UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

July 2, 2009

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

Subject: EPA Comments on the Draft Environmental Impact Statement for San Ysidro Land Port of Entry Improvements Project, San Diego County, California (CEQ # 20090144)

Dear Mr. Smith:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the San Ysidro Land Port of Entry (POE) Improvements Project pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. Based upon our review, we have rated the proposed action as *Environmental Concerns- Insufficient Information (EC-2)*. While we support the need for improvements at the POE, the analysis in the DEIS does not fully support many of the conclusions regarding air quality. We believe an opportunity exists to improve the POE in a way that greatly reduces air quality impacts when compared to the existing facility. See attached "Summary of the EPA Rating System" for a description of the rating. The basis for the rating and our recommendations are summarized below and further detailed in our enclosed comments.

EPA recommends performing additional traffic and air quality analysis for project impacts not assessed in the DEIS

EPA is concerned with possible increased vehicle emissions due to greater northbound throughput, implementation of regular southbound inspections, and impacts to other modes of travel which may influence travel mode decisions (e.g., more people in cars versus taking transit, walking, or biking). Although the DEIS includes analysis of operational impacts to air quality at intersections near the POE facility, the traffic and air quality analyses do not capture operational impacts associated with regular southbound inspections and the northbound and southbound queuing at the POE, which are the main sources of vehicle emissions for the project. In the enclosed detailed comments, EPA provides additional information on how to analyze these impacts in the FEIS.

EPA recommends improvements to intermodal accessibility

EPA is 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 incorporating features into the POE design that improve intermodal accessibility and encourage alternative transportation modes for border crossings. The April 2009 *San Ysidro Land Port of Entry (LPOE) Expansion Mobility Study* includes specific recommendations that would greatly improve multi-modal access for the project.

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EPA recommends mitigation for congestion impacts that will result outside the footprint of the proposed action

EPA is concerned with air quality impacts associated with increased congestion on freeways and arterials resulting from the project identified by GSA in the DEIS. EPA recommends implementing measures to reduce congestion and vehicle emissions, and considering other strategies to reduce emissions, such as anti-idling measures. EPA also recommends that GSA 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 recommends assessment and mitigation for impacts to users of the POE facility

While the DEIS 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 recommends identifying the demographics of the visitors crossing the border, what potential impacts the project will have 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 to reduce these impacts. In addition, EPA recommends providing additional mitigation measures to reduce impacts to the San Ysidro community.

The above-listed concerns, including a recommendation to discuss the design and timing of proposed Mexican POE and intermodal facilities, 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 DEIS. When the Final Environmental Impact Statement (FEIS) is published for public review, please send two hard copies and, if available, two CD-ROMs 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 Susan Sturges, the lead reviewer for this project. You may reach Susan at 415-947-4188 or sturges.susan@epa.gov.

Sincerely,

Connell Dunning

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

Attachments: EPA's Detailed Comments
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

EPA DETAILED COMMENTS ON THE DEIS FOR SAN YSIDRO LAND PORT OF ENTRY IMPROVEMENTS PROJECT, SAN DIEGO COUNTY, CALIFORNIA, JULY 2, 2009

Air Quality

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

National Ambient Air Quality Standards (NAAQS)

The project is located in the San Diego Air Basin (SDAB). The area is a federally designated Subpart 1 Basic nonattainment area for the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS), and a maintenance area for the carbon monoxide (CO) NAAQS [40 CFR Part 81]. Because of the area's nonattainment status, it is important to reduce emissions of ozone precursors resulting from the project. While San Diego is attainment for the particulate matter with a diameter of 10 microns or less (PM_{10}) NAAQS, there have been violations of the PM_{10} standard in recent years at a monitor near the Otay-Mesa Port of Entry which are associated with cross-border truck traffic.

Impact Assessment

Operational-Phase Emissions. The Air Quality Impact Assessment and the DEIS do not quantify operational-phase emissions increases associated with the increased traffic on the Interstate 5 (I-5) and Interstate 805 (I-805) freeways resulting from the proposed action.

