UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105
September 8, 2009

Mr. Greg Smith
U.S. General Services Administration
Portfolio Management Division (9PTC)
880 Front Street, #4236
San Diego, CA 92101

Subject: EPA Comments on the Final Environmental Impact Statement for San Ysidro Land Port of Entry Improvements Project, San Diego County, California (CEQ # 20090271)

Dear Mr. Smith:

The U.S. Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) for the San Ysidro Land Port of Entry (POE) Improvements Project. Our comments are provided under the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

We rated the Draft Environmental Impact Statement for this project as *Environmental Concerns- Insufficient Information (EC-2*) due to concerns regarding the project's impacts to air quality. While we support the need for improvements at the POE, we continue to have concerns that the analysis in the FEIS does not fully support many of the conclusions regarding air quality. We continue to believe an opportunity exists to improve the POE in a way that greatly reduces air quality impacts when compared to the existing facility. EPA appreciates the additional information provided in the FEIS regarding climate change and contributions to greenhouse gas emissions and clarification on the outreach performed for the San Ysidro community. Remaining concerns with the project are described below and in the enclosed detailed comments.

EPA continues to recommend an assessment of the impacts related to future southbound vehicle inspections not assessed in the FEIS

EPA remains concerned with possible increased vehicle emissions due to implementation of regular southbound inspections. The DEIS stated upon implementation of the Preferred Alternative, southbound vehicular inspections would occur regularly as part of enhanced security operations, however the FEIS now indicates that southbound inspections are not a part of the project. Between publication of the DEIS and FEIS, GSA has removed references and graphics of infrastructure supporting southbound vehicular inspections. The FEIS indicates that GSA hopes that the U.S. Customs and Border Protection (CBP) protocols for southbound inspections will be developed by Phase 3 of the Preferred Alternative. Until then, GSA plans to install the conduit and footings for the southbound inspection booths, but not the booths themselves.

Although GSA has committed in the FEIS to analyzing traffic and other impacts in a supplemental NEPA environmental study, the project as described in the FEIS appears to preclude the analysis of locations and necessary design for the southbound inspections by

committing to conduits and footings, while not analyzing the impacts to traffic flow due to inspections occurring. Considering that the increased U.S. southbound vehicular inspections are reasonably foreseeable for the San Ysidro POE, a discussion of the proposed inspections should be discussed and qualitatively assessed to insure that all appropriate design features, at the site of the future inspections, as well as along I-5 as traffic leads into the inspections, are considered now. EPA recommends that the Record of Decision (ROD) incorporate the most current and available information about CBP's proposal to increase southbound vehicular inspections as well as an analysis of likely impacts and design features to mitigation those impacts once regular inspections are occurring. Decisions to be supported in all supplemental NEPA analyses should also be further clarified.

EPA continues to recommend improvements to intermodal accessibility

EPA remains concerned that the project may degrade existing intermodal accessibility and encourage increased use of privately-owned vehicle (POV) crossings of the border, which may further exacerbate vehicle emissions affecting air quality. EPA recommends identifying in the ROD specific features that can be incorporated into the POE design to improve intermodal accessibility and encourage alternative transportation modes for border crossings. Our enclosed comments identify specific recommendations from the April 2009 *San Ysidro Land Port of Entry (LPOE) Expansion Mobility Study* that would greatly improve multi-modal access for the project.

EPA continues to recommend mitigation for congestion impacts that will result outside the footprint of the proposed action

EPA has remaining concerns with air quality impacts associated with increased congestion on freeways and arterials resulting from the project. EPA recommends including in the ROD commitments for measures to reduce congestion and vehicle emissions, including anti-idling measures. EPA also recommends that the ROD identify a timeline for implementation of mitigation measures to address identified traffic impacts resulting from the project and discuss who the responsible parties would be for implementation.

