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Mr. John M. Cater
Division Administrator
Federal Highways Administration
12300 West Dakota Avenue, Suite 180
Lakewood, CO 80228

Mr. Shailen P. Bhatt
Executive Director
Colorado Department of Transportation
4201 E. Arkansas Avenue
Denver, CO 80222

Re: I-70 East Final Environmental Impact Statement CEQ # 20160001

Dear Mr. Cater and Mr. Bhatt:

The U.S. Environmental Protection Agency Region 8 has reviewed the I-70 East Final Environmental Impact Statement (EIS) and Section 4(f) Evaluation prepared by the Federal Highway Administration (FHWA) and the Colorado Department of Transportation (CDOT). Our comments are provided for your consideration pursuant to our responsibilities and authority under Section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4332(2)(C), and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609.

PROJECT DESCRIPTION

The I-70 East project is a highway improvements project for I-70 from I-25 east to Tower Road. The highway corridor traverses neighborhoods within Denver, Commerce City and Aurora. The purpose of the project is to improve safety, access and mobility and to address congestion along this major transportation corridor. A Draft EIS was published in 2008 but was not finalized, and based on stakeholder input, the FHWA and CDOT decided to prepare a Supplemental Draft EIS. Subsequently, the lead agencies began a year-long collaborative process called the Preferred Alternative Collaborative Team (PACT), involving governmental agencies, advocacy groups, and neighborhood representatives from Adams County, Aurora, Commerce City and Denver. Using input from the PACT, the FHWA and CDOT developed a new alternative known as the Partial Cover Lowered Alternative.

The Supplemental Draft EIS analyzed two build alternatives: (1) the Revised Viaduct Alternative with North and South Options and (2) the Partial Cover Lowered Alternative, as well as the No Action Alternative. Both build alternatives incrementally widen the highway from Brighton Boulevard to Tower Road from six to twelve lanes and back down to six lanes along the corridor. The Revised Viaduct Alternative replaces the existing I-70 viaduct between Brighton Boulevard and Colorado Boulevard. The Partial Cover Lowered Alternative removes the existing I-70 viaduct between Brighton

Boulevard and Colorado Boulevard and lowers the highway in this section below grade to a maximum depth of approximately 40 feet, and has an almost 1,000 square-foot cover adjacent to the Swansea Elementary School between Clayton and Columbine streets. Managed (i.e., tolled) and general purpose lanes were also considered.

The FHWA has identified the Partial Cover Lowered Alternative with managed lanes as their preferred alternative in the Final EIS. The project will be built in two phases. Phase 1 will be from I-25 to Chambers Road and funding has been identified for this phase. Phase 2 will be from Chambers Road to Tower Road.

In response to comments from the public and other agencies on the Draft Supplemental EIS, two new chapters were added to the Final EIS covering: (1) the phased project implementation, and (2) mitigation measure commitments for the preferred alternative. Consolidating all of the impacts and mitigation commitments, the responsible parties, timing and relevant page number in the Final EIS in one chapter was very user friendly. In addition, a new section entitled Human Health Conditions was added to Chapter 5 – Affected Environment, Environmental Consequences, and Mitigation. While health conditions had been discussed in various sections of the Draft Supplemental EIS, it was very helpful for the reader to gain a better understanding of health impacts to have all that information in one location.

ENVIRONMENTAL ISSUES

The EPA has been a cooperating agency for this project. We have worked very closely with the lead agencies, FHWA and CDOT, and the Colorado Department of Public Health and Environment (CDPHE), another cooperating agency, to address air quality and environmental justice concerns that were included in our comment letter on the Supplemental Draft EIS dated October 30, 2014. The transportation agencies have been very responsive to our recommendations.

Air Quality

The Final EIS was responsive to EPA's air quality concerns and recommendations in the following ways:

- Updated traffic data from the DRCOG Compass model (Version 5.0) was used in the Final EIS analysis.
- An updated/corrected inspection and maintenance file was utilized in the MOVES modeling for the hot-spot analyses.
- Dispersion modeling for the particulate matter (PM_{10}) hotspot analysis used meteorological data from the Stapleton meteorological station (from the prior Stapleton airport), as recommended by CDPHE, to better represent the weather conditions at the project location. This was done in lieu of using data from DIA.
- After the Draft Supplemental EIS was published in August 2014, the EPA revised the methodology for determining the PM_{10} background concentration for the PM_{10} hotspot analysis (EPA-420-B-15-084, November 2015) and we had recommended that methodology be used. The new background information was then included in the Final EIS PM_{10} hot-spot modeling.

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- Changes were made to how the below-grade section of highway in the Preferred Alternative was modeled for the PM_{10} hotspot analysis. The "OPENPIT" functions of the AERMOD model were used.
- As recommended by EPA's Office of Air Quality Planning and Standards and CDPHE, the hot-spot modeling receptor network was expanded to include all locations outside the project right-of-way.
- Reader enhancement suggestions were incorporated in the Final EIS, including local maps depicting the maximum concentration receptor locations of carbon monoxide and PM_{10} from the hot-spot modeling analyses.
- Updated emissions inventories for national ambient air quality standards criteria pollutants and precursors and mobile source air toxics were included in the Final EIS and both graphic and table presentations of these emissions were provided.
- An updated discussion on greenhouse gases and climate change was presented in the Final EIS.
- Objectives and requirements for an air quality monitoring plan that will be utilized during the construction phase of the project to monitor for PM_{10} emissions was provided.

As a result, we have increased confidence in the air impact analysis and its associated conclusions.

Environmental Justice

As we stated in our comment letter on the Draft Supplemental EIS, we commend FHWA and CDOT for the extensive community outreach program to environmental justice communities that the agencies have undertaken over the years, recognizing that environmental justice is a major focus for this project. We were pleased that the Final EIS revealed that FHWA has selected this project as a case study for environmental justice best practices. The EPA recommends that the organization that will be responsible for maintaining the proposed highway cover adjacent to the Swansea Elementary School be identified in the Record of Decision.

Thank you for the opportunity to provide comments on the I-70 East Final EIS. If you have any questions or would like to discuss our comments, please contact me at 303-312-6704 or the lead reviewer of this project, Carol Anderson, at 303-312-6058.

Sincerely,

Philip S. Strobel
Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation

cc by email: Chris Horn, FHWA
Vanessa Henderson, CDOT

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