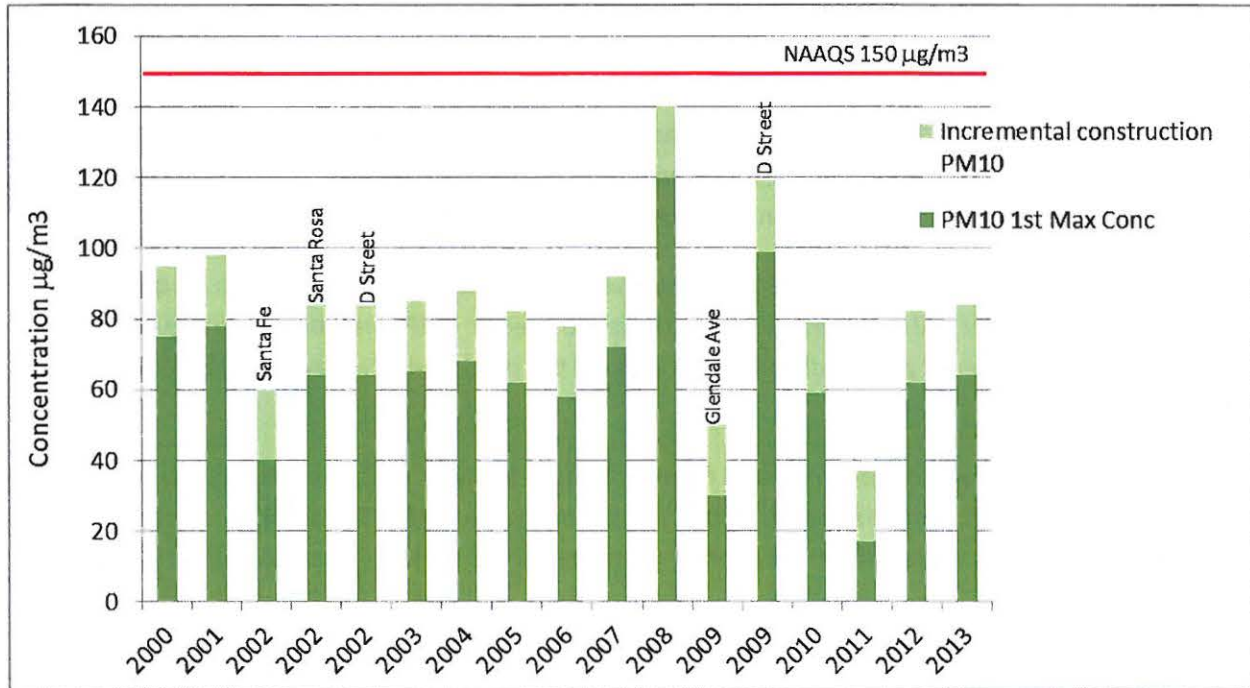
In this study, the highest PM10 incremental difference between baseline and construction activities was $20 \mu\text{g}/\text{m}^3$. If this peak value were added to the worst PM10 value recorded in Pueblo over the last four years ($117 \mu\text{g}/\text{m}^3$), it would still not result in an exceedence of the NAAQS. (The other studies do not identify upwind and downwind values, except for the Twin Tunnels monitoring, where the downwind values are either virtually the same or lower.)

Pueblo. Pueblo currently monitors ambient PM10 and PM2.5 at 925 North Glendale Avenue which is situated approximately 1900 feet downwind of I-25. Prior to 2009 PM10 was monitored at 211 D Street (700 feet upwind of highway) and during 2002 additionally at 1411 Santa Rosa Avenue (1 mile downwind of I-25 and steel mill) and 1141 Santa Fe Avenue (over ½ mile upwind of highway). First maximum concentrations for years 2000 through available 2013 displayed in the graph below indicate that no exceedence or violation of the NAAQS has occurred in Pueblo for over 13 years. Using the empirical construction dust concentrations derived from the Arizona study, the incremental increase in Pueblo PM10 concentrations are illustrated in the lighter color of the bar graph below. This graph supports the conclusion that no construction contribution to the historic highest PM10 concentrations would cause an exceedence of the PM10 NAAQS.

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Regulatory Basis. EPA’s conformity rule 40 CFR 93 sets forth the requirements for consideration of construction dust attributable to roadway projects. If the project falls within an area where the state implementation identifies construction-related fugitive emissions as a contributor to the non-attainment problem, *the regional PM analysis* must consider these emissions. If the state implementation plan does not identify construction-related fugitive emissions as a contributor to the non-attainment problem, the *regional PM analysis* of construction-related fugitive emissions is not required (§93.122(e)-(f)).

At the project-level, hot spot analyses of CO, PM10 and PM2.5 are not required to consider construction-related activities, which cause temporary increases in emissions. Temporary increases are defined as those which occur only during the construction phase and last five years or less at any site (§93.123(c)(5)). It is expected that the funded Pueblo Freeway construction project will be completed within 3 years.

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Conclusions

It is clear from the above monitoring supported data available nationwide and specific to Colorado highway construction that Best Management Practices for dust control and suppression deployed by CDOT and other DOTs have been successful in the goal of keeping temporary construction dust from contributing to an exceedance or violation of the public health PM10 NAAQS.

CDOT will provide contractor guidance and enforcement implementing a "construction air quality control plan" to identify and link construction activities to specific BMPs and to providing guidelines for BMP implementation on all phases of construction along the proposed I-25 New Pueblo Freeway project.

Together, the lack of violations documented from monitored highway construction projects across the country and planned implementation of a project-level construction BMP-based air quality control plan, CDOT reiterates that real-time PM10 monitoring is not warranted for the proposed I-25 New Pueblo Freeway project.

Thank you again for reviewing the *I-25 New Pueblo Freeway Final EIS* and providing comments to CDOT. CDOT and the Federal Highway Administration anticipate publication of a *Record of Decision* in early 2014. Please contact me at: (719) 546-5439 with any further questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Joe Deheart', written over a white background.

Joe Deheart

CDOT Region 2 Resident Engineer/EIS Project Manager

Cc: Carol Anderson, NEPA Program Manager, US Environmental Protection Agency
Chris Horn, Operations Engineer, Federal Highway Administration
John Cater, Division Director, Federal Highway Administration
Don Hunt, Executive Director, Colorado Department of Transportation
Tom Wrona, Region 2 Director, Colorado Department of Transportation