



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

FEB 15 2008

Lawrence F. Cullari  
Program Operations Director  
Federal Highway Administration  
840 Bear Tavern Road, Suite 310  
West Trenton, NJ 08628

Rating: EC-2

Dear Mr. Cullari:

The Environmental Protection Agency (EPA) has reviewed the Federal Highway Administration/New Jersey Department of Transportation (FHWA/NJDOT) draft environmental impact statement (DEIS) to evaluate the reconstruction of the Interstate 295 (I-295), Interstate 76 (I-76) and New Jersey State Route 42 (Route 42) Interchange located in the Boroughs of Bellmawr, Mount Ephraim and Gloucester City in Camden County. The project involves construction of a full, grade-separated interchange and direct connection for through-traffic on I-295 to correct operational, geometric and structural deficiencies, and to improve traffic safety at the interchange. 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 (NEPA).

Currently, drivers traveling through the I-295/I-76/Route 42 Interchange along I-295 must merge with vehicles entering from Route 42 and I-76, which requires weaving movements. This results in traffic congestion at the interchange and along local arterials and streets, a poor Level of Service (LOS), and an elevated crash rate resulting in injuries and fatalities. According to the DEIS, the project has been designed to correct numerous highway design elements, including substandard horizontal curvature, stopping sight distance, superelevation, shoulder widths and acceleration/deceleration lane lengths.

The DEIS provides an excellent description of each of the alternatives that was considered as well as the underlying rationale for selection of the final five build alternatives (D, D1, G2, H1 and K). All of the alternatives follow a similar alignment which crosses the northwestern corner of New Saint Mary's Cemetery and involve construction of new ramps. The alternatives differ with respect to whether they also involve construction of a double-decker highway (G2, H1), a mainline I-295 tunnel under I-76/Route 42 (K), and whether the alternative creates new waterfront access to the public by eliminating Al Jo's Curve (D, G2, K). The preferred alternative (D) would potentially impact 2.28 acres of freshwater tidal, and freshwater non-tidal wetlands; 1.97 acres of open water associated with Big Timber Creek and Little Timber Creek; 5 historic architectural resources covering an area of 2.11 acres; and would create 61 acres of impervious surface area.

Based on our review, EPA submits the following comments:

Wetlands:

All of the build alternatives will result in wetlands impacts to a greater or lesser degree as a consequence of road construction, pile driving and filling of embankments. Alternative D1 will result in the largest permanent wetland impacts at 3.732 acres, while Alternative G2 will result in the smallest impacts at 0.952 acre. To compensate for the unavoidable wetlands impacts, the project proponent has developed a Conceptual Mitigation Plan which provides for onsite and offsite wetlands replacement on a 2:1 basis. Two of the onsite locations are adjacent to Little Timber Creek near Al Jo's Curve on I-295 southbound. The creek is currently a degraded wetland which does not provide a diverse aquatic habitat. The offsite wetlands mitigation location on the Green Vest property appears to be of high quality in terms of wetlands function and value, and can accommodate the balance of any replacement requirement which is unmet by onsite mitigation.

The preferred alternative presents the opportunity for 100% on-site and in-kind wetlands mitigation through the removal of a traffic ramp associated with Al Jo's Curve. In addition to the restoration of wetlands at the site, removal of the above traffic ramp would also connect wetlands which are currently isolated within the traffic median at this location to other wetlands contiguous to the project area. After review of the materials, EPA concurs that Alternative D represents the least damaging alternative to the aquatic environment. Due to the minimization of the proposed impacts and the mitigation proposed to offset all unavoidable impacts to the aquatic environment, we believe the project, as currently described, is consistent with the Clean Water Act Section 404(b)(1) Guidelines.

EPA notes that the preferred alternative, as well as alternatives G2 and K, involves restoration of the Little Timber Creek channel, where two existing culverts would be "daylighted" as a result of removing Al Jo's Curve. In addition, the DEIS indicates NJDOT has consulted with the New Jersey Department of Environmental Protection (NJDEP) regarding the possibility of conducting additional stream restoration along the creek, beyond the USACE mitigation requirement. EPA commends NJDOT for this proactive measure.

The DEIS indicates that the plan was reviewed and approved by NJDEP and the Army Corps of Engineers (ACOE). However, the wetlands monitoring component was not addressed in the DEIS. Given the high failure rate for replicated wetlands, the FEIS should describe the frequency of monitoring, procedures for wetlands replanting, and the measures which will be undertaken to ensure the long-term success of the mitigation sites.

In addition, the FEIS should update the status of the NJDOT Missing Moves project, which is located south of the project currently under review, and consists of a highway connection between I-295 and Route 42. According to the DEIS, the Missing Moves will permanently impact a maximum total of 5.660 acres (1.931 acres of wetlands for the Missing Moves preferred

alternative and 3.729 acres for alternative D1). If the Missing Moves is anticipated to move forward, the FEIS should address the cumulative environmental impacts of both projects, with particular attention to wetlands, floodplains, surface water, groundwater and air quality.

