



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY □  
REGION III □  
1650 Arch Street □  
Philadelphia, Pennsylvania 19103-2029 □

Mr. James Cheatham □  
Division Administrator □  
Federal Highway Administration □  
5<sup>th</sup> Floor, Federal Building □  
228 Walnut Street □  
Harrisburg, PA 17101 □

Re: The Woodhaven Road Project; Philadelphia, Bucks and Montgomery Counties, PA; Draft □  
Environmental Impact Statement/Section 404 Evaluation FHWA-PA-EIS-03-02-D □

Dear Mr. Cheatham: □

In accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations (40CFR 1500-1508), Section 309 of the Clean Air Act and Section 404 of the Clean Water Act, the Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the above referenced proposal. The proposed project would complete the Woodhaven Road/PA 63 Expressway by creating a facility that would transition between the six lane limited access expressway and the free-access local road network through a series of strategic improvements. Currently, the Woodhaven Expressway ends in northeast Philadelphia in the Somerton section of the City, near the borders of Bucks and Montgomery Counties. The study area includes parts of lower Southampton and upper Southampton Townships in Bucks County, the Somerton section of Philadelphia in Philadelphia County, and parts of Lower and Upper Moreland Townships and Bryn Athyn Borough in Montgomery County.

Because the DEIS does not indicate a preferred alternative, EPA has assigned individual ratings to the alternatives presented, according to EPA's EIS rating system (copy enclosed). The Byberry Road Upgrade Alternative, the Woodhaven Extension Alternative, the Bustleton Avenue Alternative and the Bustleton Avenue Alternative Modified are all assigned a rating of "EC" (Environmental Concerns), due to their potential impacts to surface water, forested habitat, and environmental justice areas. The No-Build Alternative is assigned a rating of "LO" (Lack of Objections) because of the minimization of impacts to environmental resources in the project area. The adequacy of the Impact Statement is assigned a rating of "Category 2" (Insufficient Information). The detailed basis for these ratings is contained in the following comments.

### General Comments

The information and analysis contained within the DEIS should allow the Federal Highway Administration (FHWA) and the Pennsylvania Department of Transportation (PADOT) to identify the alternative that is the Least Environmentally Damaging Practicable



Alternative (LEDPA) for compliance with the Clean Water Act Section 404(b)(1) Guidelines. We strongly encourage FHWA and PADOT to include sufficient documentation in the FEIS to allow for the identification of the LEDPA corridor.

More details should be provided concerning the disposal of any waste material generated during construction. Fill should not be placed in locations where it will impact natural resources.

More details should be provided on the storm water controls used during and after construction. The location, size, and other parameters should be provided for the storm water control systems. Moreover, we recommend avoidance of all wetlands or critical habitat in the placement of stormwater management facilities and staging areas during construction. The location of these areas should be discussed prior to the Record of Decision so that any unavoidable impacts can be mitigated appropriately

The adverse impacts resulting from roadway stormwater runoff should be discussed in further detail.

The location and potential impacts of any maintenance or storage facility should be discussed, if one is needed for this project.

All vegetation used for mitigation, stormwater facilities and staging areas should be of native variety.

### **Surface Waters and Wetlands**

The potential adverse impacts to water resources from this project must be considered in the context of the historic degradation of water resources in and around the project area, resulting in the loss of many functions and values. In addition, the historic channelization of substantial portions of streams in and around the project area has resulted in loss of natural stream channel geomorphology, aquatic habitat and riffle-pool systems.

All project alternatives are likely to involve intermittent and perennial stream crossings, stream relocations, culvert extensions and culvert replacements. However, the Woodhaven Extension Alternative would cause the greatest impact to these resources. We recommend taking additional steps to further avoid and minimize impacts. Only after avoidance and minimization have been exhausted should compensatory mitigation be explored.

The Byberry Road Alternative would cause the least impact to streams, wetlands and other environmental resources. The relatively low environmental impacts for this alternative should be considered when selecting a preferred alternative.

Unavoidable wetland impacts should be mitigated for at a minimum ratio of 1:1 for emergent wetlands, 2:1 for shrub/scrub wetlands and 2:1 for forested wetlands. These replacement ratios should be coordinated with the Pennsylvania Department of Environmental Protection and the United States Army Corps of Engineers.