Recommendation:

- Update the analysis to include an assessment of emissions increases from increased traffic on I-5 and I-805 resulting from the project. Identify if additional mitigation measures are required to reduce impacts related to increased emissions.

Construction-Phase Emissions. The DEIS does not provide sufficient detail to allow review of the construction-phase emissions estimates of CO, volatile organic compounds (VOC) and nitrogen oxides (NO_x). The assessment for fugitive dust emissions used the URBEMIS model, which should not be used to estimate fugitive dust emissions. EPA's AP-42, *Compilation of Air Pollutant Emission Factors*, or emission factors used by the California Air Resources Board (ARB) are more appropriate tools to estimate fugitive dust emission.

Recommendations:

- Provide more documentation on how these numbers were calculated and what assumptions (for example, about how many days a week construction will occur) were used for the calculations.

- For the Final Environmental Impact Statement (FEIS), estimate fugitive dust emissions utilizing EPA's AP-42, *Compilation of Air Pollutant Emission Factors*, or emission factors used by the California Air Resources Board.

Increased Southbound Inspections. The DEIS states that no reduction in southbound wait times would occur with the Preferred Alternative because currently, only periodic inspections occur for southbound vehicles, and that no associated cumulative traffic impacts would occur with project implementation. However, upon implementation of the Preferred Alternative, the DEIS indicates southbound vehicular inspections would occur regularly as part of the enhanced security operations at the San Ysidro Port of Entry (POE). Phase 3 of the project includes new southbound vehicle lanes and inspection facilities. The DEIS does not include southbound traffic analysis with increased regular inspections. The new southbound traffic configuration and inspections to be performed by the U.S. and Mexico and their impacts to local roadways, freeways, and air quality, should be analyzed. It appears 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:

- Provide the basis for the conclusion that no associated cumulative traffic impacts would occur as a result of regular southbound vehicular inspections.

- Clarify the frequency associated with "regular" southbound vehicular inspections.

- Update the traffic and air quality analyses to include consideration of "regular" southbound vehicular inspections. Include the results in the FEIS and include specific design changes to mitigate for slower southbound traffic that will result in increased congestion.

Area Source Analysis. Although the DEIS includes analysis of operational impacts to air quality at intersections near the POE facility, the main vehicle emissions resulting from the project would be from vehicles queued for inspection, rather than those at nearby intersections, so the included analysis does not adequately assess the overall impact.

Recommendation:

- Use an area source model, such as AERMOD, to assess vehicle emissions from cars waiting to cross the border (including implementation of increased southbound inspections). 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.

Hot-Spot Analysis. With respect to the DEIS "hot spot" analysis, we believe that a wholesale re-evaluation of the CO hot spot analysis is warranted for the reason that published protocols are developed primarily for use for typical street and highway projects, not for the atypical, if not unique, conditions present at a border crossing. Also, modeling of area sources (such as the vehicle queue waiting to cross the border), in combination with modeling of the

various line-sources, may result in more realistic estimates of CO in the vicinity of the proposed action. Furthermore, ambient CO monitoring data taken in the general, though not immediate, vicinity of the border crossing at Calexico-Mexicali shows exceedances of the NAAQS in recent years, and the conditions at the Calexico crossing may well be representative of conditions at the San Ysidro crossing. See ARB's website for detailed information of CO readings taken at various monitoring sites in Calexico and Mexicali. The high monitored CO concentrations measured in the vicinity of the Calexico crossing suggest revisiting the CO modeling results reported in the DEIS that show low CO values under existing conditions and under the proposed action.

Recommendation:

- Supplement the CO "hot spot" analysis to account for the extent of idling of vehicles on both sides of the border crossing.

