Response to Comments on the draft Atlantic Steel Final Project XL Agreement

On June 17, 1999, availability of the draft Final Project XL Agreement for the Atlantic Steel redevelopment was announced in the Federal Register. In the announcement EPA identified a public comment period opening on June 17, 1999, and continuing through July 19, 1999. On June 30, 1999, EPA and Jacoby Development, the project sponsor, held a public meeting to provide an overview of the draft agreement, solicit comments and answer questions. The meeting was well-attended, with over 100 people participating.

The meeting was recorded by a professional transcription service and that transcript is now available on the EPA XL web site at ***http://www.epa.gov/projectxl***. Members of the public and representatives of interested organizations had the opportunity to ask the project team specific questions and to read statements for the meeting transcript.

The overwhelming majority of concerns and issues raised both in the meeting and in writing during the comment period, related to potential effects on the Ansley Park neighborhood as a result of the design of the proposed bridge. Several comments raised specific questions regarding the design and layout of the proposed 17th Street bridge. Residents of the Ansley Park neighborhood outlined four specific requests which they felt would address their concerns. Those requests are described below. All comments received by EPA may be viewed at the Project XL web site (***http://www.epa.gov/projectxl***) or by contacting Michelle Glenn (404-562-8674) or Tim Torma (202-260-5180).

As a follow-up to issues raised at the public meeting, many residents of Ansley Park submitted letters with similar concerns and issues, and with specific requests. Several of the concerns were overlapping and have been summarized below. The letters generally described Ansley Park as a historic and appealing neighborhood with many distinctive attributes and stated that the neighborhood is currently under stress due to growth in the area and increasing traffic in Midtown. The letters generally noted that Ansley Park's needs had not been met, and the authors did not feel they had been included as stakeholders in the process. In response, EPA met with representatives of Ansley Park on July 21 to discuss their concerns and the most effective way for them to be addressed.

Comments were also made on the fate of water features currently on the site, and on stormwater and sanitary wastewater management. Some commentors acknowledged water related changes made to the Phase I Project Agreement and expressed approval of the changes.

Comments have been summarized and consolidated below into groups, where possible, or paraphrased to capture the substance of the comment. Responses follow the comments.

Comments

1. **Comment:** *EPA should provide for a comprehensive approach to watershed protection which will provide for mitigation of stormwater runoff which currently flows into the valley in which the 138-acre Atlantic Steel Redevelopment site is located and then is detained there by existing wetlands, ponds, green spaces and other pervious surfaces.*

Response: The Phase I Project Agreement was modified in response to earlier comments expressing a similar concern. "Best Management Practices" (BMPs) for stormwater management were incorporated into the Phase I Agreement, and are included in the Final Project Agreement. The BMPs include reuse of stormwater as greywater, use of catch basins in times of heavy rainfall, and diversion of stormwater runoff through treatment facilities. The FPA also reflects the fact that the sanitary and stormwater pipes will be separate and that the stormwater pipe will have sufficient capacity for the entire redevelopment and existing flows in the catchment basin.

The proposed redevelopment includes a water feature that will serve as a stormwater retention pond in periods of heavy rainfall. An Environmental Assessment (EA) being conducted by EPA will evaluate environmental impacts associated with the redevelopment project, including providing adequate and appropriate retention of stormwater runoff. Downstream impacts to Tanyard Creek and the Combined Sewer Overflow will be analyzed and mitigated with specific stormwater management measures. The project will result in the inevitable loss of some existing trees and vegetation. This will be compensated for by planting additional vegetation, clustering tree areas, and promoting the use of native plants. Jacoby will also clearly specify how community open space will be managed and designate a sustainable legal entity responsible for managing both natural and recreational open space.

2. **Comment:** *"Allowing stormwater laden with lead and other heavy metals from the abandoned lead smelter known as the National Smelting and Refining site, to be piped through the Atlantic Steel property and ultimately to a combined sewer trunk downstream where this stormwater may or may not overflow from the Tanyard Creek CSO to the creek itself ... will not produce superior environmental results."*

Response: The Atlantic Steel Redevelopment XL Project and the Remediation Plan do not specifically address treatment of stormwater from the National Smelting site. EPA's removal program is currently reevaluating the National Smelting property in order to assess whether the site poses an unacceptable risk that would warrant further remediation. Remediation would potentially mitigate contaminated stormwater runoff by effectively removing the source of the contamination. The site studies are in a preliminary stage and no decision regarding the National Smelting property has been made.

