



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

NOV 14 2013

REPLY TO THE ATTENTION OF:
E-19J

Noel F. Mehlo Jr.,
Environmental Program Manager
Federal Highway Administration
Ohio Division
200 North High Street, Room 328
Columbus, Ohio 43215-2408

**Re: EPA Comments on the Draft Environmental Impact Statement (CEQ # 20130270)
Cleveland Opportunity Corridor Project in Cuyahoga County, Ohio**

Dear Mr. Mehlo:

In accordance with Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (EPA) reviewed the Draft Environmental Impact Statement (DEIS) for the proposed Cleveland Opportunity Corridor Project in Cuyahoga County, Ohio. This project is a new roadway, extending from the intersection of Interstate 77, and Interstate 490, and 55th Street northeast to the University Circle/ Medical Center area at Chester Avenue and 105th Street. The University Circle/ Medical Center area is a major employment center, with Case Western Reserve University, medical complexes, and cultural institutions. Most of this east side of Cleveland between the two termini was densely populated and highly industrialized decades ago, but has been largely abandoned, leaving only a skeleton of infrastructure. This proposed roadway is part of a wider effort to revitalize the Opportunity Corridor and surrounding areas and facilitate ongoing development of the University Circle and Medical Center area.

EPA, the U.S. Department of Housing and Urban Development (HUD), and the Federal Highway Administration (FHWA) participated in a Cleveland Opportunity Corridor Brownfields Area Wide Plan that anticipated this roadway proposal. There has been some coordination between these developments. EPA, the Department of Justice (DOJ), and the State of Ohio have a comprehensive Clean Water Act settlement with the Northeast Ohio Regional Sewer District (NEORS) that will address the flow of untreated sewage and combined sewer overflows (CSO) into Cleveland area waterways and Lake Erie. The work the Ohio Department of Transportation (ODOT) is proposing here should be coordinated with NEORS, so that the required remedial control measures defined in the settlement are not negatively impacted. Further, the proposed project is in an area of Cleveland that is in nonattainment for air quality for the 8- hour Ozone standard and Particulate Matter of 2.5 microns and smaller, and is in maintenance status for Sulfur dioxide (SO₂), Lead (Pb), Particulate Matter of 10 microns, and the 1- hour Ozone standard. The DEIS clearly describes the corridor area as a series of communities with environmental justice concerns (EJ).

ODOT has written this DEIS in a new question-and-answer format, supplemented with analysis and data in appendices. We commend this approach as a means to effectively inform the public. However, the document would benefit from more technical information in the body of the EIS. Our comments below are provided under the NEPA headings of Purpose and Need, Alternatives, Environmental Impacts with environmental subheadings, and Mitigation for Impacts.

Based on the provided materials, we have assigned a rating of **Environmental Concerns – Insufficient Information (EC-2)**. A summary of our ratings definitions is enclosed.

PURPOSE AND NEED

The Cleveland Opportunity Corridor Project purpose (page 2-5) is "to provide a transportation system that supports planned economic development. To achieve this, the Opportunity Corridor must improve mobility, connectivity and access in the area between I-77 and University Circle." The DEIS focuses primarily on providing ready access from I-77/I-490 to the University Circle/Medical Center area. The DEIS does not describe the efforts ODOT made to address local concerns, or measures ODOT has taken to integrate this project into the redevelopment efforts mentioned above. Further, the DEIS does not clearly describe how the project will benefit the intervening neighborhoods.

Recommendation: While Section 5 does a good job of noting all the meetings the ODOT team attended, the section on page 5-8 "What about the project changed because of Agency and Public Involvement?" is minimal and typical of much of the DEIS. The Final EIS (FEIS) should clearly discuss here and elsewhere how the project termini were selected to benefit both the University Circle/ Medical Center area and the five neighborhoods adjacent to the roadway, how the roadway (with limited access at thirteen signaled intersections along the 3.5 miles) connects these adjacent neighborhoods with best efficiency, and similar topics where meeting the purpose and need can be more fully explained.

We also recommend ODOT coordinate further with the Opportunity Corridor Brownfield Area Wide Plan group and local community planners. It is our understanding that this roadway was to not just traverse the corridor neighborhoods, but at some points to more fully enhance access to the areas for economic redevelopment and to improve connectivity of the neighborhoods across this corridor and the adjacent rail corridor. We recommend the FEIS clarify how ODOT will contribute to the ongoing Partnership for Sustainable Communities efforts in the communities traversed by the Opportunity Corridor.

