



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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OFFICE OF THE  
REGIONAL ADMINISTRATOR

December 21, 2006

Kenneth R. Sikora, Jr.  
Environmental Program Manager  
Federal Highway Administration  
P.O. Box 568  
Montpelier, Vermont 05601

Re: Draft Supplemental Environmental Impact Statement Southern  
Connector/Champlain Parkway Project Chittenden County, Vermont CEQ # 20060460

Dear Mr. Sikora:

The Environmental Protection Agency, in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, has reviewed the Federal Highway Administration's Draft Supplemental Environmental Impact Statement (DSEIS) for the Southern Connector/Champlain Parkway project in Burlington, Vermont.

The DSEIS evaluates proposed changes to portions of a previously approved 2.3 mile alignment extending from the I-189 interchange with Shelburne Street (US Route 7), northerly and westerly to the Burlington, Vermont City Center District (CCD). This highway segment, known as the Burlington Southern Connector/Champlain Park Way Project, is intended to relieve severe traffic congestion and safety problems in the southern part of the City of Burlington. An EIS for this project was completed in 1979, at which time an alignment composed of three sections, C-1, C-2, and C-8 was approved by the FHWA/VAOT. Of these, the .6 mile C-1 Section is the only portion of the previously approved connector roadway that has been constructed. According to the SDEIS, the proposed section C-8 (which was to have traversed the Pine Street Barge Canal Superfund Site) was eliminated from further consideration and alternative alignment C-6 was advanced. Alignment C-6 will avoid the Superfund site and will follow the existing roadway network to provide access to the CCD.

The primary focus of our review of the SDEIS was the C-6 section of the preferred alternative (Build Alternative 2) and the potential for negative impacts to the remedy at the Pine Street Barge Canal Superfund site ("the Site"). We have rated the SDEIS "LO-1 Lack of Objections—Adequate Information" in accordance with EPA's national rating system, a description of which is attached to this letter. Although we have no objection to the project as proposed we have enclosed comments in the attachment to this letter that would like to see addressed in the FEIS. Thank you for the opportunity to review the

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SDEIS. Please contact Timothy Timmermann of EPA's Office of Environmental Review at (617) 918-1025 with any questions.

Sincerely,

  
Robert W. Varney  
Regional Administrator

Enclosure

## **Additional Detailed Comments on the SDEIS for the Southern Connector/Champlain Parkway Project Chittenden County, Vermont**

### Land-use Restrictions

We note that significant land-use restrictions exist (for the purpose of protecting human health and the environment) for the parcels on the west side of Pine Street, between Lakeside Avenue and Kilburn Street and understand that the restrictions have been considered during the development of the alternatives. We recommend that the FEIS include an expanded discussion in sections 3.3 and 4.3 of these land-use restrictions, in particular the prohibition on excavation greater than five feet and the restriction on causing changes in hydrogeological conditions that will likely cause migration of contaminated groundwater to Lake Champlain.

### Excavation along Pine Street

Based on our review of the C-6 section of Build Alternative 2 described in the DSEIS we believe the construction is unlikely to have a negative impact on the remedy at the Pine Street Barge Canal Superfund site. EPA reviewed and commented on a geotechnical engineering report for the Superfund project prepared by Clough Harbour & Associates LLP in February 2005. At that time, it was expected that Pine Street would be widened by as much as five feet and that excavation to depths greater than five feet would be required to provide adequate bedding for the road, and for the relocation of existing utilities and installation of new utilities. We note that existing land-use restrictions require that workers conducting excavations deeper than five feet must use appropriate protective equipment if they are to be in contact with soil that exceeds 140 mg/kg total PAH. We note our concern for the potential for coal tar to be encountered during the excavation, particularly in the area of the former manufactured gas plant (near borings B-16 and B-17). It is critically important that the field operation and health and safety plans address this possibility so that workers know a) how to recognize that there has been a release of coal tar, and b) what to do to protect both themselves and the environment should this highly mobile and toxic liquid flow into an excavation. The FEIS should clearly identify these safety concerns and how they will be addressed (e.g., included in field operation and health and safety plans) to ensure they are not overlooked.

### Pine Street Historic District

In addition to the studies listed on pages 3-47 and 3-48 of the SDEIS, a historic resources study was conducted at the Site prior to implementation of the remedial action. The study identified a number of structures (sunken barges, boathouse and marine railway remains, drawbridge, cribbing) that are believed to be eligible for the National Register of Historic Places. Also, historic cribbing encountered during construction of the weir at the Pine Street site was photographed and documented.

The historic resources study (*Pine Street Canal Superfund Site, Burlington, Chittenden County, Vermont, Historic Resources Study*, John Milner Associates, May 2001) and the

historic cribbing report (*Photodocumentation of Historic Canal Cribwork Identified During Construction of the Pine Street Canal Weir, Burlington, Chittenden County, Vermont*, John G. Crock, Consulting Archaeology Program, University of Vermont, November 2001) are accessible as links from the Pine Street website (go to [www.epa.gov/ne/superfund/sites](http://www.epa.gov/ne/superfund/sites) and search for "Pine Street"). We recommend that both of these studies be referenced in the FEIS as they further support the designation of the Pine Street Historic District.

#### Stormwater Management

Please note the following correction: Page 4-83 of the SDEIS notes that the weir at the outlet of the canal and turning basin to Lake Champlain has resulted in the 42-inch CMP outlet being submerged. We note that the 42-inch CMP outlet is not submerged during periods of seasonally-low water levels in the canal, turning basin and lake.

#### Wetland Permitting

The DSEIS indicates the Army Corps of Engineers (ACOE) plans to issue Nationwide permits for this project. The ACOE no longer issues Nationwide permits in the state of Vermont. The FEIS should be revised to reflect this change and to report whether or not the project is eligible for review under the Vermont General Permit (GP). More information regarding the permit process can be obtained from Martha Lefebvre of the ACOE below:

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U.S. Army Corps of Engineers  
8 Carmichael Street, Suite 205  
Essex Junction, Vermont 05452  
[Martha.a.lefebvre@usace.army.mil](mailto:Martha.a.lefebvre@usace.army.mil)  
(802) 872-2893.

#### Wetland Mitigation

The SDEIS and previous documents generated in support of the proposed project have maintained that the wetland mitigation performed for the Northern Connector Highway project would offset the impacts of the current project. Comments we offered in 1995 on the previous SDEIS pointed out our understanding at that time that the wetland mitigation provided for the Northern Connector was poorly managed and inconsistent with the permit conditions in the Corps authorization for that project. It would be helpful if the FEIS presented more information about the status of the mitigation site and how those outstanding issues raised in our previous comments were resolved. We remain concerned, however, that mitigation for the Northern Connector is being applied to the current proposal and ask that the FEIS clearly identify the mitigation commitments for the Burlington Southern Connector/Champlain Park Way Project and distinguish the mitigation measures from other previously approved projects.

### Invasive Species Control

We recommend that FEIS address the presence, control of and potential for elimination of wetland invasive plant species found in the project corridor.

## **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 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 potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the 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, 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.