



Rhode Island Airport Corporation



November 22, 2011

Mr. Robert J. DeSista, Chief
Regulatory Branch
United States Army Corps of Engineers
New England District
696 Virginia Road
Concord, Massachusetts 01742-2751

Re: T. F. Green Airport Improvement Program
Coastal Zone Management Consistency Determination

Dear Mr. DeSista:

The Federal Aviation Administration (FAA), in cooperation with the Rhode Island Airport Corporation (RIAC), has undertaken a Final Environmental Impact Statement (FEIS) and Final Department of Transportation (DOT) Section 4(f) Evaluation in accordance with the National Environmental Policy Act (NEPA) and FAA Order 1050.1E. The FEIS analyzed the potential environmental impacts associated with various improvements identified in the planning process for the T. F. Green Airport Improvement Program (Improvement Program), proposed by RIAC. The purpose of the Improvement Program is to enhance airport safety and the efficiency of T. F. Green Airport and the New England Regional Airport System, to more fully meet the current and anticipated demand for aviation services.

FAA Order 1050.1E establishes Significance Thresholds for impacts evaluated under an EIS. While no significant thresholds have been established for coastal resources, FAA Order 1050.1E, National Oceanic and Atmospheric Administration (NOAA) regulations (15 CFR Part 930, Subparts C, D and F) and the Coastal Zone Management Act (CZMA) of 1972 (16 USC §§ 1451-1464) require that concurrence is received from the state that the project would be consistent with the Coastal Zone Management (CZM) Plan. The Rhode Island Coastal Resources Management Council (CRMC) is the designated CZM Program in Rhode Island.

The *Code of Federal Regulations (CFR) Title 15: Commerce and Foreign Trade Part 930 – Federal Consistency with Approved Coastal Management Programs* establishes the framework for applicants proposing projects that may affect a state's coastal resources. In this case, RIAC's request for a CZM Consistency review is prompted by 15 CFR 930 Subpart D-Consistency for Activities Requiring a Federal License or Permit. A federal Section 404 permit is required from the United States Army Corps of Engineers (USACE) for proposed wetland impacts associated with Runway Safety Area

Improvements, which impact wetlands at the Runway 34 end. Section 930.57 requires that all applicants for federal licenses or permits, subject to state review, submit a certification that the proposed activity complies with the CZM program. At the same time, the applicant shall furnish to the state agency a copy of the certification and necessary data and information.

Therefore, pursuant to 15 CFR 930.57, after duly assessing impacts associated with the Improvement Program through the EIS process, and understanding the enforceable policies of state and federal regulatory agencies having permitting authority over the Improvement Program, RIAC hereby certifies that the T. F. Green Airport Improvement Program complies with the enforceable policies of Rhode Island's approved Coastal Zone Management Program, and will be conducted in a manner consistent with such program.

In support of this certification and in accordance with 15 CFR 930.58, RIAC is hereby providing the following "Necessary Data and Information" to CRMC:

- (1) A complete copy of the Individual Permit application entitled *Section 404 Permit Application T. F. Green Airport Improvement Program U. S. Army Corps of Engineers Clean Water Act* submitted to the USACE by RIAC in July 2011 including all materials provided to the USACE in support of the application (narrative description, plans and supporting technical data); and
- (2) Information specifically identified in CRMC's comment letter to RIAC dated September 13, 2010 which requires necessary data and information for an applicant's consistency certification. Specifically, CRMC noted that the Improvement Program must comply with the following sections of the Greenwich Bay Special Area Management Plan:

Section 390.5B.5 RIAC should examine whether there are impacts from the expansion on Greenwich Bay's tidal and freshwater wetlands and mitigate for any impacts within the watershed. Due to surficial geology and potential groundwater flow, impacts from the airport may extend beyond the surface watershed.

Section 470.5B.17 RIAC should examine whether there are impacts from the expansion on Greenwich Bay water quality, including the effects on stormwater runoff volume and quality and groundwater flow. Based on surficial geologic map and potential groundwater flow, airport activities outside the watershed could affect Greenwich Bay water quality. Any expansion plans should address the use of BMPs that:

- Reduce nitrogen and bacteria concentration;
- Eliminate from reaching groundwater, other pollutants used at the airport, such as deicing chemicals; and



- Provide for a reduction in runoff volume and increase in water quality.

