

To: Transportation Secretary Pete Buttigieg
U.S. Department of Transportation
1200 New Jersey Ave., SE
Washington, D.C. 20590

April 15, 2021

Re: Impact of Tripled Expansion of Central 70 Highway on Environmental Justice Communities of Elyria, Swansea and Globeville in North Denver; Request Regional Transportation Study by Independent Experts

Dear Secretary Buttigieg,

As friends and neighbors of North Denver communities experiencing tremendous health deficits exacerbated by the planned tripling of the span of the I-70 highway, we request your intervention to authorize a regional transportation study by independent experts in order to evaluate the effects of highway widening and increased highway pollution on human and environmental health. We wish for consideration of healthier alternatives.

The Environmental Justice Communities of Elyria, Swansea and Globeville (GES) were bisected by the north-south highway I-25 in 1958, followed by the east-west I-70 freeway in 1964. The 83.8 percent Latino population of these communities are subject to adverse environmental, social and economic impacts of high quantities of small particulate vehicular pollution resulting in high rates of associated disease. GES has some of the highest rates of asthma, cancer, cardiovascular disease, diabetes and obesity in Denver. Due to pollutant levels twice as high as the rest of Denver, GES residents experience a 50 percent higher death rate due to cardiovascular disease and cancer, and higher rates of diabetes, obesity, and childhood asthma, with average lifespans shortened by 3.5 years. Earthjustice notes that "CDOT's decision to expand the highway needlessly adds to these burdens, despite the presence of feasible, less discriminatory alternatives."

Researchers have described a link between higher rates of COVID-19 deaths and diseases associated with long-term exposure to fine particulates, known as PM 2.5. A comprehensive analysis of U.S. counties utilizing COVID-19 data through June 18, 2020 reveals that for every microgram per cubic meter increase of average long-term PM2.5 exposure there has been an 11% increase in a county's COVID-19 mortality rate.

The plan to triple the I-70 highway footprint from six lanes to 10 lanes plus 2 auxiliary lanes in each direction, while lowering the 1.8 mile long viaduct 40 feet into a trench

Tripled Expansion of East I-70 Highway in North Denver Environmental Justice Communities: Elyria, Swansea, Globeville

partially below the water table in a flood plain and through the largely unremediated Vasquez/I-70 Superfund Site in the most polluted U.S. Zip Code (80216) is certain to multiply the pollution, morbidity and mortality hazards for residents of these already beleaguered Environmental Justice communities.

Due to the historical presence of heavy metal smelters, area soils contain elevated levels of cadmium, arsenic, zinc and lead, as well as asbestos from a former landfill site. Furthermore, analysis of decades of traffic information indicates that widening a road or adding lanes often increases congestion and pollution, portending even worse health outcomes for nearby residents.

Previously rejected due to serious concerns regarding ground and surface water contamination and the need for 100-year flood protection, the I-70 East (Central 70) plan was subsequently revived with the intention to enable future projects favored by developers, including the provision of a venue for the proposed hosting of a Winter Olympics.

The Congress for New Urbanism's 2017 "Freeways without Futures" report includes Central 70 among top ten highways with opportunity for rehabilitation, to reconnect neighborhoods and to "remove a blight from the physical, economic, and environmental health of urban communities," by replacing the highway with a walkable, bikeable boulevard.

Soaring Ozone Levels

The Denver Front Range is experiencing a combination of hotter weather, oil and gas fracking operations, industrial growth and increased vehicular traffic, all contributing to worsening ground-level ozone. With Metro Denver under heightened EPA scrutiny for ozone for decades, in late 2019 the EPA reclassified "the Denver Metro/North Front Range ozone nonattainment area from Moderate to Serious nonattainment under the Clean Air Act," projected to be reclassified to Severe nonattainment status by early 2022, which will trigger EPA and state actions to dictate emissions cuts.

A recent complaint filed with the EPA Inspector General's Office by three whistleblower employees of the Air Pollution Control Division of the Colorado Department of Public Health and Environment alleges a years-long pattern of state disregard of nitrogen dioxide and sulfur dioxide emissions, with staff ordered to cease modeling required by

the Clean Air Act, to falsify data in order to speed approval of industry noxious gas permitting. Nitrogen dioxide and sulfur dioxide contribute to high concentrations of ozone and particulate pollution that further exacerbate such chronic conditions as asthma and respiratory disease, and increase premature deaths.

Forgotten Environmental Justice Communities

Classified “Environmental Justice” communities by the EPA, North Denver neighborhoods of Elyria, Swansea and Globeville are defined as “overburdened communities... suffering an undue burden of environmental pollution, often predominantly poor and minority.”