EPA continues to recommend assessment and mitigation for impacts to users of the POE facility

EPA appreciates that the FEIS provides additional information on the efforts made to outreach and incorporate feedback from the San Ysidro community into the project. While the FEIS does identify disproportionate impacts to low-income and minority San Ysidro residents from the proposed action, the document does not assess whether the proposal will disproportionately impact low-income or minority populations that may ultimately use the POE facility. EPA continues to recommend characterizing the demographics of the visitors crossing the border and identifying potential project impacts on the POE users and whether or not the proposal will disproportionately impact low-income or minority populations that use the POE facility. If disproportionate adverse impacts are identified, then GSA should identify and implement measures in the ROD to reduce these impacts.

The above-listed concerns, including a recommendation for a contingency plan if the proposed Mexican POE project is delayed, are further discussed in the attachment. EPA is available to discuss recommendations regarding the air quality analysis. Thank you for the opportunity to comment on the FEIS. When the Record of Decision is finalized, please send a

copy to the address above (mail code: CED-2). If you have any questions, please contact Connell Dunning, Transportation Team Lead at (415) 947-4161, or contact Susan Sturges, the lead reviewer for this project. Susan can be reached at (415) 947-4188 or sturges.susan@epa.gov.

Sincerely,

/s/ Connell Dunning for

Kathleen M. Goforth, Manager
Environmental Review Office (CED-2)

Attachments: Summary of Rating Definitions

cc: Pedro Orso-Delgado, Director, Caltrans District 11
Gary Gallegos, Executive Director, SANDAG
Butch Waidelich, California Division Administrator, Federal Highway Administration
Leslie Rogers, Region 9 Administrator, Federal Transit Administration
Paul Jablonski, Chief Executive Officer, Metropolitan Transit Service
Kelly Broughton, Director, Development Services Department, City of San Diego
Paul Ganster, Good Neighbor Environmental Board Chair, San Diego State University
Paul Huss, U.S. Customs and Border Protection

Air Quality

EPA is supportive of measures to improve operations at the existing San Ysidro Port of Entry. However, we have continuing concerns with potential negative air quality impacts that may result from increased vehicle emissions as a result of the project design and future southbound vehicular inspections. The following comments provide recommendations for improved analysis of potential impacts and recommended measures to reduce congestion and vehicle emissions.

Impact Assessment

Increased Southbound Vehicular Inspections. The Final Environmental Impact Statement (FEIS) indicates that southbound inspections are not a part of the project, however, the Draft EIS (DEIS) stated that upon implementation of the Preferred Alternative, southbound vehicular inspections would occur regularly as part of the enhanced security operations at the San Ysidro Port of Entry (POE). While the DEIS included southbound inspections as a part of their project description and showed Phase 3 of the project with new supporting southbound inspection infrastructure and facilities, GSA removed references to southbound inspections in the FEIS and defers this analysis until the U.S. Customs and Border Protection (CBP) has developed specific protocols, anticipated by Phase 3 of project construction.

It is concerning to US EPA that GSA has changed the scope of the proposed project description between publication of the DEIS and FEIS to no longer include proposed southbound inspections, yet some elements of the southbound inspections facilities will be built following signature of this Record of Decision (ROD) (inspection facility footings, conduit, etc.). The FEIS states that GSA plans to install the conduit and footings for the southbound inspection booths, but not the booths themselves (p. 4-65, Comment I11). FEIS Revised Figure 2-3, includes a figure with deleted and/or re-labeled graphics (when compared to the DEIS) pertaining to the southbound facilities while still maintaining area in the project footprint for these facilities. GSA is committing in the FEIS to partially construct these facilities and set aside space for these future facilities. By accommodating future southbound inspection facilities within the project's footprint, the FEIS itself provides justification that the inspection facilities are reasonably foreseeable future actions that are being accommodated in design, yet not analyzed for potential impacts.

The new southbound inspections to be performed by the U.S. and Mexico and their impacts to local roadways, freeways, and air quality, should be analyzed at this time so that appropriate design modifications and mitigation measures can be implemented. While we recognize that the timing of the construction of the potential future inspection booths may not be confirmed, the commitment to build footings and supportive infrastructure as a part of the ROD for the proposed action requires the analysis of impacts at this time. It appears very likely that the re-routing of southbound traffic and implementing regular southbound inspections would increase idling vehicle emissions as vehicles wait to cross the border.