The DEIS states that the POE Project would not be a project of air quality concern for fine particulate matter with a diameter of 2.5 microns or less ($PM_{2.5}$) and PM_{10} emissions because the project would not result in increases in the number of diesel vehicles utilizing the international border crossing. Estimates of the number of diesel vehicles as a percentage of average daily traffic (ADT), based on truck percentages from the Traffic Impact Study (KOA Corporation 2009) indicate that the highest percentage of diesel trucks traveling in the Project area would be as much as 6.9 percent. This value is for the freeway segment of I-805 from State Route 905 (SR-905) to the San Ysidro Boulevard. This value is lower than the screening threshold of significance of eight percent recommended by the U.S. EPA for $PM_{2.5}$ and PM_{10} hot spot analyses under EPA's transportation conformity regulation. The DEIS concludes the project would therefore be in conformance for Federal PM_{10} and $PM_{2.5}$ standards.

Conformity determinations are required only for pollutants for which an area is designated as nonattainment or maintenance. Thus, a conformity determination for $PM_{2.5}$ is not required for this proposed action since it is not located in a $PM_{2.5}$ nonattainment or maintenance area. However, since the current document is using transportation conformity "hot spot" criteria to assess the impacts of $PM_{2.5}$ for National Environmental Policy Act (NEPA) purposes, we are recommending that the criteria be used correctly. A project with a small percentage of diesel trucks can have a significant impact if the overall Average Annual Daily Traffic (AADT) of the project is large, specifically if the diesel vehicle total is over 10,000.

Recommendations:

- Supplement the PM_{10} and $PM_{2.5}$ "hot spot" analysis to account for the number of vehicles and extent of idling on both sides of the border crossing. Such an analysis may be qualitative but should consider the fact that air pollutant conditions as measured in the vicinity of the other border crossings (e.g., Calexico-Mexicali) show the potential for exceedances of the PM_{10} and $PM_{2.5}$ NAAQS in the vicinity of the San Ysidro border crossing.

- In the FEIS, broaden the excerpted discussion to include a discussion of the number of diesel vehicles as a percentage of AADT as performed for Transportation Conformity for PM_{10} and $PM_{2.5}$. Since other motor vehicles besides diesel vehicles can be sources of

PM_{10} and $PM_{2.5}$ expand the discussion to discuss other sources that may cause PM_{10} impacts.

- Identify in the FEIS if the proposed project contributes to increased PM_{10} and $PM_{2.5}$ emissions and whether this will contribute to violations at nearby monitors. Include monitoring information from the Otay Mesa area in addition to the monitoring information included in the DEIS for the Chula Vista monitor.

Conformity to the State Implementation Plan (SIP)

EPA's transportation conformity regulation (40 CFR part 93, subpart A) establishes criteria and procedures for demonstrating and assuring conformity of plans, programs and projects, which are developed, funded, or approved by U.S. Department of Transportation (DOT) and by metropolitan planning organizations (MPOs) or other recipients of funds under title 23 U.S.C. or the Federal Transit Laws, to the applicable SIP. See 40 CFR 93.100. The DEIS is unclear as to the nature of any action Federal Highway Administration (FHWA) would take with respect to this action, and thus the applicability of the transportation conformity rule is unclear. Through a telephone conversation with EPA, FHWA has identified that its only federal action is a transfer of a parcel to General Services Administration (GSA). At this time, EPA is unaware of the need for FHWA to make a determination under the transportation conformity regulation for its transfer of a parcel to GSA, but if such an action triggers transportation conformity, then FHWA must comply with the transportation conformity regulation. GSA is not subject to the requirements for "transportation conformity," but rather to the requirements for "general conformity."

EPA's general conformity regulation (40 CFR part 93, subpart B) establishes criteria and procedures demonstrating and assuring conformity of all Federal actions not covered by the transportation conformity regulation. Within San Diego County, general conformity determinations are governed by San Diego Air Pollution Control District (APCD)'s Rule 1501. EPA approved San Diego APCD Rule 1501 into the California SIP on April 23, 1999 (64 FR 19916). In substance, San Diego's general conformity regulation mirrors EPA's general conformity regulation at 40 CFR part 93, subpart B, and for the sake of simplicity, EPA refers in the following comments to the applicable sections of EPA's rule rather than the corresponding sections in San Diego's rule.

