



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

MAR 26 2018

REPLY TO THE ATTENTION OF:

Mark Assam
Federal Transit Administration
200 W. Adams Street, Suite 320
Chicago, Illinois 60606

Nicole Barker
Northern Indiana Commuter Transportation District
33 E. US Highway 12
Chesterton, Indiana 46304

Re: West Lake Corridor Project, Final Environmental Impact Statement and Record of Decision, Lake County, Indiana and Cook County, Illinois, CEQ #20180032

Dear Mr. Assam and Ms. Barker:

The U.S. Environmental Protection Agency is providing comments in response to the Final Environmental Impact Statement (EIS) and Record of Decision (ROD) referenced above. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. The Federal Transit Administration (FTA) is the lead agency for this project under NEPA, and the Northern Indiana Commuter Transportation District (NICTD) is the project proponent.

The proposed project includes developing nine miles of new railroad infrastructure in Indiana extending from the Town of Dyer to the City of Hammond, where service would connect to the existing South Shore Line and Metra Electric District passenger rail service to downtown Chicago. We appreciate our involvement on this project. EPA accepted FTA's invitation to be a Participating Agency on October 27, 2014, provided scoping comments on November 27, 2014, and provided comments on the Draft EIS on February 1, 2017. The concerns we raised in our Draft EIS letter regarding air quality during construction, impacts to water, and community resources are resolved in the Final EIS. We appreciate project changes that address our comments and benefit the environment and public health, in line with the intent of NEPA and informed decision-making.

Grand Calumet River Area of Concern

The proposed project would cross the West Branch of the Grand Calumet River within an Area of Concern designated under the 1987 Great Lakes Water Quality Agreement. In our scoping and Draft EIS letters, EPA expressed concern over potential impacts from the proposed project on remediation efforts, including the integrity of the remedial cap. Such impacts could have severe public health, environmental, and economic consequences. We appreciate the clear commitment in the Final EIS to avoid disturbance of the remedial cap and to consult with EPA regarding the

design of the Grand Calumet crossing and construction mitigation measures (page H2 48). We thank FTA and NICTD for coordinating on this important issue, and we continue to be available as a resource. In line with these Final EIS commitments, please consult with Diana Mally of EPA's Great Lakes National Program Office at 312-886-7275 and mally.diana@epa.gov.

Impacts to Waters of the U.S.

The lead agencies have made changes to the project in the Final EIS to minimize impacts to Waters of the U.S. The project team avoided impacts to wetlands by moving a storage yard and redesigning a parking lot, which is in line with EPA's recommendations. The proposed project would no longer impact any high-quality aquatic resources. EPA looks forward to providing further input when design and engineering work has advanced and additional information is available during the Clean Water Act (CWA) Section 404 permitting process. For the CWA Section 404 process, we continue to emphasize the importance of mitigating within the same watershed where impacts occur and ensuring that mitigation takes place in advance of or concurrent with impacts. If your team has questions regarding the CWA 404(b)(1) process, including appropriate mitigation, please contact Megan Zale of EPA's Wetlands Section at 312-886-0794 and zale.megan@epa.gov.

Community Impacts

Thank you for addressing EPA's recommendation to commit to concisely list all mitigation measures in a future public handout and website posting with a phone number for residents to call if they suspect a problem with mitigation (H2-46). Such information can empower residents to protect themselves from air emissions and other impacts and act if needed. Further, the Final EIS addresses EPA's recommendations regarding children's health. NICTD commits to require identification of nearby homes, daycare facilities, schools and playgrounds and ensure extra precaution against construction dust (H2-44). NICTD also commits to consider the locations of parks and schools when deciding where to route local traffic and construction equipment (page H2-46). In line with EPA's recommendations, NICTD also commits to provide a single point of contact to assist displaced residents and consider opportunities to keep residents in the same neighborhood if desired (page H2-46). Finally, NICTD commits to consider EPA's recommendations on green building practices during the next phase of project design (page H2-47), which could yield long-term environmental and economic benefits.

We appreciate coordination with EPA on this project beginning in 2014, changes made to the project that address our recommendations, and the opportunity to provide comments on this Final EIS. If you would like to discuss this letter or EPA's role in the NEPA process, please contact Jen Blonn Tyler, the lead reviewer for this project, at 312-886-6394 or tyler.jennifer@epa.gov.

Sincerely,



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

Cc via email: Paul Leffler, U.S. Army Corps of Engineers, Chicago District
Stephen Sostaric, Northwest Indiana Regional Planning Commission
Jay Ciavarella, Federal Transit Administration, Chicago