Recommendations:

- Clarify in the ROD that the decision to set aside land, build footings, and construct conduits as a part of the proposed action are directly linked to future needed southbound vehicular inspections, and as such, southbound inspections will be part of the project. For example, statements in the FEIS, such as "no additional southbound inspections are proposed (p. 3.4-12), is very misleading, given the commitment to build inspection facility footings and support infrastructure. Incorporate the most current and available information about CBP's proposal to increase southbound vehicular inspections.

- Identify what impacts are likely to occur from moving towards more regular southbound vehicular inspections. Include the results in the ROD, as well as commitments for additional design features to reduce these impacts.

- Conversely, if southbound inspections are not a part of the proposed action, clarify in the ROD what information GSA used to determine that the inspection facilities are not reasonably foreseeable future actions and clarify the future scope of southbound inspection-related actions that will be supported by additional NEPA analysis.

- Include in the ROD a discussion of how implementation of Mexico's screening of inbound vehicles using the Sistema de Aforo Vehicular (SIAVE) system will integrate with the anticipated southbound inspections by the U.S. government at the Tijuana border.

Mitigation Measures

Traffic Mitigation Measures. The FEIS identifies several impacts to local roadways that will occur as a result of project implementation and includes recommendations to reduce those impacts, but indicates the proposal does not include local roadway improvements. The FEIS also indicates that the Preferred Alternative would result in adverse cumulative traffic impacts to three freeway segments, but does not identify avoidance, minimization, or mitigation measures to lessen these impacts. Since unmitigated traffic impacts would likely increase vehicle emissions, EPA is concerned the resulting air quality impacts have not been addressed. Specifically, it is not clear how GSA is coordinating with these agencies to insure seamless and effective mitigation of impacts to the transportation network that are both: 1) a result of GSA's actions, and 2) occurring outside of the footprint of the POE facility.

In the FEIS (p. 4-61, Comment I1), GSA indicates they will consider adopting and implementing measures that are determined to be feasible and consistent with existing laws, regulations and authorities applicable to GSA, particularly with regard to the availability of, and authority to expend, funds. EPA encourages GSA to pursue mitigation measures that will reduce impacts to roadways and freeway segments, thus reducing air quality impacts associated with increased congestion.

Recommendation:
In the ROD, identify a timeline for implementation of mitigation measures to reduce impacts to local roadways and freeway segments and the responsible parties that would implement the measures.

Anti-idling Measures. The FEIS indicates that anti-idling measures are unnecessary based on GSA emissions estimates from idling at the border, however the FEIS does not consider idling associated with increased southbound vehicular inspections. A major source of PM_{10} emissions is from idling vehicles waiting to cross the border in both the northbound and southbound directions. Anti-idling measures could be appropriate mitigation of these idling emissions. GSA should consider implementing anti-idling measures that are currently being used at other POE locations, such as batching of vehicles crossing the border or measures to allow vehicles to turn their engines off, thereby reducing PM_{10} emissions, especially considering the likely congestion associated with southbound vehicular inspections and the forthcoming incoming traffic inspections to be performed by Mexico.

Recommendation:
- In the ROD, commit to additional mitigation measures that are appropriate for this project. Consider anti-idling measures as mitigation of PM_{10} emissions and identify which anti-idling measures can be implemented at this POE facility. Highlight what design changes are necessary to implement anti-idling measures.

Construction Mitigation Measures. The FEIS indicates that mitigation measures identified in the July 2009 Air Quality Impact Assessment will be incorporated into the ROD. In addition to these, EPA recommends the following measures to reduce the impacts resulting from future construction associated with this project.

Recommendations:
- In light of the serious health impacts associated with $PM_{2.5}$ and diesel exhaust exposure, we recommend that the best available control measures for these pollutants be implemented at all times and recommend that a Construction Emissions Mitigation Plan is incorporated into the ROD. We recommend that all requirements under San Diego APCD Guidelines and the following additional measures be incorporated into a Construction Emissions Mitigation Plan, where feasible and appropriate, in order to reduce impacts associated with fugitive dust and emissions of $PM_{2.5}$, diesel exhaust, and mobile source air toxics from construction-related activities:

Fugitive Dust Source Controls:
- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions.
- 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:

- Minimize use, trips, and unnecessary idling of heavy equipment.
- 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 will be available in the 2009-model year and 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, GSA 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:

- Specify the means by which impacts to sensitive receptors, such as children, elderly, infirm and others identified in the FEIS, will be minimized. For example, locate construction equipment and staging zones away from sensitive receptors and fresh air intakes to buildings and air conditioners.
- 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.

