U.S. ENVIRONMENTAL PROTECTION AGENCY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
http://www.epa.gov/region08

MAY 13 2004

CDOT
MAY 17 2004
REGION 2
NORTH PROGRAM

Ref: 8EPR-N

William Jones
Division Administrator, Colorado Division
Federal Highway Administration
555 Zang Street, Room 250
Lakewood, Colorado 80228

Robert Torres
Regional Transportation Director
Colorado Department of Transportation Region 2
905 Erie Avenue
Pueblo, Colorado 81001

Re: EPA comments on the Environmental Assessment (EA) for I-25 Improvements through Colorado Springs, CO

Dear Messrs. Jones and Torres:

In an agreement between the Environmental Protection Agency (EPA) and the Federal Highway Administration (FHWA), dated August 28, 2000, EPA agreed to advise FHWA within 15 days of receipt of an EA whether EPA: 1) will have no comments on the document; 2) will have comments within the review period; or 3) has serious objections to the Finding of No Significant Impact (FONSI). On April 14, 2004, we sent a letter informing FHWA that EPA would have comments on the EA for Improvements to I-25 through the Colorado Springs Urbanized Area. Enclosed are our comments which focus on water quality, air quality, and cumulative impacts. These comments are offered in fulfillment of our responsibilities under Section 309 of the Clean Air Act.

As described in the EA, this project, as proposed, will result in water quality violations which could result in significant impacts to Monument and Fountain Creeks. As currently presented in the EA, mitigation for those water quality impacts has not been committed to nor is the description of the potential mitigation robust or binding. It is our understanding that there may be some issues with the modeling used and that you will propose substantial mitigation to reduce those impacts to less significant levels. As indicated when CDOT, EPA and FHWA met on April 26, 2004 regarding the water quality issues, EPA believes that additional mitigation measures can be added to the project to ensure compliance with water quality standards. Including a more thorough description of the mitigation measures in future documentation will provide stronger

Printed on Recycled Paper

RESPONSE

Lines 10 to end of paragraph: As was discussed at the April 26 meeting of CDOT, FHWA and EPA, the discussion of water quality impacts of the Proposed Action in the EA was unclear (EA at pages 3-85 to 3-89). Especially confusing was the statement that "[t]he results of the FHWA model analysis show that pollutant loadings under the Proposed Action could cause acute and chronic standards to be exceeded for lead, copper and zinc" (EA at 3-88). That statement is incorrect. The Proposed Action would not cause the standards to be exceeded because CDOT is legally required by its Municipal Separate Storm Sewer Systems (MS4) permit to treat roadway runoff prior to its discharge to receiving waters. Best management practices must be incorporated in project design in order to comply with federal stormwater regulations (40 CFR 122.26). FHWA has prepared a clarification of the EA in order to clarify that issue. The clarification can be found in Section 7 of this decision document.

U.S. ENVIRONMENTAL PROTECTION AGENCY

1....support for a Finding of No Significant Impact (FONSI). We hope the enclosed detailed
2 comments will assist you with this documentation.
3.....
4 In addition, we are enclosing comments on the air quality section and the cumulative
5....impacts analysis. If you have questions regarding these comments, please contact me at 303 312-
6 6004 or Deborah Lebow of my staff at 303 312-6223.

Sincerely,

Larry Svoboda
Director, NEPA Program
Office of Ecosystems Protection and Remediation

Enclosure

cc: Brad Beckham, CDOT
Richard Annand, CDOT Region 2

RESPONSE

Lines 1-6: No response required.

