



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

DEC 07 2011

Mr. Gary Kassof
Bridge Program Manager
First Coast Guard District
Battery Park Bldg.
1 South Street
New York, NY 10004-1466

Re: Bayonne Bridge Navigation Clearance Project NEPA Workplan

Dear Mr. Kassof:

The U.S. Environmental Protection Agency (EPA) has reviewed the U.S. Coast Guard's Bayonne Bridge Navigation Clearance Project NEPA Workplan dated September 2011. It is EPA's understanding that this workplan is being presented as a National Environmental Policy Act (NEPA) scoping document for the proposed project. The Port Authority of New York and New Jersey (PANYNJ) is applying for a Section 9 permit, pursuant to the Rivers and Harbors Act of 1899, from the Coast Guard for work over the Kill Van Kull, a navigable waterway of the United States. The applicant proposes to rehabilitate the Bayonne Bridge, which crosses the Kill Van Kull, to increase its vertical clearance, improve substandard features, and ensure its seismic stability. The reason for increasing the vertical clearance is to provide the air draft necessary to allow "future panamax" vessels (i.e., those vessels that will utilize the Panama Canal after its ongoing expansion is completed in 2015) to pass under the Bayonne Bridge and access the Port Elizabeth/Port Newark Complex in New Jersey and the Howland Hook Marine Terminal in Staten Island, New York.

Based on information presented to the Federal government by the PANYNJ, EPA believes that access by future panamax ships to the Port Elizabeth/Port Newark Complex and Howland Hook Marine Terminal requires not only the increase in air draft of the Bayonne Bridge, but also the deepening of the Kill Van Kull channel. Below is an excerpt from a February 14, 2011 letter from the PANYNJ to the Federal Energy Regulatory Commission concerning the Spectra Energy NY/NJ Pipeline Expansion.

*Plans for [Howland Hook/Port Ivory] HH/PI, Port Elizabeth and Port Newark take into consideration the next generation of container ships, which **require a channel depth of 60 feet** (emphasis added). The PANYNJ acknowledges that {Spectra Energy} will coordinate the [horizontal directional drilling] HDD depth with the Army Corps of Engineers, which will enable future deepening of the Kill Van Kull navigable channel to 60'.*

In defining the scope of a project, the NEPA regulations state at 1508.25 that connected actions must be considered. The regulations indicate, "actions are connected if they: automatically trigger other actions that may require environmental impact statements; cannot or will not proceed unless other actions are taken previously or simultaneously; and are interrelated parts of a larger action and depend on the larger action for their justification." A connected action is closely related to the project action and should be discussed in the same NEPA document.

As identified in the NEPA Workplan for the Bayonne Bridge project, future panamax vessels have a draft of 50 feet. However, the Kill Van Kull is only authorized to 50 feet. Therefore, even with an increased Bridge vertical clearance, the future panamax ships would still be prevented from loading fully when calling on the Port Newark/Port Elizabeth Complex or Howland Hook. Yet, in its 2009 "Bayonne Bridge Air Draft Analysis," the U.S. Army Corps of Engineers indicated that the loading of the larger ships as fully as possible is what makes the Bayonne Bridge Navigation Clearance project in the national interest in terms of National Economic Development. This establishes that it is the combination of increased Bridge clearance and channel deepening that will maximize the loading of ships; accordingly, these two are connected actions and should be analyzed in one NEPA document.

As a major element for establishing the purpose and need of this project, the Bayonne Bridge Air Draft Analysis (ACOE 2009) was also reviewed by EPA. As now published on the Corps' website, the Analysis is incomplete. Appendix D, Summary of Vessel Simulations, was not available at the time of publication of the Analysis, and has not been added to the document since that time. This information needs to be made available to the public before the NEPA process is completed for the Navigation Clearance Project.

Please find EPA's technical comments on the NEPA Workplan enclosed with this letter.

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

Sincerely,



Grace Musumeci, Chief
Environmental Review Section

Enclosure

Scoping Comments of the United States Environmental Protection Agency on the Bayonne Bridge Navigation Clearance Project September 2011 NEPA Workplan