Intermodal Accessibility

As stated in our DEIS comment letter, if existing accessibility to other modes of travel is not maintained or improved at the San Ysidro POE, this may influence people traveling to the POE to do so by privately owned vehicles (POVs). EPA is concerned that increased use of POVs to cross the Tijuana border will lead to additional vehicle emissions, exacerbating air quality in the San Diego air basin.

EPA commends the addition of a southbound pedestrian crossing east of I-5, however, EPA remains concerned that the project may degrade existing POE intermodal accessibility by:

- increasing walking distances between travel modes (including additional changes in elevations that currently do not exist),
- eliminating a popular, on-site privately-owned long haul bus terminal which is estimated to account for 26 percent of private bus trips servicing the POE,
- degrading infrastructure available for public transit,
- degrading accessibility by cyclists,
- eliminating 1,178 parking spaces (directly adjacent to the border POE facility between Virginia Avenue and I-5) which are used frequently by POE visitors that cross the border by walking.

Recommendations:

- Considering the multi-modal nature of the border facility, prioritize access improvements for public and private transit, pedestrians, and cyclists. Identify any prioritized list in the ROD. Providing incentives to cross the border by transportation modes other than POVs will likely translate to reduced impacts to air quality, reduced greenhouse gas emissions, and improved efficiency at the POE.

- In the ROD, identify features to be incorporated into the POE design that improve intermodal accessibility and encourage alternative travel modes for border crossings. For example, consider separating northbound and southbound cyclist processing from the pedestrian inspections. Although previous bicycle inspections were provided for a time and discontinued because of safety and security issues (e.g., abandonment of dilapidated bicycles at the POE) associated with some abuses to bypass the longer pedestrian line, EPA encourages GSA to consider operational improvements to bicycle-only inspection lanes, such as pre-screening or registering regular cyclists or reputable bike rental outlets, to encourage an alternative mode of crossing.

- In the ROD, incorporate the recommendations of *San Ysidro Land Port of Entry Border Station Expansion Mobility Study* (April 2009) that evaluated project effects on transit, pedestrians, and bicycle mobility into the ROD. It is unclear if this analysis and its specific recommendations informed the project design of the Preferred Alternative. Specifically, Appendix G of the Study includes recommendations that would greatly improve multi-modal access for the project and/or mitigate impacts directly resulting from the project, such as: 1) a loading/unloading area on the east side of I-5 for POVs, 2) relocating the Greyhound bus terminal, and 3) inclusion of an intermodal transportation center. EPA recommends that GSA take the lead in developing the POE as a comprehensive intermodal transportation facility. The FEIS states that Appendix G of the Mobility Study identified possible non-Project-related recommendations that could further improve mobility within the community and area around the LPOE and that these recommendations are not associated with project impacts and are not identified as avoidance, minimization, and mitigation measures on the EIS (p.4-71, Comment K3). EPA believes that the recommendations are project-related and would reduce project

impacts and requests that GSA consider these recommendations and identify specific mitigation actions in the ROD.

Coordination with Proposed El Chapparal POE

Phase 3 of the Preferred Alternative requires connecting the facilities of the San Ysidro POE to the proposed El Chapparal POE in Mexico. The FEIS indicates that GSA is continuing bi-national coordination with the Mexican government, and a March 2009 diplomatic note indicates commitment from Mexico on two southbound pedestrian crossings. The FEIS further explains that the Mexican government plans to move forward with their El Chaparral facility and that the exact timing of its construction is not known, but it is anticipated that it would closely correspond with Phase 3. If, for some reason, the El Chaparral facility is not constructed, GSA would not build the currently proposed southbound facilities. Specifically, under this scenario the proposed realignment/modification of southbound I-5 within the POE would not occur, and the southbound freeway would remain in its current location and configuration (p. 4-99, Comment N15).

