

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866



JUL 25 2007

Robert Arnold
Division Administrator
Federal Highway Administration
Leo W. O'Brien Federal Building, 7th Floor
Clinton Avenue and North Pearl Street
Albany, NY 12207

Dear Mr. Arnold:

The Environmental Protection Agency (EPA) has reviewed the Federal Highway Administration/New York State Department of Transportation's (NYSDOT) draft environmental impact statement (EIS) on the construction and operation of the Long Island Intermodal (LITRIM) Facility (CEQ# 20070209) to be located in the Town of Islip, 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.

Two alternatives, the No Build and a Build Alternative were evaluated in the draft EIS. The proposed intermodal facility would be approximately 105 acres in size, and would be designed to handle both containerized intermodal freight and bulk freight, such as lumber, building materials and paper goods. The facility would include: loading tracks; a trailer and container storage area; a bulk freight storage and loading area; an equipment maintenance area; and an administrative building and control gate. An existing spur line would connect the facility to the Long Island Rail Road. The LITRIM Facility would also require roadway improvements to establish a preferred route for trucks to travel between the intermodal facility and the Long Island Expressway, moving trucks away from residential streets.

EPA's comments are as follows:

Overall, the draft EIS is not clear about the capacity and operation of the LITRIM. We have found at least three estimates of the number of trains expected to haul freight to the LITRIM in 2030. On page 3-11, the document states that the projected 2030 freight will require 2 trains on the Long Island Rail Road (LIRR). On page 7-3, the document states that the facility may receive up to 6 trains each day. Then, on page 7-5, the document states that the addition of 4 freight trains per day would not create an adverse affect on the operations of the LIRR.

Regarding the operation of the terminal, the document should be more specific about all the cargo handling equipment that may be used at the site. According to the freight forecast update in Appendix G, approximately 40% of the tonnage being handled at the LITRIM will be bulk transload. Usually, specialized equipment is needed to handle bulk

materials, such as clay, concrete or coal. The description of the yard equipment does not include any specialized-loading equipment. The projected number of trains and the expected types of transload equipment to be used at the LITRIM should be clarified in the final EIS, and then used for the air quality (including MSATs), indirect and cumulative effects analyses.

Air Quality

Transportation Conformity - Regional Emissions Analysis

The New York Metropolitan Transportation Council (NYMTC) draft 2008 transportation improvement program (TIP) includes the LITRIM project as a project exempt from transportation conformity with "scope to be determined." We believe that the project's scope is sufficiently defined for it to be considered as a non-exempt project for transportation conformity purposes. Therefore, we recommend that FHWA and NYSDOT work with NYMTC to ensure that the LITRIM project is included in the regional emissions analysis of a conforming regional transportation plan and TIP and listed as a non-exempt project in the TIP prior to issuing a Record of Decision.

PM_{2.5} Hot-Spot Analysis

The LITRIM project was correctly identified as a project of air quality concern (40 CFR 93.123(b)(1)(iii)); however, a PM_{2.5} hot-spot analysis was not conducted in accordance with the EPA guidance titled "Transportation Conformity Guidance for Qualitative Hot-spot Analyses in PM_{2.5} and PM₁₀ Nonattainment and Maintenance Areas" (EPA/420-B-06-902). The transportation conformity rule (40 CFR 93) requires a qualitative hot-spot analysis for projects of air quality concern in PM_{2.5} nonattainment areas until EPA releases quantitative hot-spot modeling guidance. The qualitative hot-spot analysis may incorporate any quantitative analyses completed to satisfy NEPA or SEQR requirements; however, any completed dispersion modeling should not be used to make a final determination of project level conformity. The qualitative hot-spot analysis should document how the project will not cause or contribute to a new violation of the PM_{2.5} standard, with the appropriate daily PM_{2.5} standard for transportation conformity purposes being 65 µg/m³ (until EPA finalizes nonattainment designations based on the revised daily standard of 35 µg/m³). Also note that hot-spot determinations made to satisfy transportation conformity requirements should only address on-road emission sources.

Mitigation Measures

FHWA and NYSDOT must explicitly commit to any mitigation measures relied on in the hot-spot analysis for transportation conformity (40 CFR 93.125). FHWA and NYSDOT must document how these measures, such as the use of a "Green Goat" switching locomotive, will be enforced upon the terminal operator. If their use cannot be ensured, then FHWA and NYSDOT cannot use them as offsets or mitigation measures in the analysis.

General Conformity

Transportation conformity applies to FHWA/FTA highway and transit projects (see 40 CFR 93.101). While the roadway portions of the project are covered under transportation conformity, the construction and operation of the intermodal yard, including all emissions from non-road sources, are subject to a **general** conformity determination. FHWA and NYSDOT must prepare a general conformity applicability analysis and any appropriate conformity determination, in accordance with 40 CFR 93 sections 150 through 160, for the direct and indirect emissions associated with non-road equipment used in both the construction and operation of the intermodal facility.

Mobile Source Air Toxics

Intermodal facilities have the potential to emit greater levels of mobile source air toxics (MSATs) than other transportation facilities. We are pleased to see the inclusion of an MSAT analysis within the draft EIS, but would like to see some additional **information** on particular aspects. Given the proximity of sensitive receptors to the project area, a microscale analysis identifying potential MSAT concentrations at the Pilgrim Psychiatric Center, Suffolk County Community College, and Brentwood North Middle School should be included in the final EIS. In addition, we would like to see a hot spot analysis performed for the location where train engines idle before entering the main line. **Furthermore**, any MSAT emissions or concentration levels you may have calculated as part of your analyses for the ten air quality receptor locations should be made available to local planning and/or **state** decision-makers who may be **considering uses** of surrounding properties such as the proposed mixed-use Heartland Town Square development.

General Comments:

As the site is located in the Nassau-Suffolk Aquifer System, designated by the EPA as a Sole Source Aquifer on June 21, 1978 (citation 43 FR 26611), EPA has also 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 ground water quality. Accordingly, the project satisfies the requirements of Section 1424(e) of the Safe Drinking Water Act.

In Section 3.2, the **syntax** in the last sentence is **wrong**. Localized traffic effects on the surrounding roadways **are** described **later** in Section 3.3.

In Section 5.10.1, the document states that a hazardous and contaminated materials sampling investigation was to have occurred this past spring. The results of this sampling effort should be included in the final EIS.

The cumulative effects analysis should qualitatively describe the cumulative effects to the groundwater and air quality (including MSATs) should **the Heartland Town Square** be built, due to loss of recharge surface and traffic.

NYSDOT should consider **construction and** operational mitigation measures such as cleaner fuels in equipment, deployment of clean diesel equipment **through engine** retrofits; rebuilds, or repowering, and the implementation of anti-idling practices.

In conclusion, based on our review and in accordance with EPA policy, we have rated this draft EIS and the preferred alternative as EC-2, indicating that we have environmental concerns (EC) **about potential air quality impacts** that should be addressed in the final EIS. Thank you for the opportunity to comment on this project. If you have any questions concerning our comments, please contact Lingard **Knutson** of my staff at (212) 637-3747.

Sincerely yours,



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

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SUMMARY OF RATING DEFINITIONS AND FOLLOW-UP ACTION
Environmental Impact of the Action

LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of environmental quality, public health or welfare; EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1-Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analysis, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From: EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."