U.S. ENVIRONMENTAL PROTECTION AGENCY

EPA Comments on the I-25 Environmental Assessment
Colorado Springs Urbanized Area

WATER QUALITY

- Water quality standard: As written, the EA states that "pollutant loadings under the Proposed Action could cause the acute and chronic standards to be exceed for lead, zinc, and copper. As shown in Table 3-24, the projected percent increase in the annual mass loading for pollutants from the highway is 57%." (EA page 3-88, 3-89) It is our understanding that there may be some issues with the interpretations of the model used for this analysis and that CDOT plans to propose changes to this section and commit to mitigate to reduce these impacts. Note that ..."Mitigation measures may be relied upon to make a finding of no significant impact only if they are imposed by statute or regulation, or submitted by an applicant or agency as part of the original proposal." (See CEQ 40 Questions, Question 40). Based on what is in the document now, the potential for water quality violations and other impacts related to sediment, flow, or other impacts to water is a significant impact. More mitigation in the form of permanent and enforceable Best Management Practices (BMPs) is warranted. BMPs need to be designed for removal of sediment and prevention of water quality impacts during construction and post-construction.

- Impervious Surface Cover: The document estimates that the impervious surface cover in the Fountain Creek watershed will increase proportional to the 40% increase in population in the area. Impervious coverage is a good indicator of likelihood of water quality issues. Water quality, we believe, is a cumulative impact in this area of some significance. The discussion on the amount of additional I-25 paved surface being negligible compared to the amount of impervious surface in the region today (EA page 3-88) is misleading. Some thought should be given to minimizing the impervious surface cover from this project and committing to some of the suggested measures in the EA to minimize the cumulative impact to these water resources.

- Liquid De-icers: The document states that the use of liquid de-icers is expected to increase in the future. BMPs limiting liquid de-icers from reaching the streams and management measures for minimizing their usage should be included in the mitigation measures.

- Selenium is known to be a problem in these water bodies. It is not mentioned in the EA.

WETLANDS

- Although the EA appears to plan adequately for the anticipated wetland impacts which will be caused by the project, the EA does not adequately address the CWA 404(b)(1) guidelines. Therefore, that will have to be done with the application for 404 permits. We emphasize that if this project is phased, CDOT must apply the guidelines at each design phase of the project impacting wetlands. Each design segment must attempt to first avoid wetland impacts, second minimize impacts, and then mitigate for any unavoidable impacts. This is the standard EPA will apply to our review of each Public Notice issued by the Corps of Engineers for this project.

1

RESPONSE

Lines 1-15: Please refer to the response to page 1, line 10 of this letter. A clarification can be found in Section 7 of this decision document.

Lines 17-25: FHWA agrees with EPA that increases in impervious surfaces are a concern in the project area. CDOT, along with Colorado Springs, Fountain, Manitou Springs, Security, and El Paso County, are implementing programs required by Federal law to address water quality concerns from increases in impervious surface and other pollutant-related water quality issues.

CDOT and the City of Colorado Springs have developed drainage criteria manuals that document the procedures, processes and BMPs required to assure compliance with approved MS4 permits from the Colorado Department of Public Health and Environment. In addition, Fountain, Manitou Springs, and El Paso County have adopted the City's drainage criteria manual. New development and redevelopment projects in these communities are required to conform to a four-step planning process to mitigate potential water quality impacts through the implementation of generally recognized, effective BMPs. This process includes (1) employing runoff reduction practices, (2) stabilizing drainage ways, (3) providing detention for Water Quality Capture Volume (WQCV), and (4) considering the need for industrial and commercial BMPs.

To reduce the potential impacts from unavoidable increases to impervious surface, CDOT has committed to specific mitigation measures outlined on page 3-89 of the EA, including compliance with its MS4 permit. This permit requires CDOT to conform to its "Drainage Criteria Manual" and "Erosion Control and Stormwater Quality Guide," and carries fines and/or penalties of up to $25,000 for permit violations. The CDOT BMPs are similar to those developed by the local communities described above. In cases where the jurisdiction overlaps, CDOT will comply with local community procedures and BMPs.

Through the implementation of required BMPs, water quality impacts and runoff resulting from the roadway and urban impervious suface areas will not be allowed by Federal law to degrade water quality in the region.