ALTERNATIVES

The DEIS lacks a robust description of the alternatives considered, what their benefits and drawbacks were, and why options were retained or dropped. While the DEIS mentions coordinating with the Greater Cleveland Regional Transit Authority (GCRTA), there is no discussion of what was coordinated nor how the Opportunity Corridor project will provide linkages to transit or Transportation Oriented Development (TOD) in relation to bus routes, rail

stations, and their parking facilities. Two pedestrian bridges are proposed. However, could additional measures be adopted to enhance bicycle and pedestrian use of existing street crossings? Could other new connections improve connectivity of these modes?

Are the thirteen intersections optimally designed to facilitate traffic getting from the new roadway into the Forgotten Triangle redevelopment (the area within Woodward Avenue, Woodhill Road and Kinsmann Road) or across the rail / GCRTA trench and up to the communities north of this divide? The DEIS (pages 4-18 to 4-25) provides little indication of such connectivity enhancement. Instead the DEIS mostly reflects limitations to cross-corridor-connectivity.

Recommendation: We recommend that ODOT coordinate further with GCRTA, the City of Cleveland, and HUD to consider TOD opportunities that could be specifically linked to this proposed roadway. Clarification should be provided for how this proposal creates linkages to existing transit and what bus and rail transit changes are being made to improve linkages with and across this new roadway. Further clarification should also be provided on the basis for decisions on the preferred alternative. Several notes indicate some GCRTA stations will require longer access paths. The DEIS is not clear whether the stations are accessible to the Americans with Disabilities Act (ADA) population and what considerations were given to provide them with other points of access along this corridor.

We recommend the FEIS more fully discuss how each intersection provides and facilitates all modes of traffic accessing the surrounding neighborhoods.

ENVIRONMENTAL IMPACTS

WATER RESOURCES

Although this proposal will not directly cross or impact water features, it does lie within the Kingsbury Run watershed. Future redevelopments will have to meet their site requirements regarding stormwater management. The ODOT proposed creation of a reservoir is planned to handle routine storms, but is not sized to handle major storms. These conditions mean the planning for flooding conditions is insufficient to handle the necessary water load and so combined sewer overflows (CSO) will still occur. As noted above, there is a settlement agreement with NEORSR to avoid such occurrences. We estimate that the current proposal does not provide adequate stormwater management capacity.

Recommendation: ODOT should coordinate further with NEORSR to develop additional facilities to capture stormwater run-off from the proposed roadway and integrate those plans into broader strategies to manage stormwater consistent with the EPA-NEORSR decree and plans for area redevelopment. This may even include creating conveyance to retention facilities removed from the roadway project site, such as available brownfield sites. We recommend ODOT coordinate with NEORSR efforts and funding to target this Opportunity Corridor

redevelopment area to use the latest stormwater strategies including NEORSR's Green Infrastructure Plan concepts.

AIR QUALITY IMPACTS

EPA amended our Conformity regulations effective December 2012. Prior to that date, EPA had determined that the project conformed to the Ohio State Implementation Plan. We note that air quality during construction will be minimized by dust control measures and following the ODOT CMS (Construction Manual Standards).

Recommendation: In light of the revised conformity regulations, we recommend ODOT contact our new Transportation Conformity manager for Ohio, Anthony Maietta, at 312-353-8777, to update and confirm understandings regarding air conformity for this project and to discuss the construction emissions management techniques to be used. We recommend that anti-idling measures and clean diesel strategies be adopted during construction.

Increased localized air pollution is a concern with increased truck traffic along the Opportunity Corridor.

Recommendation: Mitigation measures, including but not limited to tree buffers along the proposed corridor, frontage roads, and new or increased capacity on adjacent roads, should be identified in the FEIS. Any mitigation measures should be coordinated with the affected community and committed to in the record of decision (ROD).

ENVIRONMENTAL JUSTICE

Visual The Draft EIS states, "Visual elements such as landscaping and lighting would continue to be coordinated with the project stakeholders" (page 4-26).

Recommendation: The FEIS should identify how the community has been and will be included in the decision-making process. Any commitments made to the community during the development of context-sensitive solutions (CSS) should be documented in the FEIS and committed to in the ROD.