The first step in evaluating a proposed Federal action under the requirements of the general conformity regulation is to perform an applicability determination. The applicability determination must take into account both direct and indirect emissions for all phases of the action. As noted above, the DEIS does quantify construction-phase emissions but does not quantify the emissions increases caused by the action over the long-term, but instead relies on the inclusion of the proposed action in the 2030 San Diego Regional Transportation Plan (RTP) and San Diego Association of Governments (SANDAG) 2008 Region Transportation Improvement Program (RTIP) as the basis for the conclusion that the proposed action would conform to the SIP and would not cause adverse regional air quality impacts. From the standpoint of GSA's obligations under the general conformity regulation, the fact that the proposed action is included

in the RTP and RTIP is not relevant for the purposes of determining applicability, but only as one possible basis to find that the proposed action (or portion thereof) conforms to the SIP.

For the applicability determination, the long-term operational-phase emissions increases caused by the proposed action should be calculated and compared against the de minimis criteria. If the emissions caused by the proposed action would exceed the applicable de minimis criteria, then, unless the proposed action is otherwise presumed to conform or otherwise exempt [see 40 CFR 93.153(c)(2), (3), and (4)], then GSA must make an affirmative conformity determination on the basis of the criteria listed in 40 CFR 93.158. In this instance, the indirect emissions caused by the proposed action over the long-term may well exceed the applicable de minimis threshold of 100 tons per year for the ozone precursors (VOC or NO_x), or carbon monoxide (CO) because of the projected increase in ADT anticipated over the long-term under the proposed action case versus the no action alternative. Note, however, that for general conformity purposes, air pollutants emitted outside the United States do not need to be included in the applicability analysis because they are not emitted in a nonattainment or maintenance area.

Recommendations:

- If a general conformity determination is required for ozone, GSA may well be able to rely on the inclusion of the proposed action in a currently conforming RTP and RTIP as the basis to find that long-term emissions increases due to the proposed action conform to the SIP under 40 CFR 93.158(a)(5)(ii), but only if SANDAG determines that the proposed action (or portion thereof) is specifically included in the current and conforming RTP and RTIP. However, in such a case, GSA would still be required to determine that the construction-phase emissions of ozone precursors conform to the SIP under the applicable criteria under 40 CFR 93.158. The fact that construction-phase emissions would be less than de minimis is relevant at the applicability determination stage, but not once it has been determined that a conformity determination must be made for a proposed action. Thus, if the emissions caused by the proposed action are found to exceed the de minimis thresholds for any given year, then all of the emissions of the applicable pollutant, even those generated during years when the emissions would be less than the de minimis threshold, must be found to conform to the SIP.

- If a general conformity determination is required for CO, areawide and local modeling analysis may provide GSA with the basis to determine conformity under 40 CFR 93.158(a)(3). Furthermore, perhaps only local modeling, or only areawide modeling, need be conducted if San Diego APCD determines that only one or the other type of analysis is necessary for the conformity determination for CO for this proposed action. See 40 CFR 93.158(a)(4).

The DEIS states that "assuming roadways would be improved to their ultimate recommended street classifications (as identified in the SYCP) by the horizon year (which is by definition, buildout of the Project area, including roadways), the additional volumes resulting from the Preferred Alternative would not further degrade traffic conditions". It unclear how traffic would not be further degraded on these roadways.

Recommendation:

- Provide the basis for the conclusion that the additional volumes resulting from the Preferred Alternative would not further degrade traffic conditions on these roadways.

Mitigation Measures

Traffic Mitigation Measures. The DEIS 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 DEIS 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 will be unaddressed.

Recommendation:

- Identify the responsible parties for implementation of the mitigation measures to reduce impacts to local roadways and freeway segments and a timeline for implementation of the measures.

Anti-idling Measures. 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.