Lines 27-29: FHWA is aware of the concerns associated with liquid deicers. CDOT has developed an Anti-icing and Deicing Standard Operating Guide, which includes measures that will be implemented to minimize the impacts of deicers. Specifically, the guide recommends against application where crosswinds are in excess of 15 miles per hour to prevent possible drift from the roadway during application and limits application of deicers to those specific areas that need it the most, such as steep inclines, bus routes, and main thoroughfares. Road maintenance staff are directed to apply liquid deicers to optimize their use, including monitoring of pavement temperature and incoming weather to reduce the quantities of substances used. Other non-structural BMPs included in the guide are proper storage of liquid deicers to prevent unanticipated releases and the proper calibration of application equipment to ensure that only the necessary amount of deicer is applied. These efforts are CDOT standard operations, are already underway in the project area, and will continue to be followed.

Line 31: Selenium is not a constituent of stormwater runoff, and is not a direct impact of the Proposed Action. References to selenium are made in EA Appendix 9 at pages 2-53 and 2-64. As part of the development of the EA, an evaluation was made of the probable pollutants in stormwater runoff from highways. Table 4 of the *Water Quality Technical Memorandum* summarizes this information. Selenium is not known to be a constituent of concern for highway runoff, and it is unlikely that either the present highway or the future expansion would result in selenium loading to the stream. Selenium loading is usually associated with either crude oil or groundwater flow through shales into surface waters. High in-stream levels are usually associated with groundwater seepage, not stormwater runoff. Pierre Shale is known to exist in the Monument and Fountain Creek drainages and is the probable source of the selenium in the area.

Lines 34-41: Preparation of the I-25 Environmental Assessment required that the physical extent and location of proposed improvements be understood in sufficient detail to determine likely environmental effects. For this purpose, CDOT developed the conceptual design for improvements, not final design. The timing and magnitude of funding for the Proposed Action will determine what can be built and when. Final design will be accomplished for each construction package as it is identified, and applications will be made for needed permits, including Section 404 permits. In the final design process, additional efforts will be made to avoid, minimize and mitigate impacts at the detailed project level in accordance with the 404(b)(1) guidelines. This commitment to avoid and minimize impacts is discussed in the Wetland Finding at page 7-2 of the EA.

U.S. ENVIRONMENTAL PROTECTION AGENCY

We prefer an approach where CDOT applies for one permit which considers the complete project's impacts as opposed to partitioning the impacts into several individual permits. At the very least, every individual permit application should discuss the cumulative impacts from the project to date, with a reasonable discussion of how each permit affects the next anticipated permit. The cumulative impacts analysis for each individual permit application should consider the impacts to the affected watershed as a whole, describing the effects on the receiving waters downstream of the project.

AIR QUALITY

- Ozone: Page 3-59 of the EA states that "...the Region has experienced increasing ozone concentrations within the past decade, and trend analysis strongly suggests the likelihood of an ozone violation before 2010." While this violation may not be due to mobile sources solely, they are a portion of the problem, and should be addressed in the cumulative impacts section. If your analysis indicates that the 8-hour ozone standards are going to be violated, a discussion of conformity impacts should follow. In addition, a source for this information on potential ozone violations should be included in the document.

- Conformity: The document explains that there is a long-range plan and TIP for this region and that conformity must be shown, but it does not actually state and show that this project is in the plan *as proposed*. The document should lay out how the proposed action is consistent in scope with that modeled in the conforming transportation plan and TIP.

- Carbon Monoxide: The text on page 3-58 discusses a new proposed budget for CO of 531 tons/day and creates some confusion regarding what budget was used to demonstrate conformity of the project, as well as how that new budget came to be. It appears from the discussion in the cumulative impacts analysis that the transportation plan estimated the budgets using both the Mobile 5 and Mobile 6 models in anticipation of new budgets being established. A clearer explanation should be included. We note that conformity must be demonstrated with the budget that is approved at the time the document is completed. The new budget cannot be used until approved by EPA.

- Air Toxics: The discussion on air toxics contains a statement that "there are no standards for mobile source air toxics and there are no tools to determine the significance of localized concentrations or of increases or decreases in emissions. Without the necessary standards and tools, the specific impacts of the Proposed Action cannot be analyzed in any meaningful way." We disagree with this statement. The lack of regulatory standards for air toxics emissions is not sufficient reason to not address air toxics in NEPA documents. EPA believes that there are tools available which would provide useful information, in terms of both decision-making and public disclosure, on project-level air toxics emissions, where appropriate.