“Our neighborhood has long endured the noise, pollution, and ugly physical barriers that I-70 has imposed on us and CDOT’s decision to triple the impact is simply too much for this community to bear. CDOT should take this opportunity to remedy the environmental injustice of the past and restore Elyria-Swansea and Globeville so these communities are truly healthier, safer places for our families to live,” **said Jenny Santos of the Colorado Latino Forum.**

An auxiliary project to the lowering of I-70, the Platte-to-Park Hill flood diversion project, is described by the city as a “neighborhood flood project” to protect neighborhoods to the south of 39th Avenue from flooding - none of which would be significantly protected. Indeed, the I-70 FEIS – Final Environmental Impact Statement - describes the city's long-standing goal of protecting against flooding the areas north of 39th Avenue, especially the lowered highway. The expansion of the Globeville Landing Outfall as part of the floodwater diversion project threatens to exacerbate the risk of flooding in the low-lying Globeville community.

Alternative Route – 1.8 Mile Bypass Around GES Communities

Though many north Denver neighbors have expressed support for the preferred alternative roadway, there has been no serious consideration by the city or the state to reroute I-70 to the north by widening the existing I-270/I-76 highways. Such a plan could avoid hazards associated with the I-70 trench and drainage projects. Already slated for expansion, the I-270/I-76 alternative beltway lies principally in an industrial area, bypassing heavily populated neighborhoods. Additionally, the alternative reroute has the advantage of not intersecting any flood plains. The diverted route would add only about 1.8 miles to the east-west trip along I-70, and is reportedly already used

by some truckers to avoid the I-70/I-25 bottleneck.

One of multiple alternatives proposed by CDOT in 2003, the I-270/I-76 reroute was subsequently dismissed with a written cost estimate using “terribly flawed” assumptions, as reported in 2014 by the League of Women Voters. The 2016 I-70 East Final Environmental Impact Statement (FEIS) dismissed the I-270/I-76 alternative route, without assessment of air pollution impacts on health. Neither did it evaluate the *Platte to Park Hill* 100-year flood protection project, nor Globeville, City Park and Cole neighborhoods, key elements of the flood protection project.

Deficits in Oversight of the Central 70 Project

Too often the Central 70 planning process has been short-circuited, regulatory process bypassed, and incomplete studies disregarded. The very institutions tasked with protection of human and environmental health instead have compromised air and water quality. During the excavation for the drainage project at Globeville Outfall, the city sought and obtained from the Colorado Department of Public Health and Environment the "permission to pollute" – a 13-month exception to discharge high levels of pollutants into the South Platte River a mere two miles upstream from the Adams County water supply.

Nor have the communities found any relief through the courts. A 2016 Sierra Club federal lawsuit filed with community groups claimed that the EPA lowered its pollution standards in order to push forward the expansion of I-70, violating the Clean Air Act’s Ambient Air Quality Standards. A Civil Rights Complaint filed on behalf of North Denver community groups by Earthjustice was based on violations of Title VI of the Civil Rights Act of 1964, for "subjecting communities of color to increased levels of air pollution, displacement and flooding." It was reported that widening the freeway from 85 to 278 feet would destroy 54 homes and 17 businesses, and displace approximately 180 residents, in addition to exacerbating already high levels of air pollution.

Some familiar with local, state, and federal environmental law have noted the lack of political will by governmental agencies at every level to exercise their discretionary authority to effectively oversee these highway projects in the interest of protecting human and environmental health. Observed a professor of Law and Public Policy, too often regulatory agencies with legal and moral responsibility for protecting health of the GES communities have either tried to shift regulatory authority to another agency, or to claim to lack authority to protect residents from harm.

We the People have continually been witness to the ability of monied interests to trump human and environmental health and the Common Good. We urge governmental restructuring of values and priorities in service to the health of people and the environment, with special attention to the health of residents of Environmental Justice Communities such as Elyria, Swansea and Globeville.

In a YouTube video, long-time Swansea resident Mary Hernandez describes the health effects on three generations of her family of growing up in a house next to the highway, in the unremediated Vasquez/I-70 Superfund Site.

Thank you for your consideration.

Sincerely,

Friends and Neighbors of North Denver Environmental Justice Communities

(b) (6)

Copied to:

Christopher Coes
Acting Assistant Secretary for Transportation Policy

Irene Marion
Director, Departmental Office of Civil Rights

Stephanie Pollack
Acting Administrator, Federal Highway Administration

Eric J. Soskin
USDOT Office of Inspector General