1. The future panamax vessels have a draft of 50 feet and beam of 160 feet. The direct, indirect and cumulative impacts of sailing these vessels in the Kill Van Kull and Newark Bay should be analyzed. This would include, but not be limited to, hydrodynamic changes, erosion of the land and wetlands, and sedimentation changes. Assistance vessels, such as tugs, should be included in modeling these impacts.
2. While EPA recognizes the previous work by the PANYNJ to evaluate bridge elevation alternatives, the NEPA document must present these alternatives and discuss their environmental impacts, as part of the process to choose a preferred alternative.
3. The air emissions of all the future panamax vessels that could call on the Port Elizabeth/Newark Complex and Howland Hook should be analyzed. This should include the emissions of assist tugs.
4. The NEPA document should discuss whether the applicant is planning on deepening the Kill Van Kull or Newark Bay Channels in the near future.
5. As the elevation of the Bayonne Bridge will allow larger ships that are more fully loaded to call at the Port Elizabeth/Port Newark Complex and Howland Hook Terminal, the indirect and cumulative impacts analysis must include an evaluation of the increase in cargo and the subsequent environmental and other impacts that will have on the marine terminals, rail terminals and highways that serve them. EPA understands that the Howland Hook Terminal expansion is being held in abeyance at this time, possibly to wait for elevation of the Bayonne Bridge. If this is the case, the Howland Hook expansion should also be evaluated in this NEPA document.
6. Page 1-4 of the NEPA Workplan states that the expansion options for the port facilities east of the Bayonne Bridge were thoroughly evaluated and it was decided that Port Jersey and Red Hook could not handle the Port's commerce. At first glance, EPA would agree with that statement, but we do not know if the basis for this information includes the 2010 acquisition of the Global Terminal by the PANYNJ, the proposed fill of the wetlands on the Port Jersey peninsula and the expansion of container operations there. This information should be provided as part of the purpose and need and alternatives sections of the Bayonne Bridge Navigation Clearance Project. The likelihood of the future panamax vessels calling only at Port Jersey is briefly discussed on page 2-4 of the Workplan, but needs more details on the PNYNJ's plans for the Port Jersey peninsula and Greenville yards.
7. Page 1-5 of the NEPA Workplan states that the deepening and widening of the Panama Canal will allow for ships of up to 255 KTHW (keel to mast height) and approximately 12,000 TEU (twenty foot equivalent units) to use the Canal; "however, vessels of this size would not be able to traverse the Bayonne Bridge." Will vessels of this size, fully loaded be able to traverse the existing Kill Van Kull if the bridge was not an impediment?
8. The North Shore of Staten Island along the Kill Van Kull was designated by the EPA as a showcase Environmental Justice Community. This area is a former industrial community that contains abandoned, contaminated, and regulated properties along the waterfront. As the neighborhood has seen an increase in the number of children with elevated lead levels in their blood, EPA in consultation with key community members, state and local health

agencies, is developing a community-based health strategy for the area. The NEPA document for the Bayonne Bridge Navigation Clearance must include direct, indirect and cumulative impacts of all aspects of the project on this community in particular. This would include, but not be limited to, construction, demolition and operations emissions for the bridge, and ship emissions. Noise impacts from the larger ships and assist tugs should also be analyzed. We also suggest that the Coast Guard meet with the community as soon as possible to ensure appropriate levels of communications with residents in the area.

9. The NEPA Workplan states that NEPA documentation will consider economic impacts on the Port both with and without the project, based on the USACE's Bayonne Bridge Air Draft Analysis. EPA suggests that this Bayonne Bridge Air Draft Analysis not be used until it has been re-released in its entirety. The re-release should identify whether any peer reviews of the document have been performed.
10. Parts of the Dennis Collins Park were purchased with funds from the New Jersey Green Acres Program. The NEPA document must indicate if the proposed ramps on the Bayonne side of the Bayonne Bridge will impact these portions of the park, and if so determine any necessary mitigation.
11. Both Richmond County, New York and Hudson County, New Jersey are in non-attainment for ozone and PM 2.5 (particulate matter less than or equal to 2.5 micrometers). As the lead agency for the project is the Coast Guard, the Project will need a general conformity applicability analysis for the construction phase (40 CFR 93.153). The applicability analysis should be based on the total direct and indirect emissions for this project, and should not be based solely on peak equipment usage.
12. As a potentially "regionally significant non-Federal" transportation project, this project should be included in both the New York Metropolitan Transportation Council and the North Jersey Transportation Planning Authority's regional transportation conformity analyses.
13. The PANYNJ should discuss and implement diesel controls, cleaner fuel, and cleaner construction practices for all on- and off-road equipment used for transportation, soil movement, or other construction activities, including: strategies and technologies that reduce unnecessary idling, including auxiliary power units, the use of electric equipment, and strict enforcement of idling limits; use of ultra low sulfur diesel fuel in nonroad applications; and use of the cleanest engines either through add-on control technologies like diesel particulate filters and diesel oxidation catalysts, repowers, or newer, cleaner equipment.
14. As there will be some lighting changes, EPA recommends that the applicant discuss bird flight patterns in the area to determine the lowest impact lighting for migratory or other birds.
15. The NEPA document should discuss stormwater management facilities and the siting of those facilities.
16. EPA recommends the use of low energy lighting, and using native *plants for landscaping* of the project.