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## **Appendix B**

### Agency Comments Received and Responses

- Comment Letter A – U.S. Environmental Protection Agency Comment Letter
- Comment Letter B – Minnesota Pollution Control Agency Comment Letter
- Comment Letter C – Metropolitan Council Comment Letter

## Comment Letter A – U.S. Environmental Protection Agency Comment Letter (Page 1 of 6)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

APR 27 2016

REPLY TO THE ATTENTION OF: E-19J

Emeka Ezekwemba, Area Engineer  
Federal Highway Administration  
380 Jackson Street, Suite 500  
St. Paul, Minnesota 55101

Rick Dalton, Environmental Coordinator  
Minnesota Department of Transportation, Metro District  
1500 W. County Road B2  
Roseville, Minnesota 55113

**Re: Interstate 35W and Lake Street Improvement Project Environmental Assessment,  
City of Minneapolis, Hennepin County, Minnesota**

Dear Ms. Ezekwemba and Mr. Dalton:

The U.S. Environmental Protection Agency has reviewed the Draft Environmental Assessment (EA) for the Interstate 35W and Lake Street Improvement Project. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act. The Federal Highway Administration (FHWA) is the lead agency under NEPA, and Hennepin County and the Minnesota Department of Transportation (MNDOT) are the project sponsors.

The purpose of this project is to improve the condition of the highway infrastructure and improve mobility and reliability for all users. The project is approximately three miles long and is principally located along I-35W from near 42<sup>nd</sup> street to downtown Minneapolis. Project features include: construction of a Lake Street multimodal transit station, development of a pedestrian/bicycle connection between the Midtown Greenway and the transit station, replacement of existing roadway pavement and numerous bridges, completion of MnPass lanes, construction of a new southbound exit to Lake Street and a new northbound exit to 28<sup>th</sup> Street, construction of stormwater treatment areas, and construction/replacement of noise walls. The EA explains that accident rates in this corridor are substantially higher than the statewide average, and modifications under the proposed project would improve safety. The project would also expand and improve transit opportunities, which could have long-term socioeconomic and air quality benefits.

We offer the following recommendations for FHWA/MNDOT's consideration as the project team moves forward with the environmental review process and project implementation.

**Comment Letter A – U.S. Environmental Protection Agency Comment Letter (Page 2 of 6)**

**Air Quality**

The EA states that construction should last for three to four years, and residential neighborhoods are adjacent to the project corridor. Short-term construction activities have the potential to impact health, especially in children, elderly, and those with impaired respiratory systems. Considering construction emissions and assessing potential health impacts could lead to the identification and adoption of avoidance and minimization measures. In addition to improving health outcomes, lowering construction emissions would lower the project's greenhouse gas footprint.

**Recommendation:**

Disclose air emissions from project construction, including material hauling, and potential health impacts. Commit to specific measures to avoid and minimize construction emissions, such as those in the enclosed Construction Emission Control Checklist.

**Environmental Justice and Relocations**

The project area is comprised of approximately 77% minority and 88% low income residents. As discussed in the EA, Executive Order 12898 on Environmental Justice states that any disproportionate adverse health or environmental effects on minority and/or low-income populations must be avoided. The proposed project would displace a non-profit grocery store that offers 25% discounts to volunteers and a business that provides self-defense training classes. The EA states that both entities believe they provide services uniquely important to minority or low-income communities. While other grocery stores/markets are located within a mile, it's unclear if any are transit accessible and offer a similar price point. We appreciate FHWA/MNDOT's commitment to, "include a strong effort to relocate the business and non-profit organization in the community" (page 87).

**Recommendation:**

Strengthen the commitment to mitigate displacements in order to ensure disproportionate impacts to a predominately low income and minority community are avoided. If existing facilities are not available to relocate the business and non-profit organization within the community, commit to provide sufficient resources to develop suitable facilities within the community if land is available. Outreach to current employees and customers to inform relocation decisions, and take all efforts to maintain transit accessibility for the grocery store.