#### Air Quality:

The document, "Analyzing, Documenting, and Communicating the Impacts of Mobile Source Air Toxic Emissions in the NEPA Process," dated March 2007 and prepared by ICF International as part of National Cooperative Highway Research Program (NCHRP) Project 25-25, Task 21, would help in providing perspective on the value of further analyzing the potential mobile source air toxics (MSAT) impacts of this project. Figure 39 on page 120 of that document is a flow chart for deciding the level of analysis to perform for a particular transportation project. Note that annual average daily traffic (AADT) is needed to use the flow chart. Please provide the AADT for the alternatives being considered, and use the flow chart to guide further analysis or support a decision that no further analysis is warranted for this project. In addition, in consideration of health concerns for near-roadway populations, we suggest that NJDOT include a map in the MSAT section of the Air Quality Technical Environmental Study overlaying a 300-meter buffer around each build alternative and the no-build alternative to identify populations and sensitive receptors potentially affected by the various alternatives. Any potential impacts from the build alternatives should be compared to the no-build impacts.

Stated goals of the project are to improve air quality by reducing traffic congestion along the interchange and local arterials and streets, and to enhance opportunities for other modes of transportation, including bicycle and pedestrian, within the project area. In our January 23, 2002 comment letter on the amended Notice of Planned Action for the proposed project, EPA encouraged FHWA and NJDOT to incorporate Travel Demand Management (TDM) measures and operational improvements in the alternatives. Towards this end, the FEIS should describe feasible TDM opportunities which the proponent is exploring to enhance intermodal and alternative transportation, including high occupancy vehicle (HOV) lanes within the roadway and bicycle/pedestrian travel enhancements along local arterials.

#### Construction Air Quality:

The DEIS states that it is anticipated that the contractor will implement measures to minimize adverse air quality impacts stemming from MSAT and equipment exhaust emissions during construction. Potential mitigation strategies to reduce particulate matter and NOx include reducing construction equipment activity and shift times. Other mitigation measures such as use of ultra-low sulfur fuel in equipment, deployment of clean diesel equipment through engine retrofits, rebuilds, or repowering may be employed. EPA is encouraged to see such a discussion on mitigating the impacts that construction equipment will have on air quality.

Given the long construction timeframe, which may range from 63 to 88 months depending upon the selected build alternative, NJDOT should utilize all feasible construction and operational mitigation measures to minimize community exposures. Additional measures which should be considered include utilization of non-road diesel engines that conform to EPA's stringent Tier 3 or Tier 4 emission standards (as applicable), an idling minimization policy, and either electrification of the project site or staging of diesel generators to avoid adverse impacts to the surrounding community. NJDOT can enforce these measures through the use of clean diesel specifications in the project's construction contracts. We suggest that NJDOT develop a complete set of committed measures to be included in the FEIS.

#### General Comments:

As the site is located within the New Jersey Coastal Plain Sole Source Aquifer System, EPA has reviewed the project in accordance with Section 1424(e) of the 1974 Safe Drinking Water Act, PL 93-523. Based on our review of the information provided, we do not anticipate that this project will result in significant adverse impacts to groundwater quality. Accordingly, the project satisfies the requirements of Section 1424(e) of the Safe Drinking Water Act.

The proponent has committed to a stormwater management system which includes bioretention basins, outlet control structures and pumping stations where necessary. The system will be designed in accordance with the NJDOT's drainage design criteria to accommodate flows from the 50- and 100-year tidal flood events. The FEIS should provide a description of the maintenance program that will be implemented to ensure the proper operation of the system. During the construction phase, the water quality impacts of the project will be mitigated through implementation of a soil erosion and sedimentation control plan which includes silt fences, hay bales, seeding, topsoil stabilization matting and turbidity barriers.

In Section 5.8.2, the document states that there are three areas of concern for potential soil and/or groundwater contamination. These areas include the area of Ramp C at I-295 due to an historic release of diesel fuel, the New Saint Mary's Cemetery due to the presence of an underground storage tank and an aboveground storage tank, and an automotive towing facility which may contain chemicals and petroleum. In addition, buildings in both of the latter locations would be demolished under several of the alternatives for the proposed project. Based on the dates of construction, these buildings may contain asbestos and lead-based paint. The DEIS indicates that further sampling of these areas has been recommended. The results of this investigation should be included in the FEIS as well as any proposed mitigation measures that would be implemented to minimize the hazardous materials impacts of the project.

In conclusion, based on our review and in accordance with EPA policy, we have rated this DEIS, and the preferred alternative as EC-2, indicating that we have environmental concerns (EC) about the cumulative impacts to wetlands and would like to see a plan to monitor the replication sites, as well as the potential air quality impacts, that should be addressed in the FEIS. Thank you for the opportunity to comment on this project. If you have any questions concerning our comments,

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Sincerely yours,

A handwritten signature in cursive script, appearing to read "John Filippelli for".

John Filippelli, Chief  
Strategic Planning and Multi-Media Programs Branch

Cc: Bruce Hawkinson/NJDOT