- Trends and impacts for PM10, PM 2.5: In addition to the conformity issues discussed in the EA, the document needs to discuss the trends and impacts for particulate matter, and what mitigation is appropriate both for the construction period and beyond. Particulate matter is a concern not just for the completed project, but for construction as well.

RESPONSE

Lines 1-7: Prior to construction in any jurisdictional water or wetland, CDOT will initiate pre-application consultation and coordination with the Corps of Engineers and all other applicable agencies to assure that these issues are addressed.

Lines 10-16: The trend towards increasing ozone concentrations noted on page 3-59 is also discussed in the EA's Section 4, Cumulative Impacts, at page 4-10. The source for the trend information is the region's air quality planning agency, the Pikes Peak Area Council of Governments, in their report, "Air Quality in the Pikes Peak Region: Monitoring and Trends Report," October 2003. The Pikes Peak Region is not in violation of the ozone standard, and thus ozone conformity requirements are not applicable. The trend in ozone concentrations does not take into account that some mitigation measures will be going into effect. Sixty miles to the north of Colorado Springs, the Denver region is addressing ozone issues through an Early Action Compact. Additionally, beginning with the year 2004 ozone season, EPA is requiring Denver's motor vehicle fuel to have lower volatility (Reid Vapor Pressure) than was allowed in previous years. This is expected to reduce emissions of ozone precursor emissions. Since the Denver area and Colorado Springs area receive the same fuel from the same refinery and supply system, the new reduced-volatility fuel is already being sold in the Pikes Peak Region. Importantly, this fuel is used not only for on-road motor vehicles, but also in gasoline-powered non-road vehicles (e.g. construction equipment) as well as gasoline-powered tools (lawnmowers) and generators. Emission reductions due to this and other control measures in the Denver area are expected to slow the upward trend in ozone that has been observed in the Pikes Peak Region.

Lines 18-21: Details regarding the modeling of I-25 improvements are found in PPACG's *FY 2004 through FY 2009 Transportation Improvement Program for the Colorado Springs Urbanizing Area*, July 2003, in Appendix A on pages A19, A20 and A21. This list of modeling assumptions used for the approved conformity analysis reflect the following: (1) between the years 2000 and 2010, completion of I-25 safety projects; (2) between the years 2010 and 2015, widening of I-25 to six through-lanes for the 26 miles from Exit 135 to Exit 161, including accel/decel lanes between Bijou and Fillmore; and (3) widening of I-25 to eight lanes from Exit 138 to 151, the extent of the proposed HOV lanes.

Lines 23-30: Conformity was determined for the Proposed Action based on the approved emissions budget in place at the time of EA completion. The purpose of discussing the new emissions budget then under development was to acknowledge and disclose that the budget change was underway, and to affirm that the Proposed Action would meet this budget as well.

Lines 32-40: FHWA recognizes that this is a complex issue. FHWA and EPA are working together at the national level to determine the best way to address urban air toxics in NEPA documents. The discussion of air toxics on pages 3-61 and 3-62 was intended as public disclosure that exposure to the 22 mobile source air toxics on EPA's 1996 list could result in human health risk. Since mobile air toxics have not been quantified for the Colorado Springs urban area, the best available source for this data is from a study entitled *Urban Air Toxics Concentrations in Downtown Denver: October 2000 through September 2001,* prepared by the Air Pollution Control Division of the Colorado Department of Public Health and Environment. This report provides data regarding the potential health risks from air toxics in a Colorado urban environment and is the best available data on the subject for the Colorado Springs area at this time. It is important to understand that the Denver study may not be representative of conditions in the Colorado Springs urban area because downtown Denver is much more densely developed and has significantly greater localized traffic volumes.