**Noise Impacts**

Noise levels would exceed State standards under future scenarios both with and without the proposed project. As part of this project, several existing noise barriers would be replaced. In addition, the noise analysis concludes that seven out of 21 potential new noise barriers would be cost and acoustically effective and may be installed. Their installation would be influenced by community input.

**Recommendation:**

Consider offering sound-proof insulation and window treatments to locations that would be most affected by elevated noise levels after planned mitigation, especially locations

A1

A2

A3

**Comment A1 Response:** The EPA Diesel Emission Reduction Checklist is not used by MnDOT at this time because Minnesota has no areas that are in nonattainment for particulate matter; however MnDOT is currently working with stakeholders to develop best practices to minimize diesel emissions on construction projects and will consider incorporating EPA's diesel emission reduction checklist into the draft dust suppression Best Management Practices (BMPs). At this time, the emission reduction checklist is not included within the BMP for dust control. MnDOT has developed contract language to control dust conditions during construction activities. See MnDOT Standard Specifications for Construction, items 2051 and 2130/2131, for additional information. MnDOT is also in the process of purchasing devices to be used in an idling reduction pilot project.

**Comment A2 Response:** The acquisition and relocation program will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Relocation resources would be available to the relocated business and the non-profit organization without discrimination. Hennepin County staff, in coordination with the founder of Good Grocer, have agreed to search for a new location for the non-profit organization in the Lake Street neighborhood.

**Comment A3 Response:** Adding sound insulation (windows and sound-deadening materials or acoustical insulation) achieves interior noise attenuation only and does not address exterior receptor areas where Minnesota's noise standards and FHWA criteria apply. MnDOT addresses exterior noise standards and FHWA criteria through the use of noise barriers.

**Comment Letter A – U.S. Environmental Protection Agency Comment Letter (Page 3 of 6)**

with sensitive populations such as childcare centers, schools, health care centers, and elderly care facilities.

Thank you for considering of our comments. If you have any questions or would like to discuss our recommendations, please contact me or Jen Blonn, the lead reviewer for this project, at 312-886-6394 or blonn.jennifer@epa.gov.

Sincerely,



Kenneth A. Westlake  
Chief, NEPA Implementation Section  
Office of Enforcement and Compliance Assurance

Cc via email:

James Grube, Hennepin County  
Jeni Hager, City of Minneapolis  
Reggie Arkell, Federal Transit Administration

| **A3**

## Comment Letter A – U.S. Environmental Protection Agency Comment Letter (Page 4 of 6)

ENCLOSURE

**U.S. Environmental Protection Agency**  
**Construction Emission Control Checklist**

**Mobile and Stationary Source Diesel Controls**

Purchase or solicit bids that require the use of vehicles that are equipped with zero-emission technologies or the most advanced emission control systems available. Commit to the best available emissions control technologies for project equipment in order to meet the following standards.

- On-Highway Vehicles: On-highway vehicles project should meet, or exceed, the U.S. EPA exhaust emissions standards for model year 2010 and newer heavy-duty, on-highway compression-ignition engines (e.g., long-haul trucks, refuse haulers, shuttle buses, etc.).<sup>1</sup>
- Non-road Vehicles and Equipment: Non-road vehicles and equipment should meet, or exceed, the U.S. EPA Tier 4 exhaust emissions standards for heavy-duty, non-road compression-ignition engines (e.g., construction equipment, non-road trucks, etc.).<sup>2</sup>
- Low Emission Equipment Exemptions: The equipment specifications outlined above should be met unless: 1) a piece of specialized equipment is not available for purchase or lease within the United States; or 2) the relevant project contractor has been awarded funds to retrofit existing equipment, or purchase/lease new equipment, but the funds are not yet available

Consider requiring the following best practices through the construction contacting or oversight process:

- Use onsite renewable electricity generation and/or grid-based electricity rather than diesel-powered generators or other equipment.
- Use ultra-low sulfur diesel fuel (15 ppm maximum) in construction vehicles and equipment.
- Use catalytic converters to reduce carbon monoxide, aldehydes, and hydrocarbons in diesel fumes. These devices must be used with low sulfur fuels.
- Use electric starting aids such as block heaters with older vehicles to warm the engine.
- Regularly maintain diesel engines to keep exhaust emissions low. Follow the manufacturer's recommended maintenance schedule and procedures. Smoke color can signal the need for maintenance (e.g., blue/black smoke indicates that an engine requires servicing or tuning).
- Retrofit engines with an exhaust filtration device to capture diesel particulate matter before it enters the construction site.
- Repower older vehicles and/or equipment with diesel- or alternatively-fueled engines certified to meet newer, more stringent emissions standards (e.g., plug-in hybrid-electric vehicles, battery-electric vehicles, fuel cell electric vehicles, advanced technology locomotives, etc.).

<sup>1</sup> <http://www.epa.gov/otaq/standards/heavy-duty/hdci-exhaust.htm>  
<sup>2</sup> <http://www.epa.gov/otaq/standards/nonroad/nonroadci.htm>

## Comment Letter A – U.S. Environmental Protection Agency Comment Letter (Page 5 of 6)

- Retire older vehicles, given the significant contribution of vehicle emissions to the poor air quality conditions. Implement programs to encourage the voluntary removal from use and the marketplace of pre-2010 model year on-highway vehicles (e.g., scrappage rebates) and replace them with newer vehicles that meet or exceed the latest U.S. EPA exhaust emissions standards.

### **Fugitive Dust Source Controls**

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative, where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

### **Occupational Health**

- Reduce exposure through work practices and training, such as turning off engines when vehicles are stopped for more than a few minutes, training diesel-equipment operators to perform routine inspection, and maintaining filtration devices.
- Position the exhaust pipe so that diesel fumes are directed away from the operator and nearby workers, reducing the fume concentration to which personnel are exposed.
- Use enclosed, climate-controlled cabs pressurized and equipped with high-efficiency particulate air (HEPA) filters to reduce the operators' exposure to diesel fumes. Pressurization ensures that air moves from inside to outside. HEPA filters ensure that any incoming air is filtered first.
- Use respirators, which are only an interim measure to control exposure to diesel emissions. In most cases, an N95 respirator is adequate. Workers must be trained and fit-tested before they wear respirators. Depending on the type of work being conducted, and if oil is present, concentrations of particulates present will determine the efficiency and type of mask and respirator. Personnel familiar with the selection, care, and use of respirators must perform the fit testing. Respirators must bear a NIOSH approval number.

### **NEPA Documentation**

- Per Executive Order 13045 on Children's Health<sup>3</sup>, U.S. EPA recommends the lead agency and project proponent pay particular attention to worksite proximity to places where children live, learn, and play, such as homes, schools, and playgrounds. Construction emission reduction measures should be strictly implemented near these locations in order to be protective of children's health.

<sup>3</sup> Children may be more highly exposed to contaminants because they generally eat more food, drink more water, and have higher inhalation rates relative to their size. Also, children's normal activities, such as putting their hands in their mouths or playing on the ground, can result in higher exposures to contaminants as compared with adults. Children may be more vulnerable to the toxic effects of contaminants because their bodies and systems are not fully developed and their growing organs are more easily harmed.

**Comment Letter A – U.S. Environmental Protection Agency Comment Letter (Page 6 of 6)**

- Specify how impacts to sensitive receptors, such as children, elderly, and the infirm will be minimized. For example, locate construction equipment and staging zones away from sensitive receptors and fresh air intakes to buildings and air conditioners.