3. **Comment:** *The 5-7 acre wetlands and ponds which have existed on the land now owned by Atlantic Steel since at least 1913 should be preserved. Shoal Creek, also known as the Stockyard Branch, should be kept out of a pipe in at least those reaches in which this waterway is still daylighted, including about a 900 foot long reach on the Atlantic Steel*

Redevelopment site itself ... EPA should never agree to destroy a daylighted creek and 5-7 acres of wetlands and especially not in the inner City where greenspaces with water amenities are in such scarce supply.

Response: EPA and the U.S. Army Corps of Engineers (USACE) are in the process of making a jurisdictional determination on the existence of waters of the United States, including wetlands, on the site in accordance with Section 404 of the Clean Water Act. The determination will be based on an assessment of the flows, both natural and man-caused, that currently traverse the site, as well as the function and value of this area. The level of protection of this area will depend in large measure on the final determination. Subsequent to the jurisdictional determination, EPA, USACE, GA EPD and the City of Atlanta will continue to work with the project sponsor during the preparation of an Environmental Assessment (EA) for the project. As noted above, the EA will evaluate environmental impacts associated with the redevelopment project, specifically in regards to providing adequate and appropriate retention of stormwater runoff.

4. **Comment:** *"With respect to "Brownfield Remediation", we see only engineered solutions being offered. Why is the entire field of bioremediation in which at least 50 cleanup companies in the United States now participate being ignored?...We urge you to investigate thoroughly the possibility of using bioremediation to clean up most if not all of the Atlantic Steel Property."*

Response: Bioremediation is useful for many types of organic wastes and is a cost-effective, natural process in some instances. Contaminants targeted for biodegradation treatment are non-halogenated volatile and semi-volatile organics and fuels. The effectiveness of bioremediation is limited at sites with high concentrations of metals, highly chlorinated organics, or inorganic salts because these compounds are toxic to the microorganisms. While the metals concentrations at the Atlantic Steel site would not necessarily be characterized as high, bioremediation would still be a poor choice for remediation at this site. The efficacy of using bioremediation for metals at any concentration has not been determined. The absence of organic compounds, the presence of a thick clay layer, the volume of soils to be treated, and the long remediation timeframe associated with bioremediation make this treatment alternative a poor choice for remediating this site. Additional information on bioremediation is available in "A Citizen's Guide to Bioremediation" published by the EPA Technology Innovation Office (EPA Document 542-F-96-007, April 1996).

The current proposed remediation plan which requires subsurface soils and other waste materials determined to pose an unacceptable risk to be excavated for off-site disposal is the best alternative for protecting human health and the environment. The purpose of the excavations will be to mitigate future groundwater degradation and/or to eliminate potential exposure pathways. Slag material at various parts of the site will be excavated and consolidated for disposal. After removal of contaminated material, the property surface will be covered with either clean soil or impervious material (pavement, concrete, etc.) to eliminate any potential exposure pathways.

5. **Comment:** *An offset by way of developer endorsement of onsite roadway runoff storage*

and treatment should be part of the package whenever DOT funding for a transportation structure such as a bridge over the expressway at 17th street is provided ... Now is the time to take action to redress a long-standing water pollution/flood control problem: To date, long after the Interstate has been built and widened to 14 lanes, no one has made any provision for detaining the massive quantities of stormwater runoff it generates. If this Project XL is truly to produce superior environmental results, this problem must be addressed.

Response: This comment focuses on the need for adequate detention of stormwater flows associated with construction of new roadways for the project, including on-site roads and the 17th Street Bridge and new access ramps, as well as from the existing Interstate (I-75/85) in the vicinity of the project area. As stated in the response to Comment #1 and in the XL Final Project Agreement, stormwater flows from any new on-site roads will be detained for water quality and flood control purposes on-site. Detention/retention of roadway stormwater runoff from I-75/85 is the responsibility of the Georgia Department of Transportation (GDOT) and the Federal Highway Administration (FHWA). The commentor accurately pointed out that federal funding for treatment facilities may be available under the Transportation Equity Act for the 21st Century (TEA-21). During preparation of the Environmental Assessment (EA) for this project, EPA will work with GDOT and FHWA to ensure adequate and appropriate retention of stormwater runoff associated with any new I-75/85 improvements related to the site. The ability of these stormwater management measures to handle all the stormwater runoff from the existing Interstate are beyond the scope of this XL Agreement and the redevelopment; however, it will be explored during preparation of the EA, as applicable. EPA will discuss the use of TEA-21 funds for Interstate treatment systems with GDOT and FHWA.

