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To: Gary Davis
From: Barry Sulkin
Re: CABOL - Western Knoxville Beltway - Rt 475

I have done a limited review of environmental and water quality issues for this project, based on a visit to the TDOT offices on March 11, 2002. A request to inspect the files the previous week was denied and I do not believe I saw all relevant documents during my review - for example the DEIS and/or EIS were not included, and only a couple of appendices were provided and they were from July 2000. Also I have not yet conducted a field visit to the proposed routes. Some items that I have identified as potentially significant and in need of more evaluations are:

1. The survey of potentially impacted streams only describes "permanent streams" and "permanently flowing streams". State and federal water quality regulations make no such distinction or definition. This appears to mean only streams that are blue lines on a topo map and they think flow all the time, year round. This would omit ephemeral/seasonal and intermittent streams, which are defined and protected under state law and regulations. This was a major flaw in the I-26 and Rt 840 projects I worked on where the smaller streams were overlooked and impacted or destroyed, and proper assessments were not made before deciding on impacts, and all need permits were not obtained before alterations.

2. The July 2000 "Ecological Resources Appendix" contains a listing of streams on the state's 303(d) list as already impaired (or water quality limited), but this in some cases on lists "and tributaries" and not individual streams. Some of these streams are listed due to existing excess siltation problems. This is based on the 1998 list and may be out of date, perhaps with more streams needing to be listed. The implication of this is that if any of these streams might be impacted by the proposed routes and need ARAPs or Construction Storm Water permits, the 303(d) listing status could impact the permit process and possibly the route selection. If a stream is already on the list due to excess silt, in my opinion, no new permits can be allowed that add more silt. That would mean that construction should require individual NPDES storm water permits for each discharge, not coverage under the much looser "general permit".

This is at issue in the 840 case where construction unleashed massive sediment loads to local streams in Williamson and Dickson Counties, filling private ponds with mud and shutting down a local drinking water plant. This was all done under a general permit even though some of the streams were already on the 303(d) list for excess sediment.

It is my opinion that such streams need to be identified at the planning stage and the EIS should explain the need for individual permits for storm water discharges and the possibility such

permits may be more restrictive or not be allowed if there is no capacity to allocate. This could influence the balance in deciding which route is acceptable.

3. The same report conducted limited sampling of the identified streams, but all was done in the winter of 2000. Therefore there is no data from the summer months when flows are lower and more critical conditions might be observed. Stream assessments should account for both winter and summer conditions.

4. There is no indication in the documents that I reviewed that the EIS is giving serious value to looking at the "No Action" alternative nor other transportation options as required by the NEPA regulations and guidance. They appear to be doing the standard unacceptable practice of simply choosing one of the proposed routes for this road and ignoring giving adequate consideration to no action or alternatives such as improvements to existing roads and public transit and adding transit. They also seem to give no weight to consideration of the likely induced sprawl that this proposed road will cause - the cumulative and induced impacts that the NEPA regulations require consideration of - and the secondary impacts of such.

5. There was limited information in the files about a potential impact to one public water supply along the orange route. This is the Hallsdale-Powell U.D. Fowler Spring that is within a mile of the proposed route. More information is needed on this issue.

6. There was no information in what I reviewed about private water supplies along the routes, such as springs and wells. This can be a major issue and needs to be included in any proper evaluations and decision on route selection and potential impacts.