Recommendation:

- In the FEIS, commit to additional mitigation measures that are appropriate for this project and commit to these measures in the Record of Decision (ROD). 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. While EPA appreciates that the DEIS includes "Avoidance, Minimization, and/or Mitigation Measures" (p. 3.12-17) for identified air quality impacts, these measures would benefit from more specificity.

Recommendation:

- Include more specificity with proposed avoidance, minimization, and/or minimization measures, where appropriate. For example, identify the length of trackout that must be mitigated and how quickly after the dust emissions are tracked out they need to be removed.

The FEIS should also include San Diego APCD requirements to reduce emissions. In addition to these measures, EPA recommends the following additional 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 FEIS. 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.

Cumulative Air Quality Impacts

The DEIS states: "However, if multiple cumulative projects (listed in Table 3.17-1) are constructed at the same time, the Preferred Alternative's construction emissions, in combination with emissions generated by the other projects under simultaneous construction, potentially may exceed the *de minimus* thresholds. The Preferred Alternative, therefore, could contribute to an adverse cumulative air quality impact during construction."

Recommendation:

- Include mitigation measures in the FEIS that will address these adverse cumulative air quality impacts. Commit to these measures in the ROD.

Mobile Source Air Toxics (MSAT)

Changes in traffic density resulting from the project may lead to an increase in MSAT impacts at some locations (e.g., neighboring intersections, local roads, and freeways) and potentially decrease in MSAT impacts in other locations. The net result of this change may be either unacceptable or beneficial, and is especially dependent on the relative locations of sensitive receptors, but is difficult to determine without further analysis of changes in ambient concentration as a result of each alternative.

EPA appreciates that GSA used the March 2007 report entitled "Analyzing, Documenting, and Communicating the Impacts of Mobile Source Air Toxic Emissions in the NEPA Process" conducted for the American Association of State Highway and Transportation Officials (AASHTO) Standing Committee on the Environment and funded by the Transportation Research Board as a resource for the DEIS. Given the significant concerns about adverse health effects from mobile source pollutants and the project's potential to increase emissions at neighboring intersections, local roads, and freeways that are in close proximity to residential communities and sensitive receptors, EPA recommends performing additional analysis of potential MSAT impacts to inform avoidance, minimization, and mitigation options.

Recommendations:

- Assess whether the project will result in potential MSAT hotspots at neighboring intersections, local roads, and freeways. This analysis is further described in the March 2007 AASHTO report. Procedures for toxicity-weighting, which EPA has found to be

especially useful for the targeting of mitigation, are described in EPA's Air Toxics Risk Assessment Reference Library (Volume 3, Appendix B, beginning on page B-4, http://epa.gov/ttn/fera/data/risk/vol_3/Appendix_B_April_2006.pdf).

- If MSAT hotspots are identified, discuss and commit to mitigation measures to reduce these impacts in the FEIS and ROD.

Greenhouse Gas Emissions

The State of California has increased its focus on potential climate change and impacts of increasing greenhouse gas emissions. Specifically, AB32 and Executive Order S-3-05 recognize the impact that climate change can have within California and provide direction for future reductions of greenhouse gases. In addition, NEPA requires the disclosure of impacts to resources. However, the DEIS does not quantify project-related greenhouse gas emissions and does not analyze the potential impacts of climate change on the project.

Recommendation:

- Identify the project's potential contribution to greenhouse gas emissions and discuss the potential impacts of climate change on the proposed project, if any. After quantification of emissions, identify if there are additional mitigation measures needed to 1) protect the project from the effects of climate change, 2) reduce the project's adverse air quality effects, and/or 3) promote pollution prevention or environmental stewardship.

Intermodal Accessibility

The San Ysidro POE is the busiest land port in North America, operating 24 hours per day, and accessible by POE users via passenger vehicles, walking, biking, and public and private transit. For successful intermodal operation, the GSA's proposal to upgrade the facility should include improved connectivity to infrastructure servicing pedestrians, cyclists, and transit users. The POE processes approximately 26,000 northbound pedestrians per day, which is more than half of the estimated number of northbound vehicle crossings (est. 50,000/day). 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.

