UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

May 7, 2012

Mr. Cesar Perez
Federal Highway Administration
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814

Subject: EPA Comments on the Tier II Final Environmental Impact Statement for a New State Route and Port of Entry in the East Otay Mesa Area, San Diego County, California (CEQ # 20120097)

Dear Mr. Perez:

The U.S. Environmental Protection Agency (EPA) has reviewed the Tier II Final Environmental Impact Statement (FEIS) for a New State Route and Port of Entry (POE) in the East Otay Mesa Area, San Diego County, California, pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality, regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. For this project, EPA is a "Participating Agency" (as defined in 23 USC 139 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)) and a "Cooperating Agency" (as defined in the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR Part 1508.5)).

The Federal Highway Administration (FHWA), in cooperation with Caltrans, and U.S. General Services Administration (GSA), previously completed a Tier I Programmatic EIS (PEIS) that identified a preferred corridor for State Route (SR) 11 and location for the Otay Mesa East POE. EPA previously commented on the Tier I Draft and Final PEIS (March 3, 2008; September 22, 2008).

The Tier II Draft EIS subsequently evaluated design and operational alternatives for SR 11, the POE, and a potential Commercial Vehicle Enforcement Facility. For the Tier II project, EPA participated in several working group meetings, and provided comments following our review of the Notice of Intent (NOI; December 2008), Purpose and Need/Range of Alternatives (October 2009) and the Tier II DEIS (February 8, 2011). Based on our review, we rated the Tier II DEIS as Environmental Concerns – Insufficient Information (EC-2). Our concerns were based on the need for expanded analysis regarding impacts to aquatic resources and air quality, and inclusion of green building and sustainability commitments consistent with Executive Order 13514.

EPA commends FHWA, Caltrans, and GSA for incorporating many of EPA's recommendations into the Tier II FEIS, including comments on Waters of the United States, green building and sustainability. Our continuing concerns related to air quality are discussed in the attached detailed comments.

Thank you for the opportunity to comment on the FEIS. When the ROD is published, please send a copy to the address above (mail code: CED-2). If you have any questions, please contact Zac Appleton in EPA Region 9's Environmental Review Office (415-972-3321 or appleton.zac@epa.gov) or Dave Fege in Region 9's Border Office (619-235-4769 or fege.dave@epa.gov) for further coordination on this project.

Sincerely,

/s/

Connell Dunning, Transportation Team Supervisor
Environmental Review Office (CED-2)

Attachments:
EPA's Detailed Comments

cc: Sandra Lavendar, Caltrans
Bruce April, Caltrans
Ramon Riesgo, General Services Administration
Michelle Mattson, U.S. Army Corps of Engineers, San Diego Field Office
Susan Wynn, U.S. Fish and Wildlife Service

Air Quality

EPA acknowledges the responses to comments provided regarding air quality analysis in the Tier II FEIS, including updating Table 3.15-2 to include the correct National Ambient Air Quality Standard (NAAQS) for 24-hour particulate matter under 2.5 microns ($PM_{2.5}$). We have continuing concerns, however, regarding air quality impacts from construction emissions, southbound inspections, idling trucks, and mobile source air toxic analysis.

Construction Emissions
While Caltrans construction practices address many of EPA's recommendations for controlling fugitive dust, and both mobile and stationary sources during the construction phase, we continue to recommend that Caltrans commit to additional practices.

Recommendations:
EPA understands a Construction Emissions Mitigation Plan will not be completed for this project. In addition to all applicable local, State, or federal requirements and the measures identified in Section 3.16.4 of the Tier II FEIS, EPA recommends the Federal Highway Administration (FHWA) and Caltrans identify in the Record of Decision (ROD) the following additional construction emissions mitigation practices:

Fugitive Dust Source Controls:
- Practice fugitive dust source control at both inactive and active sites, and during non-workdays.
- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

Mobile and Stationary Source Controls:
- Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels, where applicable, and to perform at verified standards applicable to retrofit technologies. Employ periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications. The California Air Resources Board has a number of mobile source anti-idling requirements which could be employed. See their website at: http://www.arb.ca.gov/msprog/truck-idling/truck-idling.htm
- Prohibit any tampering with engines and require continuing adherence to manufacturer's recommendations.
- If practicable, lease new, clean equipment meeting the most stringent of applicable Federal or State Standards. In general, commit to the best available emissions control technology. Tier 4 engines should be used for project construction equipment to the maximum extent feasible. Lacking availability of non-road construction equipment that meets Tier 4 engine standards, FHWA and California Department of

Transportation (Caltrans) should commit to using the best available emissions control technologies on all equipment.
- Utilize EPA-registered particulate traps and other appropriate controls where suitable to reduce emissions of diesel particulate matter and other pollutants at the construction site.