Culverts should be designed to allow for adequate fish passage where appropriate, and designed in accordance with Pennsylvania Fish and Boat Commission standards.

### **Forested Habitat**

The range of forested habitat lost as a result of this project is projected to be between 19 and 34 acres. With the substantial projected loss of forest land and forest fragmentation associated with any of the alternatives, implementation of the project will contribute to significant loss of wildlife habitat in the project area.

We recommend that terrestrial mitigation be undertaken for any unavoidable losses. This might occur by planting replacement trees in areas that are associated with upland buffers for wetland or stream mitigation.

### **Environmental Justice**

The discussion of Environmental Justice should include language regarding access to information and data for the community. There should also be frequent, meaningful, and appropriate community involvement.

The report makes mention that “census tracts 360,361, and 364 in the City of Philadelphia contain a higher percentage of minority populations than the statewide average”. “The project area in these census tracts is heavily industrial (includes the Bennett Industrial Park); therefore, under these alternatives, minority populations would not be impacted, as they are not present in the industrial area”. How close are populated areas to the industrial park and other facilities? Is there an implication here that there are no people living in the area? Historically, we have seen a number of industrial areas that are located in close proximity to significant population centers. What is the case here?

Much of the discussion of this document related to Environmental Justice seems to be centered around the comparison of impacts among populations. In part such comparisons are meaningful and appropriate. However, it seems that there is an implication that if the impacts upon the various segments of the population are the same (not disproportional), then such impacts are acceptable. Our concern lies in this area of assessment. What if the impacts to which all of the residents are exposed are at a high level. For example, suppose there are significantly high levels of particulate matter generated by the construction activities. Would such a condition be acceptable if all residents are equally exposed? Much of the impact discussion seems to imply that the most important measure of impact is related to disproportionate impacts. We see no information related to the nature of the potential impacts or to whether a risk to human health is posed by such impacts. The discussion seems to be mainly focused on the demographic portion of the assessment alone. While the demographic information is certainly important, it is also important to look at the nature and extent of impacts on the populations, and to identify those portions of the population who are most sensitive and at risk. The objective of the environmental justice assessment is to assure that we are being protective of all of the members of the population and to assure that sensitive, susceptible, and vulnerable populations are fully protected. Environmental Justice came into being because there

were serious issues related to the exclusion of citizens from the decision making process, the lack of power and resources on the part of some stakeholders, the clustering of impacts and multiple environmental exposures on some communities, and the fact that some populations are more sensitive or susceptible to sources of environmental exposure than others. There are concrete reasons for the inclusion of specific populations in the environmental justice portion of the assessment that are based upon observed conditions in the population. For example, it is well cited in the literature that low-income populations are at greater risk due to their lack of appropriate health care as a result of their economic condition. Numerous studies have found that there are differences in the quality and quantity of health care provided to minority and low-income populations. Just as it is well documented and scientifically proven that the elderly and the very young are sensitive populations with greater susceptibility than the general population. These and other factors need to be kept in mind during the assessment. It is most important that we examine the sensitive, susceptible, and vulnerable populations most carefully and look at the potential for adverse impacts that may affect them to a greater degree than the general population.

Mention is made of efforts to conduct outreach to the elderly in the project area. What about the minority and low-income populations?

### **Air Quality**

The project is acceptable from an air quality perspective. The project is already in the conforming Delaware Valley Regional Planning Commission (DVRPC) Plan and Transportation Improvement Plan (TIP), and the maximum ambient 8-hour Carbon Monoxide (CO) concentration is predicted to be 7.8 ppm, which is below the 9 ppm 8-hour National Ambient Air Quality Standard for CO. The 1-hour maximum CO concentration is well below the 1-hour NAAQS. The appropriate MOBILE5a(h) and CAL3QHC models were used for the air quality analysis.

Thank you for the opportunity to offer these comments. We look forward to reviewing a Final EIS which addresses the environmental concerns described in this letter. If you have any questions regarding these comments, please contact Todd Lutte of my staff at (215) 814-2099.

Sincerely,

William J. Hoffman, Acting Chief  
Environmental Programs Branch

Enclosure