The San Ysidro POE design and completed implementation of Phase 3 is dependent on completion and operation of the southbound lanes of the proposed El Chapparal POE. Without completion of the POE facilities and road network south of the U.S. border at El Chapparal, the proposed project will remain operating at Phase 2. Coordination of design and the timing for construction and operation of both projects is critical to sufficiently assess implications of having the San Ysidro project built without the proposed southbound facilities, particularly considering Mexico's plan to increase inspections of incoming vehicular traffic via the SIAVE system at this Tijuana/ border crossing later this year.

Recommendations:

- Include the latest information available on the proposed design of the El Chaparral POE and the timeline for its planning, construction, and operation in the ROD. Provide information on implementation of the SIAVE system at El Chaparral and how the San Ysidro project will respond to this near-future change in security operations.

- Develop a contingency plan for possible delays with the proposed El Chaparral POE. Describe implications of the San Ysidro POE remaining in Phase 2 for an extended time should the proposed El Chaparral POE not be constructed in a timely manner. Include in the ROD specific measures to reduce impacts during a possible delay.

Environmental Justice - Impacts to those who will use the facility

While the FEIS does identify disproportionate impacts to low-income and minority San Ysidro residents from the proposed action, the document continues to exclude an analysis of potential impacts to low-income or minority populations that may use the POE facility. Many of the POE users likely live outside of the San Ysidro community, but will still be affected by the project. The FEIS indicates that the environmental justice analysis determined the affected area in accordance with federal guidelines contained in the Council on Environmental Quality's Environmental Justice: Guidance Under the National Environmental Policy Act, identifying the

San Ysidro Community Plan Area as the geographical unit with the greatest potential to be impacted by the Project. The FEIS states that while the POE serves the San Diego region, Tijuana region, and beyond, it is not feasible, or required, to identify a geographic unit that comprises all LPOE users for the purposes of the environmental justice analysis.

EPA disagrees that a geographic scope beyond the limits of the San Ysidro community is not feasible to assess environmental justice impacts to users of the POE facility or would be outside of the parameters of the federal guidelines. If demographic information is available that characterizes users of the facility, the information could be used to qualitatively assess possible environmental justice impacts to users of the POE facility. Low-income and minority populations are likely to frequent alternative transportation modes to access the POE or to cross the border, including walking, biking, and using transit. EPA remains concerned that the possible degradation of facilities for pedestrians, cyclists, and transit users resulting from the project may impact these populations.

Recommendation:
In the ROD, identify whether the proposed alternatives may disproportionately and adversely affect low-income or minority populations that use the POE and provide appropriate mitigation measures for any adverse impacts. Assessment of the project's impacts should reflect consultation with affected POE users and mitigation measures should be considered where feasible to avoid, mitigate, minimize, rectify, reduce, or eliminate impacts associated with the proposed project (See 40 C.F.R. § 1508.20). Mitigation measures identified in the ROD should reflect the needs and preferences of the affected low-income and minority populations to the extent practicable.

Green Building and Energy Efficiency

EPA acknowledges that GSA proposes to achieve Leadership in Energy and Environmental Design (LEED) Silver certification and is exploring sustainable design concepts for the Project, including: 1) alternative energy systems and geothermal potential, 2) energy efficient opportunities for the proposed Central Plant, 3) air quality/comfort, 4) renewable energy sources, 5) daylight savings strategies, 6) lighting design controls, 7) green roofs, 8) storm water reuse, and 9) energy efficient water systems.

Recommendations:

- Pursue the construction of a Gold rated U.S. Green Building Council's LEED building.
- Identify specific sustainable design concepts and measures that will be incorporated into the project design and commit to these concepts and measures in the ROD.
- Encourage a partnership between the U.S. and Mexico construction teams with the U.S. and Mexican Green Building Councils to make the new stations on both sides of the border healthier and to take advantage of economies of scale.
- Encourage the facilities to provide environmental education on features associated with the green POE projects.