Passed:

RESOLUTION 92-24

TO URGE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT (EIS) BEFORE CONSTRUCTION OF THE STATE ROAD 37/46 INTERCHANGE

WHEREAS, with the financial assistance and approval of the Federal Highway Administration (FHWA), the Indiana Department of Transportation (INDOT) is currently planning to build a full size cloverleaf interchange where SR 37 meets the proposed SR 46 four lane highway; and

WHEREAS, the design of this interchange was recently redrawn to include an underpass that would involve "controlled blasting" and the displacement of six hundred thousand (600,000) cubic yards of material; and

WHEREAS, the location of the interchange is adjacent to Bennett's Quarry, a Superfund site and one of the six (6) consent decree sites, and the construction of the interchange would include excavating the "Mule Hole", another reputed PCB site, once part of the Federal CERCLA list; and

WHEREAS, for over twenty (20) years Bennett's Quarry was the site of uncontrolled dumping and open burning; and

WHEREAS, uncontrolled dumping has the potential for depositing a wide variety of toxic materials into the environment including PCB's, a known carcinogen, and open burning of PCB's produces dioxins, which recently have been identified by the Environmental Protection Agency (EPA) as possibly having reproductive, behavioral, and immune systems effects in humans at far lower levels than previously suspected; and

WHEREAS, the geographical extent of the contamination at Bennett's Quarry is in dispute, and the location for depositing material removed from the "Mule Hole" and adjacent areas has not yet been specified; and

WHEREAS, geologists have identified the proposed site of the interchange as a karst area with extensive fracturing of the bedrock, soil piping, and radiating groundwater systems through which the highway construction could release contaminants into the aquifer; and

WHEREAS, there are approximately seventy (70) wells which draw upon groundwater to provide the drinking water for that number of households within five thousand (5,000) feet of Bennett's Quarry; and

WHEREAS, the recently adopted Bloomington Growth Policies Plan recommends location of a large commercial center proximate to any new 37/46 interchange providing that "no construction activities by the state and private developers should be undertaken in the vicinity without a thorough analysis of environmental impact, including soil sampling, determination of the geographic extent of contamination, and plans for preventing possible release of contamination in the soil, the groundwater, and Stoutes Creek"; and

WHEREAS, an Environmental Impact Statement (EIS) is a concise document which identifies and analyzes the significant environmental effects of proposed actions, and enumerates and evaluates all reasonable alternatives for the purpose of contributing valuable information early in the decision making process and not as a justification for decisions already made (40 CFR 1502 et seq); and

WHEREAS, unlike an EIS, an Environmental Assessment (EA) is a less comprehensive document which is done when EIS is not required or when the significance of the environmental effects of proposed actions is not clearly established (23 CFR 771.115); and

WHEREAS, it appears that the INDOT in conjunction with the Federal Highway Administration (FHWA) is only performing an EA and not EIS for this project; and

WHEREAS, in March of 1992, William Franz, Chief of the EPA Region 5 Environmental Review Branch, stated that "Due to the potential for adverse environmental impact, we recommend an Environmental Impact Statement be written for the project"; and

WHEREAS, given the above circumstances, federal regulations require the preparation of a full EIS with early coordination with appropriate local agencies and the public (23 CFR 771.111; 40 CFR 1502.5 and 1506.2); and

WHEREAS, the City of Bloomington is a party to a 1985 Consent Decree regarding the cleanup of hazardous wastes at numerous sites including Bennett's Quarry, has planning jurisdiction for the City and the two mile fringe, and is responsible for the health, safety and welfare of its citizens and therefore, has legitimate interests in the environmental consequences of this highway project.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, THAT:

1. The Common Council urge the appropriate bodies to prepare a thorough Environmental Impact Statement (EIS) prior to commencing any construction of an interchange between State Road 37 and 46 northwest of Bloomington.

2. The Common Council urge that the appropriate bodies consult and coordinate their activities with local agencies and the public in the course of preparing the Environmental Impact Statement (EIS).

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 16th day of December, 1992.

Pam Service

PAM SERVICE, President
Bloomington Common Council

SIGNED and APPROVED by me upon this 17th day of December, 1992

Tomilea Allison

TOMILEA ALLISON, Mayor
City of Bloomington

ATTEST:

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

SYNOPSIS

This resolution urges that the construction of the SR 37/46 interchange not begin without the preparation of a full Environmental Impact Statement (EIS). It further urges public involvement in the course of preparing the EIS.

Signed copies to:
See attached Sheet