



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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JAN 30 2009

Mr. Gary Kassof
Bridge Program Manager
First Coast Guard District
U.S. Department of Homeland Security
One South Street
Battery Park Building
New York, NY 10004-1466

Dear Mr. Kassof:

The Environmental Protection Agency (EPA) has reviewed the U.S. Coast Guard's Draft Environmental Assessment (EA) dated September 2008, to permit the construction of a new county-owned and maintained four-lane, predominantly pile-supported, approximately 1.1 mile long roadway/bridge called the Tremley Point Connector Road (TPCR). The proposed TPCR will intersect with Industrial Highway in Carteret, Middlesex County, traverse the Rahway River and connect at Tremley Point Road in the City of Linden, Union County, New Jersey. The purpose of the TPCR is to provide a better alternative than the existing local roads for vehicle traffic to access a proposed large scale development called the Tremley Point Redevelopment area, which is a 400 acre brownfield parcel.

As stated in our December 13, 2007 letter commenting on the preliminary draft EA, EPA is concerned that the document has not accounted for the impacts that will result from the Tremley Point Redevelopment. The project summary states that the TPCR would provide an alternative route (as compared to residential roadways) for traffic generated by the Tremley Point Redevelopment. Section 2.2 states that the purpose of the project is to "facilitate and enable the rehabilitation and redevelopment of approximately 400 acres of brownfields at Tremley Point." If the TPCR is necessary to promote brownfield development, or if it is reasonable to say that without the TPCR there will be less or no development, then the development and TPCR are connected actions that should be evaluated in the same National Environmental Policy Act (NEPA) document (given that the redevelopment will require federal permits). The draft EA describes the Port of New York and New Jersey's evaluation criteria for brownfields, citing that "The Tremley Point brownfield areas in Linden meet all these criteria, with the exception of having easy access to a major highway." It also states that "Linden has been reluctant to approve such large-scale redevelopment [at Tremley Point] due to the limited road access to the area." The Brownfield redevelopment and the TPCR are connected actions.

Regardless of your perspective on the connectedness of these actions, the EA must assess the cumulative environmental impacts of the TPCR and the Tremley Point Redevelopment, including but not limited to projects listed in the North Jersey Transportation Planning Authority's Transportation Improvement Program Fiscal Years

2009-2012, such as Carteret Industrial Road, Carteret International Trade and Logistic Center Roadway Improvements, and the NJ Turnpike Interchange 12 Improvements. While the traffic modeling appears to include the vehicles generated by the Exit 12 improvements and the Tremley Point Redevelopment (but not the International Roadway Improvements), there is no discussion of cumulative impacts to air quality, wetlands, water quality and wildlife from these closely related projects. In fact, the draft EA does not assess any other regional projects with regard to cumulative impacts.

EPA has the following specific comments on the draft EA.

Traffic Study:

The Traffic Report included in the draft EA as Appendix A is dated March 2003. Five year old traffic data may not reflect the existing conditions, and must be updated. At a minimum, the baseline data must be spot checked with real time traffic counts to ensure its continued accuracy.

The Traffic Report discusses that future traffic volumes were generated using several assumptions on future developments of the Tremley Point and Carteret area and "perceived" routing preferences. The EA must identify which developments have gone forward since 2003, and which are still reasonably foreseeable to ensure appropriate traffic extrapolation. Also, discuss the basis of the "perceived" routing preferences, as this would depend on the type of warehousing/distribution that would be included in the Tremley Point redevelopment (e.g., trucks hauling containers from the port might use the NJ Turnpike to get to the warehouse, but smaller trucks distributing goods from the warehouse to local stores will have many different destinations). Did the traffic modeling include the tolls that would be collected by the New Jersey Turnpike Authority at Exit 12, and whether that would influence vehicle routes? Was any kind of marketing study done with warehouse companies or trucking companies to determine if they might bypass toll roads during times of economic downturns in order to keep costs low?

Page 11 of the Traffic Report discusses the possibility that a grade separation over the railroad may become necessary in the future. Because it appears that Conrail's projection may have been based on six year old data, the EA should include a letter from Conrail to document its current thoughts regarding whether this action will be necessary. If a grade separation is reasonably foreseeable, all environmental impacts of constructing a grade separation should be included in the EA.

Wetlands:

The draft EA indicates that the preferred alternative would impact 4.3 acres of wetlands and other waters, predominantly through shading. The draft EA should have addressed the acreage amounts attributed to both shading and fill impacts and the design considerations which necessitate fill impacts. This information is necessary for EPA to assess whether the impacts associated with the road have been minimized to the greatest extent practicable.

The draft EA states that the Turnpike Authority is proposing to provide five acres of wetlands mitigation from uplands at the mitigation site located adjacent to Piles Creek

and adjacent to an existing wetlands mitigation site constructed by the Turnpike Authority. The mitigation plan should be included in the final EA. Pending review of the mitigation plan, and an assessment of the existing mitigation site at Piles Creek, our preliminary view is that the proposed mitigation site would be adequate to compensate for unavoidable wetland losses associated with the project, providing that sufficient capacity exists at this location. However, we cannot currently address the acreage amount necessary to compensate for the project until the degree of shading/fill impacts for the road crossing become available.

The preferred alternative would cause the permanent loss of up to 1.4 acres of aquatic habitat in the Rahway River. A mitigation plan for this loss of habitat should also be included in the final EA.

The final locations for stormwater management basins should be identified in the final EA. All environmental impacts from the construction and locations of the basins also need to be evaluated.

Air Quality:

Both Union and Middlesex Counties are classified as non-attainment for the 8-hour ozone standard and the PM 2.5 standard. As part of its permit process, the U.S. Coast Guard must perform a general conformity applicability analysis (40 CFR Part 51) of air emission estimates from the construction of the TPCR. If the applicability analysis finds that emissions exceed de minimis thresholds established in EPA's General Conformity regulation, it will be necessary for the Coast Guard to make a general conformity determination for the appropriate element or elements of the project. The general conformity determination should be included in the final EA.

Section 5.1.8 discusses residents' concerns regarding truck traffic and impacts to health. A mobile source air toxics analysis should be completed for the project. The analysis should be done for both Industrial Avenue and South Woods Avenue.

We appreciate the opportunity to comment on the Tremley Point Connector Road Draft EA. If you have any questions on our comments, please call Lingard Knutson of my staff at (212) 637-3747.

Sincerely yours,



for Grace Musumeci, Chief
Environmental Review Section

cc: K. Green, NOAA
S. Mars, FWS