



AUG 15 2011

Jonathan D. McDade
Division Administrator
Federal Highway Administration
Leo W. O'Brien Federal Building, Suite 719
11A Clinton Avenue
Albany, New York 12207

Dear Mr. McDade:

The Environmental Protection Agency (EPA) has reviewed the Federal Highway Administration's (FHWA) February 2011 Draft Design Report/Environmental Assessment (DDR/EA) for the construction of a new connector road and bridge from Route 13 to the Center at Horseheads industrial park (CHH) in Horseheads, New York. The purpose of the project is to construct a new access road that will create a direct, accessible route for commuter and heavy truck traffic between I-86 and the CHH. This route would divert truck traffic meant for the CHH away from the historic Hanover Square intersection of the Village of Horseheads. It would also mitigate the access deficiencies to CHH as reported by prospective lessees. A list of technical comments is enclosed with this letter. EPA's key concerns are below.

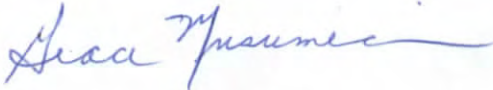
EPA is concerned that this DDR/EA was released prematurely and cannot support a finding of no significant impact. The DDR/EA clearly documents that the proposed project would cause an increase to the 100-year water surface elevation within the delineated floodway, requiring a Condition Letter of Map Revision (CLOMR) by the Federal Emergency Management Agency (FEMA). However, the hydraulic analysis is only valid for the proposed condition if the existing levee along the west side of Newtown Creek is accredited in accordance with Section 65.10 (44 CFR 65.10) of the National Flood Insurance Program (NFIP). Currently, this levee, owned by the Town of Horseheads, is not accredited by FEMA. The levee accreditation and the CLOMR should be part of the DDR/EA, in order to demonstrate whether the change in water surface elevation is significant, and if it can be minimized or mitigated.

Also, we are concerned that while the DDR/EA does not discuss the use of the connector road to access properties other than the Center at Horseheads, the report entitled "Center at Horseheads Highway Corridor Analysis" prepared by the Southern Tier Economic Growth in 2006 is very clear that the connector road would serve two purposes. The connector would provide access to the Center at Horseheads that would draw traffic away from the Village of Horseheads, and "Allow access to the Center at Horseheads along with properties between Newtown Creek and NYS Route 13, providing a means for future growth and development within the area." Moreover, the DDR/EA states that the access to the new connector road will not be limited except at the approach to Route 13.

The DDR/EA must provide a full analysis of all the indirect impacts of any development that may be induced in the Center at Horseheads and near the connector road. The discussions in Section 4.6 and 4.7 of the document are not adequate for this purpose. Also, please be advised that whether or not new developments may be subject to the New York State State Environmental Quality Review Act does not exempt the applicant from preparing a full indirect and cumulative impacts analysis in the DDR/EA.

Thank you for the opportunity to comment. If you have any questions, please call Lingard Knutson of my staff at (212) 637-3747.

Sincerely,

A handwritten signature in blue ink, appearing to read "Grace Musumeci", with a long, sweeping horizontal line extending to the right.

Grace Musumeci, Chief
Environmental Review Section

Enclosure

- 1) The Draft Design Report/Environmental Assessment (DDR/EA) should contain a glossary for technical abbreviations.
- 2) Section 1.2.2. EPA is aware that Schlumberger located a new facility in the Center at Horseheads in 2010, including 500,000 square feet of buildings on 90 acres. Does the description of the Center in this section include the Schlumberger facility? Also, does the description include the Horseheads Recreational facility? A map with an up to date description of occupants/facilities is needed.
- 3) Section 1.2.2. Please add the web addresses of any reports incorporated by reference into the Draft Design Report/Environmental Assessment (DDR/EA). (Section 2.1, as well.)
- 4) Exhibit 1.2.1. The map should identify 5th and E Streets within the context of a larger map. The maps in Exhibit 1.3 don't show where the roads are, just that they connect to Old Ithaca Road. As they are private roads, one cannot find them on mapping websites.
- 5) Page 1-9, Subalternatives C1 and C2. The document discusses the "base" alternative in both of these sections. Does "base" mean "preferred"?
- 6) Page 2-4, Section 2.2.2.5, second paragraph. Was the design approved for PIN 6804.19?
- 7) Exhibit 2.3.1.6. While Schlumberger is used as a descriptor for E street – there is no map showing where Schlumberger is located. Also, label DHV numbers as being AM or PM.
- 8) Exhibit 2.3.1.7-A. Label LOS letters as AM or PM.
- 9) Page 2-14. Section 2.3.3.9. If any underground utilities will need to be moved, the EA should describe the resulting environmental effects as indirect impacts of the project.
- 10) Section 3.3.3.7. EPA recommends that the Conditional Letter of Map Revision (CLOMR) and any coordination with the Federal Emergency Management Agency (FEMA) should be included in the DDR/EA. If FEMA requires a change in the connector design or placement of the bridge piers, the environmental impacts of those changes must be evaluated. As the receipt of the CLOMR to build the connector road is predicated on the accreditation of the levee along the west side of Newtown Creek, all the environmental impacts of any levee construction/work should be incorporated into the DDR/EA as cumulative impacts, as well.
- 11) Page 4-27. Center at Horseheads Connector Road and Old Ithaca Road Intersection. This section discusses the probability of "residual gasoline contaminants," and states that remedial reports indicated that the former groundwater recovery system at the site discharged untreated gasoline-impacted groundwater to a location near Newtown Creek, likely in the area where the proposed bridge over Newtown Creek may be located. This area must be tested for contamination, and possible environmental impacts analyzed in the DDR/EA. This also holds true for any area of the Hanson Property that may be disturbed by the connector's construction.