Lines 42-46: Trends in ambient concentrations of particulate matter are presented in EA Appendix 9 at page 2-81. Measured concentrations of PM_{10} peak in 1992 at about 80% of the 24-hour standard, and have trended significantly downward since then. In recent years, concentrations have been no higher than 60 percent of the standard. Concentrations of the finer particles $PM_{2.5}$, have been measured in the region since 1999 and also have been no higher than 60 percent of the standard. These issues were not raised in the EA because there is no reason to anticipate a problem in meeting these PM standards for the foreseeable future. The EA at page 3-62 states that "[I]mplementation of dust control practices during construction will be required, in accordance with Colorado Air Quality Control Commission Regulation No. 1 regarding fugitive emissions.

U.S. ENVIRONMENTAL PROTECTION AGENCY

NOISE

- Given the interest in the noise issue in this corridor, we believe more information should be added to the document on the reasons why certain noise reduction measures such as the suggested use of a rubberized asphalt pavement, were eliminated or deemed infeasible.

CUMULATIVE IMPACTS

- The Regional Cumulative Effects Analysis (RCEA) analyzed the four transportation projects currently in progress in the Colorado Springs area. That document was meant as background information for a cumulative impact analysis done for each of the four transportation projects. We support the concept of a regional cumulative impact analysis and think that the RCEA for Colorado Springs was well done. We have commented that it can be a significant step forward in addressing cumulative impacts. However, it can fall short if it is too general. In this case, the EA does not specifically lay out other reasonably foreseeable actions taken into account in the analysis. It is not clear from the document which reasonably foreseeable actions in addition to the four transportation projects noted were included in the analysis.

- We note the possible significant environmental impacts of this action. This EA covers a 26-mile corridor of I-25 that follows Monument and Fountain Creeks. The project also includes the reconstruction of 6 interchanges, and there was a great deal of public interest in this project. The direct impacts of this project, which viewed separately may not appear significant, include impacts to 52 acres of floodplains, 10.22 acres of wetlands, potential water quality standards violations to Monument and Fountain Creeks,. The document points to the potential to violate the 8-hour ozone standard regionally and significant cumulative impacts to all of these resources mentioned above due to the significant growth in the area. Cumulative impacts alone can trigger a finding of significant impacts. (See 40 CFR Section 1508.27.)

- The evaluation of how the I-25 expansion will affect growth patterns has not been presented in this EA. The document states several times that this project will not affect growth at all. While this may be true, some analysis of this assumption should be done and presented to support this assertion. Transportation projects can certainly influence the timing or placement of growth, especially at interchange expansions or changes.

- The trend towards increased flow and impervious surface in Fountain Creek Watershed should not be exacerbated by this project. The document states that with continued development in the Fountain Creek watershed, additional water quality degradation is anticipated (EA page 4-9). "Further water quality degradation would be anticipated also as the wetlands adjacent to these streams are overloaded by increased pollutant concentrations in runoff from increased impervious areas." While water quality degradation is not solely dependent on this project, the cumulative impacts to water quality in the watershed may be significant. The water quality strategies mentioned in the document are important, including minimizing creation of new impervious cover. CDOT should look into the best management practices to reduce flows and impervious surface cover for this project to see which bmps may lessen the burden to the watershed overall.

3

RESPONSE

Lines 1-3: Citizens' interest in the use of rubberized asphalt as a noise mitigation measure is addressed in the EA on page 3-66, which states that "alternative pavement types are not considered a proven mitigation measure by FHWA and CDOT." Therefore, mitigation of noise-impacted resources must include use of conventional measures such as noise walls or berms, from which noise reduction may reliably be expected.

Lines 6-15: The RCEA considered cumulative effects based on past, present and reasonably foreseeable future actions projected to the year 2025, as noted in EA Appendix 9, page 1-8. This took into account the effects of implementing the adopted *Destination 2025* Regional Transportation Plan, a fiscally constrained plan including $2.2 billion in transportation improvements for roadways, transit and non-motorized modes. The air quality conformity analysis for *Destination 2025* includes emissions for the entire regional transportation network, and is based on adopted regional population and employment projections (an additional 200,000 residents by the year 2025). This growth has been allocated by PPACG to small areas, called transportation analysis zones, throughout the region, based on the land uses and land use policies of PPACG's member governments, including the 2001 *City of Colorado Springs Comprehensive Plan*. These adopted TAZ forecasts reflect growth throughout the region, including growth in major transportation corridors as well as downtown redevelopment, together with continued infill development. Estimates of impervious surface area in the region were based on continuation of existing development practices, and thus a 40% increase in population was assumed to result in a 40% increase in impervious surface area. Other potential impacts from growth such as fragmented habitat, loss of existing land cover, increased urban noise, and changes in the visual landscape are discussed in the RCEA together with strategies the community may use to mitigate negative trends.