6. **Comment:** *Existing greenspace on the property, including Shoal Creek, Administration Hill, Georgia Tech women's softball field, and the Georgia Tech practice golf links should be protected, especially greenspaces which are contiguous to each other.*

Response: The City of Atlanta zoning requirements include a condition that a minimum of seven acres of the site must be open space. While protection of existing trees and green spaces is a goal that both EPA and the project sponsor share, many existing trees are likely to be removed as the redevelopment proceeds. Remediation and grading of the site may require removal of slag or other materials in order to protect human health and the environment. Removal of some existing trees and reconfiguration of green spaces is an inevitable by-product of a remediation and redevelopment of this size, density and complexity.

The project sponsor will implement a comprehensive landscape plan to replace trees and vegetation and help offset the heat island effect. In addition, a sustainable legal entity will be responsible for managing both natural and recreational spaces on the redevelopment. A revised site design is included as an appendix to the Final Project Agreement. Size, location, and nature of planned green spaces and parks are shown on the revised site design.

The Georgia Tech Foundation is the sole owner of the Georgia Tech women's softball field and the

Georgia Tech practice golf links. Because they do not own or control that property, Jacoby cannot make commitments regarding its future development and use. However, Jacoby is committed to working with the Georgia Tech Foundation to achieve the best environmental performance possible in the management and development of their property and greenspaces.

An important factor regarding preservation of open space is that a development of the same square footage as Atlantic Steel would consume substantially more acres of open/green space if it were built in suburban or outlying sites consistent with current development patterns in the Atlanta region. Because of the lower density of construction in outlying sites, nearly 10 times more open space might be eliminated. This estimate is supported by an analysis of growth and development patterns in the Atlanta region and documented in *Appendix G: Transportation and Environmental Analysis of the Atlantic Steel Development*. Developments in suburban locations would likely result in consumption of substantial amounts of regional open space.

7. **Comment:** *Many commentors noted they were not included on the stakeholder list appended to the signed Phase One Project Agreement.*

Response: Under Project XL, it is the responsibility of the project sponsor to manage the stakeholder process including compiling and maintaining a list of interested parties. Some names which are on the stakeholder mailing list for the Atlantic Steel project do not appear in the appendix to the FPA. Because some individuals prefer that their names not appear on the Internet, EPA and Jacoby asked stakeholders to indicate such a preference. Therefore, the names of many stakeholders who are actually on the mailing list were not included in the FPA appendix. If you are unsure whether you are included on the stakeholder mailing list, please contact Ben West of EPA (404-562-9643) or Brian Leary of CRB Realty (770-622-7797).

8. **Comment:** *Include Ansley Park as a stakeholder.*

Response: All individuals who submitted written comments have been added to the stakeholder mailing list. EPA recommends that large stakeholder groups such as Ansley Park also consider identifying one or two key representatives to allow for effective meeting size, productive discussions, and a clear articulation of the group's interests.

9. Comment: *Include Ansley Park's input in the design and location of the bridge.*

Response: This request has been noted by the EPA team conducting the NEPA analysis for any activities involving the bridge. The Ansley Park Civic Association has been added to EPA and project sponsor mailing lists and there will be several opportunities for input from Ansley Park and other interested parties as the process for approving the TCM and the bridge design move forward. In addition, EPA will share its mailing list with other agencies specifically responsible for bridge design and construction and will stress the need for inclusion of all affected stakeholders in the process.

10. **Comment:** *Conduct a full study of the traffic impact, from Northside to Piedmont*

Avenue and from 10th Street to Lindbergh Drive, with specific reference to affected neighborhoods such as Ansley park, Midtown, and others.

Response: As noted above, the EPA, with cooperation from FHWA, the Federal Transit Administration, GDOT, MARTA, and the City of Atlanta, is preparing an EA, in compliance with the National Environmental Policy Act (NEPA), for this project. The EA will provide a summary and culmination of planning efforts associated with the development of concept alternatives, design traffic study, preliminary engineering analysis, and environmental impacts assessment.