## Comment Letter B – Minnesota Pollution Control Agency Comment Letter (Page 1 of 1)



### Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300  
800-657-3864 | 651-282-5332 TTY | [www.pca.state.mn.us](http://www.pca.state.mn.us) | Equal Opportunity Employer

April 26, 2016

Mr. Rick Dalton  
Environmental Coordinator  
Minnesota Department of Transportation, Metro District  
1500 W. County Road B2  
Roseville, MN 55113

Re: I-35W and Lake Street Improvement Project Environmental Assessment

Dear Mr. Dalton:

Thank you for the opportunity to review and comment on the Environmental Assessment (EA) for the I-35W and Lake Street Improvement project (Project) located in the city of Minneapolis, Hennepin County, Minnesota. The Project consists of the reconstruction of I-35W from 42nd Street into downtown Minneapolis. Minnesota Pollution Control Agency (MPCA) staff has reviewed the EA and have no comments at this time.

We appreciate the opportunity to review this Project. Please provide the notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EA, please contact me at 651-757-2508.

Sincerely,

A handwritten signature in blue ink that reads "Karen Kromar".

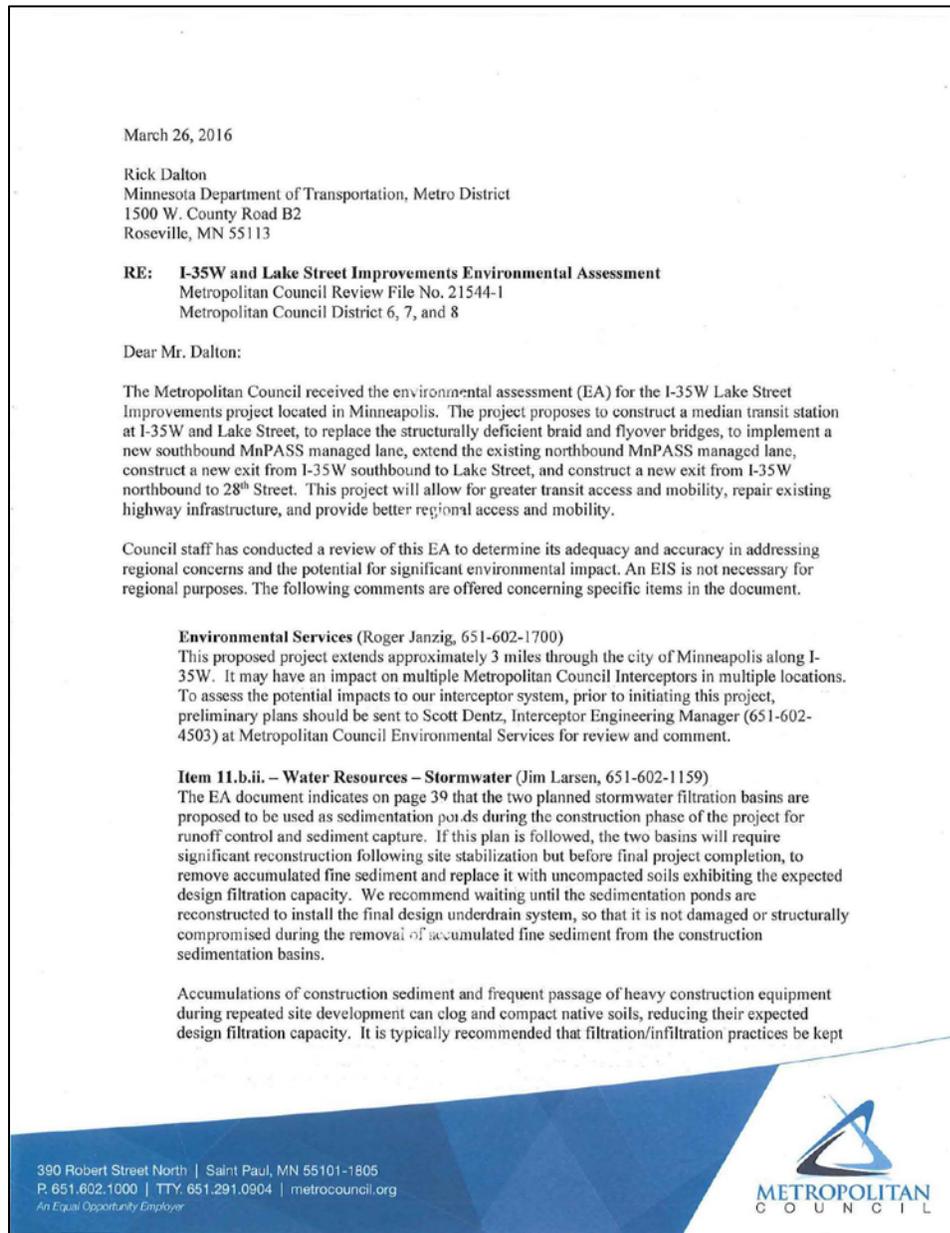
Karen Kromar  
Planner Principal  
Environmental Review Unit  
Resource Management and Assistance Division