Access to transit The FEIS should explain how the adjacent communities will be able to access transit systems, since those communities are highly dependent on public transportation. Which, if any, rail transit or bus stops and routes will be relocated, added, or eliminated? This project is an opportunity to increase public transit access, not decrease it. Bus re-routing should be done to benefit the surrounding predominately low-income and minority populations.

Recommendation: The FEIS should identify which, if any, rail transit stations or bus routes will be eliminated, re-located, or added along the project corridor. If any routes will be temporarily or permanently eliminated or re-located, the FEIS should identify how residents who depend on these routes will be accommodated. EPA

encourages consideration of additional transit options for this community, including additional bus routes and stops. This is an excellent opportunity to not only improve personal vehicle-based mobility but also access to public transit in the area. The FEIS should disclose whether local and/or express bus service will use the Opportunity Corridor roadway.

Mobility The DEIS states there will be increased mobility and local access for all transportation users (page 4-27). This statement is unclear, as several streets and potential access points will be blocked off by the proposed project, reducing cross-corridor mobility in some locations between the local neighborhoods and the corridor.

Recommendation: The FEIS should clarify how mobility will be preserved or increased for the neighborhoods where streets will be blocked off.

Employment In order for low-income and minority communities to benefit from increased employment opportunities, as listed in the DEIS, several targeted measures will need to be in place. For the potential for increased local employment opportunities, consider using targeted recruitment, training residents from the surrounding communities as well as job placement goals (page 4-27). The DEIS describes possible approaches to hiring and training, but does not commit to them.

Recommendation: The FEIS should identify specific strategies through which surrounding communities will benefit from increased employment opportunities. This includes, but is not limited to targeted recruitment via local high schools and community organizations, training in the communities, and job placement goals. The FEIS and ROD should commit to specific measures with respect to hiring and training.

Noise The noise impacts on the surrounding communities could be considerable with the large increase in truck traffic.

Recommendation: EPA recommends all necessary noise buffers be installed to reduce noise impacts or present other options to the community that will bring similar results such as vegetated buffers or other alternative materials. If noise walls are pursued, the project team identifies how the noise walls could be designed to fit seamlessly with the existing environment consistent with CSS principles. The FEIS/ROD should commit to these proposals.

Housing The DEIS does not analyze housing options available to families and individuals that will be required to relocate as a result of the proposed project. The project should provide for sufficient affordable housing of acceptable quality for those that must relocate.

Recommendation: The FEIS should expand on the comparable housing options that will be available to the families that must relocate, consistent with the Federal relocation policies. The FEIS and ROD should explain how the project will provide for adequate housing for all affected households, including access to transit. We

commend the proposed flexibility in citizen relocation sites in various neighborhood selections; but, Table ES-1 should reflect this relocation flexibility.

Meaningful involvement ODOT has worked with various community representatives and groups in planning and designing this corridor project. Nevertheless, the DEIS presents some very select accommodations, such as preserving and funding enhancements to the Kenneth L. Johnson Recreational Center and possible relocation of the St. Hyacinth neighborhood entrance. Other measures are presented as options that "could be done," but do not seem to have been actually discussed with the communities and agreed to.

Recommendation: We recommend ODOT seek to develop Community Benefit Agreements with each of the five neighborhood communities. These agreements and specific enhancements that are discussed in the DEIS as possibilities should be explicit commitments in the FEIS and ROD.

MITIGATION OF IMPACTS

Recommendation: EPA commends the inclusion of Table ES-1 as an Environmental Resources, Impacts and Mitigation Summary. However the DEIS describes many project plans that could mitigate impacts, but is unclear whether these elements are commitments. All mitigation measures should be explicitly committed to and summarized in the text and charts in the FEIS and ROS.

We appreciate the opportunity to participate in this project. If you have any questions or wish to discuss our comments further, please contact me or Norm West of my staff at 312-353-5692 / west.norman@epa.gov.

Sincerely,



Kenneth A. Westlake
Chief, NEPA Implementation Section
Office of Enforcement and Compliance Assurance

Enclosure: *EPA Summary of Rating Definitions*

e-mail cc: Timothy Hill, ODOT
Larry Hoffman

SUMMARY OF EPA 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 impacts. 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 in order 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 public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS date, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1-Adequate

The 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 collecting 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 the EPA to fully assess the 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 analyses, 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 the Federal Actions Impacting the Environment