Lines 17-26: Roadway widening and interchange reconstruction are not themselves significant impacts. There has been a considerable amount of public interest in the project, however public interest does not translate into a significant impact. The potential impacts to floodplains, worst-case estimates based on conceptual design, will require full compliance with FEMA regulations, including the requirement that the Proposed Action will not raise base flood elevations by more than one foot. The potential water quality violations mentioned here are addressed in the response to a separate EPA comment in this letter, where it is clarified that the EA water quality analysis did not predict any violations, despite confusing language in the EA that suggested otherwise. The trend in ozone concentrations is addressed in a separate response to an EPA comment in this letter, where it is pointed out that emission control measures newly implemented in Colorado have the potential to slow this upward trend. Overall regional population growth of 200,000 new residents by 2025 will certainly have a variety of effects on existing conditions, including worsening the region's already unacceptable I-25 traffic congestion under the No-Action Alternative. FHWA has evaluated the direct, indirect and cumulative effects of the Proposed Action, and has determined that a finding of no significant impacts is appropriate for the I-25 Proposed Action.

Lines 28-32: The I-25 corridor from South Academy (Exit 135) to Briargate (Exit 151) is already developed, and no substantial areas remain undeveloped along the corridor or reasonably close to the corridor. Therefore any growth effects from the Proposed Action would be confined to the northern I-25 corridor segment from Briargate to Monument (Exit 163), and limited primarily to the east of I-25 because of the Air Force Academy on the west side. In this large area, growth patterns have already been determined by previous land use decisions. Approved master plans, plats and annexation agreements are in place today for much of this area, and development in accordance with approved local and regional plans is already occurring at a rapid pace. In summary, most of the remaining vacant land along the corridor is slated for development in the near future.

Lines 34-44: The Proposed Action includes Best Management Practices that will mitigate not only the affects of the proposed highway improvements, but also the existing highway that was built in 1960 prior to the establishment of roadway-related water quality control measures. The net result is likely to be a decrease in runoff pollutants compared to existing conditions, thus improving water quality. Implementation of these BMPs is legally required under CDOT's MS4 permit from the Colorado Department of Public Health and Environment. The BMPs are also legally required because they are included as mitigation commitments in the EA.

U.S. ENVIRONMENTAL PROTECTION AGENCY

1.•..... NEPA is a disclosure tool. This document discloses that overall, Vehicle Miles Traveled 2 in 2025, as projected by PPACG, will be 19 million, representing an increase of 81% over 3.....the year 2000. (EA page 4-13). Air quality challenges for the region will be ozone and 4 carbon monoxide, both trending upwards. Decentralized development, according to the 5.....document, is a key factor behind the increasing VMT. We suggest that this disclosure is 6 important for local governments to consider and that the document include any 7.....commitments from the local governments that address this trend. 4	**RESPONSE** Lines 1-7: Vehicle-miles of travel in the region are strongly influence by land use. Land use policies in the Pikes Peak Region are established by local governments including the City of Colorado Springs, El Paso County, and other cities and towns. Within the I-25 corridor, the Town of Monument is located at the north end of the I-25 Proposed Action and the City of Fountain is located at the south end of the Proposed Action. Each of these local governments has adopted comprehensive plans that address all aspects of that jurisdiction's vision for the future, including land use policies and objectives. Some of these policies include increased use of alternative transportation modes and emphasize mixed land use as ways to reduce dependence on the automobile. Additionally, these governments work together through the Pikes Peak Area Council of Governments to develop regional plans for addressing transportation, air quality, and water quality needs.