Administrative controls:
- Identify all commitments to reduce construction emissions and update the air quality analysis to reflect additional air quality improvements that would result from adopting specific air quality measures.
- Identify where implementation of mitigation measures is rejected based on economic infeasibility.
- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. (Suitability of control devices is based on: whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public.) Meet EPA diesel fuel requirements for off-road and on-highway, and, where appropriate, use alternative fuels such as natural gas and electric.
- Develop a construction traffic and parking management plan that minimizes traffic interference and maintains traffic flow.

Southbound Inspections and Emissions from Idling Trucks

With total daily border crossings expected to increase to between 45,600 and 52,800 vehicles at the proposed new POE by the year 2035 (Table 3.8-2), EPA continues to expect corresponding increases in idling, vehicle miles traveled (VMT), and related truck emissions. These traffic emissions will result in increased human exposure to both direct emissions, and to secondary particulate and ozone pollutants in the area of already degraded air quality. Even if the 30 minute queuing goal is achieved by the forecast daily vehicle traffic, EPA remains concerned about cumulative deteriorated air quality and potential health effects.

In particular, with such a significant congregation of diesel vehicles in a single location, EPA recommends the proposed POE follow the $PM_{2.5}$ and PM_{10} hot spot analysis requirements of the Conformity Rule [Title 40 Code of Federal Regulations, Part 93.116 and 123(b)(iii)] to disclose potential impacts to those in the vicinity of the queuing trucks. EPA acknowledges the proposed project is not a "project of air quality concern" which would require that FHWA and Caltrans complete $PM_{2.5}$ and PM_{10} hot spot analysis to fulfill statutory requirements. However, EPA still recommends that FHWA and Caltrans complete that analysis, in line with § 93.123(b)(iii), to fully inform decision-makers on cumulative air quality impacts.

Recommendations:
- EPA continues to recommend FHWA and Caltrans use an area source model, such as AERMOD, to assess vehicle emissions from cars waiting to cross the border (including implementation of any increased/regular southbound inspections). While the VRPA 9-2011 Traffic Technical Report is thorough, it tends to assume optimal short duration border crossing queues, and may not fully account for cumulative and transboundary air

pollution. Vehicle idling emissions from traffic queuing at intersections and traffic queuing to cross the border might also be modeled together as an area source. EPA is available to discuss these recommendations. Please contact Dave Fege of our San Diego Field Office at 619-235-4769.

EPA also recognizes that FHWA and Caltrans have continued to provide opportunities for interagency, international, and local government partnership to achieve common goals with the proposed POE. The ROD provides an opportunity to highlight the continued coordination opportunities that exist with the multiple partners contributing to the success of this project.

Recommendations

- EPA recommends FHWA and Caltrans identify and adopt in the ROD all the best practice recommendations that emerge from US Department of Transportation's proactive ITS pre-deployment study (Page 5-41) for truck stop electrification, lane segmentation, advanced traveler information, appointment system, and other strategies of the study.
- In light of the need to minimize impacts to air quality, and reduce adverse transboundary and cumulative effects from the preponderance of older (1998) truck engines in northbound traffic, EPA recommends FHWA and Caltrans highlight in the ROD a continued commitment to work with Mexico on common goals. In particular, EPA again recommends removing barriers to joining the U.S. Customs and Border Protection's Fast and Secure Trade (FAST) Program, as well as sharing ITS study recommendations for both anti-idling and truck stop electrification for southbound traffic.
- With respect to FHWA and Caltrans strategy of VMT reduction and optimal traffic flow to achieve improved air quality, EPA recommends that the ROD identify a commitment by FHWA and Caltrans to proactively work with the County of San Diego to build interim local bicycle facilities connecting with the proposed POE to accommodate non-vehicle border crossers who may use the proposed POE decades in advance of the 2035 forecast.
- As the project progresses, EPA recommends that the ROD identify, in the toll option for SR11, that FHWA and Caltrans consider dynamic pricing to achieve the goal of shortening queues to 30 minutes or less at the proposed new POE.

Mobile Source Air Toxics (MSAT)

Page 5-42 of the Response to EPA's comments related to mobile source air toxics analysis states, "Caltrans Districts have also been instructed to not perform health risk assessments for projects until directed otherwise." A justification and rationale for the decision to not respond to EPA's comment is not provided.

Recommendations

- For highway and infrastructure projects with high volumes of diesel-emitting vehicles anticipated, including this Port of Entry project, EPA continues to recommend applicable portions of the cited 2007 report, "*Analyzing, Documenting, and Communicating the Impacts of Mobile Source Air Toxic Emissions in the NEPA Process*" (http://www.trb.org/NotesDocs/25-25(18)_FR.pdf), prepared for the American

Association of State Highway and Transportation Officials (AASHTO). Similarly, California OEHHA has hot spot risk assessment guidance published in support of California's Air Toxics "Hot Spots" Information and Assessment Act of 1987 (a.k.a. AB2588, http://www.oehha.ca.gov/air/hot_spots/pdf/HRAguidefinal.pdf).

- EPA recommends FHWA and Caltrans provide responses to comments that include rationale and justification as supporting information behind decisions to not respond to comments (rather than state that the agency "has been instructed not to" respond).