Concurrent with the EA, a traffic impact study is being prepared for the proposed concept and other proposed alternatives to assess the full traffic volume impacts of the project and potential mitigation of these impacts to the surrounding community. The eastern-most limits for this study end at Peachtree Street. At the most recent XL public meeting, a proposal was made to cul de sac 17th Street east of Peachtree Street at a location between the existing residential and commercial properties. Not only would this eliminate the threat of traffic utilizing the 17th Street bridge to access Ansley Park at this location, but it would also remove the potential for future cut-through traffic at this location. This proposal will be considered in the impact study and may address some of Ansley Park's concerns for this project. If other solutions are identified, GDOT and the other government agencies will review them, seek public comment, and if beneficial, implement them where feasible and prudent within their areas of responsibilities. EPA and the other agencies will continue to work with affected neighborhoods throughout the process.

A letter from GDOT outlining traffic studies which will be conducted to evaluate the potential impacts of the project is attached to this document.

11. **Comment:** *Provide funding for traffic calming measures in the affected neighborhoods.*

Response: The issue of funding for traffic calming measures in neighborhoods adjacent to or near the Atlantic Steel redevelopment should be raised with the City of Atlanta, GDOT, the project sponsor or another appropriate source. While EPA, and specifically the XL program, has no funding to offer for this type of activity, other federal, state, or local funding sources may be available.

12. **Comment:** *The Midtown Alliance, Ansley Park residents and others provided many specific comments pertaining to the specific design, study and construction of the bridge.*

Response: Comments related to the design, study and construction of the bridge will be forwarded to EPA personnel conducting the NEPA analysis, the City of Atlanta, GDOT, and the FHWA.

13. **Comment:** *The bridge is oriented to vehicular travel and will not act as an effective link to mass transit. Please explain how the bridge will help traffic and pollution problems in Atlanta.*

Response: The design and alignment of the bridge are not yet finalized. However, the Final Project

Agreement requires that the bridge provide an effective multi-modal transportation link between the east and west sides of the interstate. The XL Agreement requires provision of dedicated pedestrian and bicycle access across the bridge and reservation of a lane for a ten-year shuttle service connecting the site to mass transit. The shuttle will run on 10 minute headways to ensure link between the site and the Arts Center MARTA Station. The Agreement also requires that the bridge be designed and built with the capacity for an upgrade to a light rail or trolley linkage to the MARTA station. As a result of these design elements, transit proximity and the site's walkability more than 25% of the travel associated with the Atlantic Steel development is projected to be by modes other than single occupant vehicle.

The proposed project allows growth in an area that is regionally central and close to transit. In addition, homes, stores, restaurants and offices are better integrated providing opportunities to walk to work at lunch, or go out in the evening without getting on an arterial roadway or interstate. These changes have a significant impact on driving.

Similarly, for residents of surrounding neighborhoods, more amenities will be close by and more needs can be met locally. So trips can be significantly shorter, reducing the total trip time. In addition, more destinations will be accessible by walking, bike and transit allowing people to avoid congestion altogether. With or without Atlantic Steel, traffic congestion is expected to worsen. No future plan is a comprehensive remedy for the traffic and pollution problems of the region. However, EPA believes that the Atlantic Steel project is a significant step in the right direction, providing options for avoiding future congestion and moving away from growth trends which have contributed to the current situation.

14. **Comment:** *The ten year obligation to provide shuttle service to the MARTA Arts Center Station is insufficient and may expire leaving no alternative to vehicular traffic.*

Response: EPA and the project sponsor believe that the ten year duration of the obligation to provide shuttle service to the MARTA station is appropriate for several reasons. Ensuring adequate public transportation in Midtown is generally the responsibility of MARTA, not private entities. Most of the redevelopment will likely be built by the time the obligation expires, and demand for the link to MARTA should be well-established. Placing the ten year obligation on the project sponsor is viewed as an interim measure intended to ensure a link to transit from the time the redevelopment first opens until MARTA or another entity provides another, more permanent link such as light rail.

Even if MARTA has not assumed responsibility for the linkage by the expiration of the ten year obligation, by that time, there will be a Transportation Management Association for the redevelopment as well as many business and residential occupants. EPA believes that demand for the linkage to transit combined with the TMA's mission to reduce vehicular traffic will ensure continuation of a shuttle service to the MARTA station.