Specifically, EPA is 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,
- not clearly delineating taxi, jitney, and POV pick-up/drop-off areas, and

- 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.

EPA is also aware of concerns regarding intermodal connectivity expressed by SANDAG and California Department of Transportation (Caltrans) during project coordination and development. EPA shares the concern that if this project does not effectively integrate all modes of travel, pedestrians and transit users will be negatively affected.

Recommendations:

- Considering the multi-modal nature of the border facility, prioritize access improvements for public and private transit, pedestrians, and cyclists. 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.

- Continue to work with transportation and transit agencies to identify ways to improve the project's design to better accommodate alternatives to POV crossings of the border. EPA recommends coordinating with Ms. Susanne Glasglow of Caltrans at (610) 688-0100 and Ms. Rachel Kennedy of SANDAG at (619) 699-1929.

- Incorporate features 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.

- Clarify how the Preferred Alternative is amenable to bicycle use and how conflicts/collisions with pedestrians are minimized or handled. As the Preferred Alternative is currently designed to process POE users that cross with bicycles as pedestrians, describe measures that will be used to ease crossings with bicycles. The DEIS indicates the POE will be designed to facilitate safe and accessible pedestrian and bicycle movement through the provision of two new southbound pedestrian crossings, improved walkways, and a pedestrian bridge. Clarify how this statement is supported with respect to bicycles.

- In the FEIS, clarify drop-off and pick-up locations west and east of Interstate 5 (I-5) for public and private transit, taxis, jitneys and POVs for the POE. The DEIS contains inconsistent information, such as labeling the new Virginia Avenue facility as "Transit Turn-around and Loading" in DEIS figures, but indicating in text that the Virginia Avenue facility will accommodate buses, taxis, jitneys, and POVs.

- To encourage a reduced need for significant employee parking at the POE facility, consider implementing a program to encourage POE employees to access the POE by alternative modes, such as walking, biking, car pools, van pools, and transit.

- Incorporate the analysis and 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 FEIS. It is unclear if this analysis was incorporated into the DEIS and whether 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.

- Clarify the methodology used for the mobility study. Indicate the percentage of pedestrians that declined to take the survey, and clarify why bike usage was not reported in the survey.

- Include information on the existing wait times and number of pedestrians in queue from the existing POE facility and expected wait times and numbers of pedestrians in queue as a result of the implementation of each phase of the Preferred Alternative.

- Clarify the location of the proposed northbound pedestrian crossing for the Preferred Alternative and the timing of construction for the two southbound pedestrian crossings. EPA commends the addition of a southbound pedestrian crossing east of I-5. Specify whether the crossings will connect to existing facilities or proposed facilities south of the border (See comments under *Coordination with Proposed El Chapparal POE Facilities and Other Border-related Improvements*).

Interagency Coordination and Future Agency Actions

The DEIS briefly states that GSA has ongoing coordination with several transportation agencies, but does not describe the roles and responsibilities of these agencies with this project. 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. The document also identifies that GSA is coordinating with the U.S. Department of State (State Department) about obtaining a Presidential Permit, but does not include information on the relationship of this NEPA document and the Presidential Permit process.

Recommendation:

- In the FEIS, describe the roles and participation of transportation agencies in the development of the DEIS. Such agencies may include FHWA, Federal Transit Administration (FTA), California Department of Transportation (Caltrans), SANDAG, the City of San Diego, and Metropolitan Transit System (MTS). Specifically, the FEIS should: 1) identify federal agencies that served as cooperating agencies under NEPA; 2) describe federal actions and approvals associated with the project; 3) state whether general and/or transportation conformity needs to be addressed; and 4) include a timeline for other agency actions that should be taken in order to mitigate adverse impacts that will result from GSA's actions. The FEIS should also describe the relationship of any

subsequent NEPA actions related to this project (e.g., possible adoption of this EIS by FHWA, subsequent NEPA analysis by GSA for any portion of the proposed project).