The comment letter also posed a series of questions and concerns related to water quality, surface and groundwater discharges from the Improvement Program, and the assumptions and conclusions regarding water quality and drainage calculations presented in the DEIS. Each of these questions and concerns are addressed individually at pages A-89 to A-98 within Appendix A.2 Responses to Comments of the *T. F. Green Airport Improvement Program Final Environmental Impact Statement/Final Section 4(f) Evaluation* published by the FAA in July 2011 (previously provided to the CRMC and incorporated herewith by reference).

Concerns regarding reduction of nitrogen, bacteria and deicing chemicals in surface and groundwater discharges and reduction of runoff volume are holistically addressed by the promulgation of the 2010 Rhode Island Stormwater Design and Installation Standards Manual (2010 Manual) which emphasizes avoiding, minimizing and managing the effects of stormwater runoff from developed sites through the application of an integrated analysis and regulatory review process. The 2010 Manual further emphasizes the use of low impact development (LID) design techniques that minimize stormwater runoff, disperse runoff across multiple locations, and utilize a naturalized system approach to runoff management. The standards of the 2010 Manual apply to every new or redevelopment project which generates soil disturbance equal to or greater than 10,000 square feet, and consequently, every component of the Improvement Program will be designed in compliance with the Manual. A summary of the re-assessment of water quality performed in response to comments received on the DEIS and the 2010 Manual is provided at Appendix A.1 of the FEIS in *Section A.1.13 Water Quality – New Analysis and Revised Assumptions* found on page A-39.

The disposition of deicing fluids was also noted as an issue of concern in CRMC's September 13, 2010 comment letter. On page 4 of the letter, CRMC makes reference to deicing fluids potentially discharging to Tuskatucket Brook and reaching Brushneck Cove. A summary of deicer use and collection was prepared in response to comments received on the DEIS and is provided in Appendix A.1 of the FEIS at *Section A.1.14 RIPDES and Deicing Impacts* found on page A-43.

As you know, RIAC is designing a new Deicing Management System and the Design, Construction and Operation of the Deicing Management System is proceeding independent of the EIS process in accordance with the terms of a 2009 Memorandum of Agreement (MOA) between RIAC and the Rhode Island Department of Environmental Management (RIDEM). RIAC will provide RIDEM with a thirty percent design submittal by December 12, 2011, and meet other interim design and construction dates, with primary field construction to be completed by April 30, 2014 and the system operational in compliance with the permit on March 30, 2015. Pending completion of the Deicing Management System, RIAC will continue to collect stormwater impacted with propylene glycol in accordance with interim measures approved in the MOA. A consent



agreement incorporating the terms of the MOA is being drafted and expected to be completed by November 30, 2011.

In conclusion, the FEIS clearly documents the absence of any direct impacts or alteration of areas subject to the regulatory jurisdiction of the CRMC. This point is acknowledged in CRMC's September 13, 2011 comment letter. Recommendations of the Greenwich Bay SAMP, reiterated above, focus on the indirect impacts of the Improvement Program on receiving waters including Tuskatucket Brook, Brushneck Cove and Greenwich Bay. RIAC submits that in light of the information and evaluation provided in the FEIS and the additional data and information summarized above, it has demonstrated actual or presumptive compliance with the recommendation of the SAMP and therefore the Improvement Program is consistent with the enforceable regulations and policies of the CRMP.

RIAC respectfully requests that CRMC provide concurrence with this consistency certification. In accordance with 15 CRF 930, RIAC understands that CRMC is required to respond within 30 days of this letter if the data and information provided is not sufficient to document compliance with their enforceable programs.

Should you have any questions or require additional information to support this determination, please do not hesitate to contact me at (401) 691-2224 or Kendra Beaver at (401) 691-2351.

Sincerely,



Kevin A. Dillon, A.A.E.
President and CEO

Cc: Grover Fugate, RI Coastal Resources Management Council with Enclosure
Section 404 Permit Application T. F. Green Airport Improvement Program U.S. Army Corps of Engineers Clean Water Act. RIAC July 2011
Richard Doucette, FAA
Kendra Beaver, RIAC
Carol Lurie, VHB