KK;bt

cc: Dan Card, MPCA, St. Paul  
Teresa McDill, MPCA, St. Paul  
Ken Westlake, USEPA, Chicago

**Response:** Comments noted, no response needed.

## Comment Letter C – Metropolitan Council Comment Letter (Page 1 of 3)



**Comment C1 Response:** MnDOT has been performing utility coordination with all the utility companies throughout the corridor. There are two Metropolitan Council gravity wastewater sewer interceptor lines located within the corridor at 36<sup>th</sup> Street and 27<sup>th</sup> Street. MnDOT staff have met with Mr. Dentz to discuss the treatment of the construction in the area of these facilities and will work around them.

**Comment C2 Response:** The proposed filtration basins located at 33<sup>rd</sup> Street and 24<sup>th</sup> Street will be reviewed at the completion of the project to ensure that they are clean and in proper working condition.

## Comment Letter C – Metropolitan Council Comment Letter (Page 2 of 3)

Rick Dalton  
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April 26, 2016

'off-line' until construction is complete, siting construction runoff best management practices elsewhere within the construction corridor. Whichever path is expected to be followed should be clearly spelled out in the project specifications for the contractor.

C2

A considerable number of documents and supplemental studies are included in the EA's Appendices that address the existing flooding problem within the proposed project corridor. Several potential underground detention storage projects are proposed to mitigate differing levels of flooding impacts due to existing storm tunnel drainage system inadequacies. It is unclear from the EA text however, whether or not this proposed design-build project will be incorporating one or more of the proposed runoff detention storage projects to relieve existing corridor stormwater drainage issues or if the tunnel system upgrade(s) will be constructed by a separate future project. There could potentially be significant cost savings and reduced long-term construction-related traffic inconvenience if underground detention box culvert facilities were constructed in concert with this EA project, should that flood impact reduction design be selected. If the box culvert design is ultimately chosen for construction, Council staff recommends consideration of designs that incorporate effluent outlet filters to obtain a limited degree of water quality improvement that would not unacceptably reduce outlet flow rates from the structures.

C3

Whether or not this proposed project will incorporate some level of flood mitigation, all risk of road surface flooding will not be eliminated. Does MnDOT anticipate any pavement maintenance or durability concerns as a result of future flooding event(s) in the Gap segment of the project based upon this project's plan to utilize a 'Concrete Pavement Overlay' pavement design (as expressed in Appendix D – Correspondence)? Regardless of what flood impact reduction design is ultimately chosen and constructed, it is apparent that more than one flood occurrence can be anticipated within the project corridor within the expected design life of the project.

C4

In summary, the Council requests that the EA Record of Decision Document clarify the relationship of the flood risk reduction/runoff storage project components to this proposed EA project, to include discussion relative to anticipated construction timing of runoff storage facilities, recommendation of flood water storage method design, and expected rainfall event capacity (10-, 35-, 50-year, or other event storage capacity).