- Clarify the relationship between the State Department's Presidential Permit for the border crossing and the analysis in this EIS completed by GSA. Specifically, we recommend that the FEIS identify: 1) when the Presidential Permit application will be submitted to State Department, and 2) whether this EIS will be used by the State Department when evaluating the Presidential Permit application, or if the State Department will develop their own NEPA analysis for the border crossing. EPA will review the Presidential Permit application through an interagency review process lead by the State Department, and may have additional comments on the border crossing at that time.

Coordination with Proposed El Chapparal POE Facilities and Other Border Projects

Phase 3 of the Preferred Alternative requires connecting the facilities of the San Ysidro POE to the proposed El Chapparal POE in Mexico. As stated in the document, information on the proposed El Chapparal POE was not available for the publishing of the DEIS. 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.

The DEIS also identifies a planned 12-acre Puerta Bicentario project on the eastern side of the current Mexican POE, which would include a multi-modal transportation terminal with extensive commercial space, public parking, and a pedestrian plaza. The Preferred Alternative includes a new eastern southbound pedestrian crossing; however, it is unclear if the existing Mexican POE facilities will remain and be improved for connection to the San Ysidro POE or if the planned Puerta Bicentario project will connect to the San Ysidro POE.

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 FEIS.

- Describe any specific design features of El Chapparal that will require modifications to the proposed San Ysidro POE facilities as it was identified in the DEIS. If the specific design of the El Chapparal facility is not yet known upon publication of the FEIS for San Ysidro, identify the process that will be used for incorporating necessary design changes to San Ysidro in the future. For example, if the proposed El Chapparal facility includes elements that do not integrate with the San Ysidro facility as proposed, identify how GSA will reanalyze and potentially redesign the proposed features at San Ysidro.

- 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 FEIS specific measures to reduce impacts during a possible delay.

- Clarify if any portion of the existing Mexican POE will remain and be improved and if the San Ysidro POE (e.g., the new eastern southbound pedestrian crossing) will connect to the existing POE and/or the proposed Puerta Bicentario Project. If operation of the San Ysidro POE is dependent upon these facilities, include the latest information available on these proposals and the timeline for their planning, construction, and operation in the FEIS. If the specific designs of any proposed POE improvements and the Puerta Bicentario Project are not yet known upon publication of the FEIS for San Ysidro, identify the process that will be used for incorporating necessary design changes to San Ysidro in the future.

Environmental Justice - Impacts to San Ysidro Community

The DEIS identifies that the San Ysidro community has a high minority population (95 percent, compared to 45 percent in the San Diego region overall) with 28 percent of the population considered low-income, and states that any substantial, adverse, unmitigated impacts of the project would fall disproportionately on a minority and low-income population (p. 3.2-19). The DEIS identifies several specific adverse impacts would fall on the San Ysidro community.

The DEIS states that the project has been redesigned in response to public input and now addresses many of the concerns expressed in scoping comments, during the scoping meeting, and in subsequent meetings. The DEIS further concludes that because the project has been developed in compliance with Executive Order (EO) 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, no adverse environmental justice impacts are anticipated and no avoidance, minimization, or mitigation measures are required. The DEIS also concludes that the project will result in economic benefits to the San Ysidro community in the form of employment opportunities, increased property values and resultant tax revenues. These broadly stated conclusions are not supported with information in the DEIS or specific references to mitigations discussed in other sections of the DEIS.

Recommendations:

- Identify specific concerns and comments that the affected San Ysidro community raised during scoping and meetings in the FEIS. Clarify in the FEIS how GSA addressed these concerns (e.g., modified the project design, proposed a mitigation measure). Disclose any remaining community concerns and the justification for why GSA did not address the concerns.