#### Transportation (Russ Owen, 651-602-1724)

The Council understands that Metro Transit staff have been involved in the planning process for this project, however there are a couple of items in the EA that we are provide for your review.

On page 24, there is the first reference to the concept of providing a reversible lane on I-35W on a temporary basis during construction. It is referred to as a MnPASS lane open to carpools, buses, and motorcycles. It is our understanding that the use of a reversible lane during construction would be limited to buses and emergency vehicles.

C5

**Comment C3 Response:** The proposed project will construct underground detention to mitigate future flooding on the I-35W Corridor. The underground detention improvements will be installed as part of the proposed project. The proposed design is such that it is detaining the high flow for rain events and not low flow events. It will also provide some level of detention to allow for sedimentation of solids prior to discharge into the in-place tunnel.

**Comment C4 Response:** No flooding-related pavement maintenance or durability concerns are anticipated at this time. The MnDOT Office of Materials will investigate and provide direction on geotechnical, materials, and pavement-related items for the project as part of final design. The analysis for the management of water and runoff is ongoing. At this point, MnDOT is studying the potential to add underground detention to detain water prior to discharge into an existing

drainage tunnel. The proposal is to provide a system that will detain up to 14.4 acre-feet of water prior to discharge into the existing tunnel. Based upon preliminary analysis, MnDOT anticipates that this storage will detain the water provided for a 6-year storm. However, MnDOT also anticipates that the provision of this storage will decrease the probability of flooding on I-35W. In the case in which flooding will occur on I-35W, MnDOT will develop an incident management plan to address a procedure of managing traffic during a flooding event. This will include monitoring pressures in the existing tunnel, the use of cameras, etc. to monitor flood events.

**Comment C5 Response:** The development of the Management of Traffic (MOT) is ongoing. This has been and will continue to include staff from Metro Transit, Hennepin County, and the City of Minneapolis. The goal is to develop the alternative that will provide the least amount of impact to Metro Transit and the local system. The nature of the “managed lane” is also up for discussion as there are different levels of concern. The options being considered are: Transit Only, HOV (High-Occupancy Vehicle), and MnPASS.

## Comment Letter C – Metropolitan Council Comment Letter (Page 3 of 3)

Rick Dalton  
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April 26, 2016

On page 42, regarding public and private utilities, the document states that no disruptions to services or permanent changes are anticipated. This section should be reviewed for completeness and accuracy.

Finally, as noted in Table 19, the Council requires a controlled access request for the project.

The Council looks forward to continued collaboration with MnDOT on construction phasing development to ensure equitable outcomes for the 14,000 weekday riders on I-35W, as well as the 92,000 weekday rides on parallel and connecting bus routes. This concludes the Council's review of the EA. The Council will not take formal action on the EA. If you have any questions or need further information, please contact Russ Owen, Principal Reviewer, at 651-602-1724.

Sincerely,



LisaBeth Barajas, Manager  
Local Planning Assistance

CC: Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division  
Steve O'Brien, MHFA  
Gail Dorfinan, Metropolitan Council District 6  
Gary Cunningham, Metropolitan Council District 7  
Cara Letofsky, Metropolitan Council District 8  
Michael Larson, Sector Representative  
Russ Owen, Principal Reviewer  
Raya Esmacili, Reviews Coordinator

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| C6

| C7

**Comment C6 Response:** A subsurface utility engineering (SUE) investigation will be completed prior to project letting. This will create certified SUE plans that will accurately show all existing utilities within the project limits. MnDOT will coordinate efforts with local utility companies and Metropolitan Council Environmental Services regarding any relocations or impacts to utilities within the project area. No disruptions to services or permanent changes are anticipated.

**Comment C7 Response:** Once FHWA approves the Finding of No Significant Impact (FONSI), MnDOT will request Controlled Access approval for the project.