- Identify if the comments or concerns identified by the community are addressed in other sections of the document (rather than in the Environmental Justice Section). Specifically, in the FEIS, it would be helpful to reference the avoidance, minimization, or mitigation measures for environmental justice impacts that are included in other sections. For example, if the project design was changed to address a specific community impact that will be disproportionately impacting a low-income or minority population, highlight the specific design change and the impact it is mitigating in the summary of how environmental justice impacts are addressed.

- Provide the basis for the conclusion that the Preferred Alternative will result in economic benefits to the San Ysidro community in the form of employment opportunities, increased property values, and resultant tax revenues. These conclusions are not presented with supporting data. The FEIS should address whether local retail could potentially lose business if it is easier for shoppers to travel to Tijuana where shopping may be more affordable. The DEIS also concludes that the project will result in increased employment for the San Ysidro community; however, individuals filling those positions may come from out of the area.

- In the FEIS, identify what measures are available for small business owners that may experience "economic losses experienced by businesses due to relocation, reduced access, and/or reduced parking during construction" (pg 3.2-20). Given the likely lack of resources for the small business owner, there is concern that they will be unable to adjust to relocation or even a temporary reduction in revenue.

- Provide additional context in the FEIS regarding the duration of "Temporary construction impacts such as noise, air quality, and mobility delays or detours;" (p. 3.2-20) so the public understands the intensity of the impacts. The statement appears to understate the duration of the actual impacts. Construction on the various phases will take years to complete. So, while the effects may be "temporary", the duration may be long.

- Commit to additional efforts to mitigate environmental justice impacts of the project throughout the entire community. This would include working with all relevant stakeholders to properly disseminate information to local residents and to set up effective avenues for receiving and answering complaints/concerns during the construction of the project's various phases.

Environmental Justice - Impacts to those who will use the facility

While the DEIS does identify disproportionate impacts to low-income and minority San Ysidro residents from the proposed action, the document does not include 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. 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 is concerned that the possible degradation of facilities for pedestrians, cyclists, and transit users resulting from the project may impact these populations.

Recommendations:

- 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 populations and mitigation measures should be considered where feasible to avoid, mitigate, minimize, rectify, reduce, or eliminate impacts

associated with a proposed project (See 40 C.F.R. § 1508.20). Executive Order 12898 addresses Environmental Justice in minority and low-income populations, and the Council of Environmental Quality (CEQ) has developed guidance concerning how to address Environmental Justice in the environmental review process (http://ceq.eh.doe.gov/nepa/regs/ej/justice.pdf). Mitigation measures identified in the FEIS should reflect the needs and preferences of the affected low-income and minority populations to the extent practicable.

- Document the process used for community involvement and communication with potential users of the POE, including all measures to specifically outreach to potential environmental justice communities. Include an analysis of results achieved by reaching out to these populations. EPA has developed a model plan for public participation that may assist GSA in this effort. *The Model Plan for Public Participation*, EPA OECA, February 2000, is available at: http://www.epa.gov/compliance/resources/publications/ej/model_public_part_plan.pdf.

- Identify the potential concerns of low-income and minority POE users. The majority of POE users were unable to provide scoping comments through the traditional means (comments during a scoping meeting), so GSA should specifically describe measures taken to identify potential concerns.

- Define the reference community, which, for this project, could be defined as all users of the POE. The reference community is generally defined as the population that will benefit from the proposed project. The FEIS should briefly summarize the affected POE users and reference community, including the source of the demographic information.

- Assess whether there are disproportionately high and adverse human health or environmental impacts by comparing the impacts to the affected POE users with the impacts to the reference community. Disclose whether or not the project will result in a disproportionate and adverse impact on minority or low-income POE users.

- Briefly summarize the findings, and if necessary, provide a reference to other relevant sections of the document which describe the specific impacts in greater detail (such as the noise and air quality sections), and comment on whether or not there is an environmental justice impact for those potential environmental justice concerns.

Green Building and Energy Efficiency

EPA acknowledges that GSA proposes to achieve Leadership in Energy and Environmental Design (LEED) 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.

In addition to complying with the requirements of the Energy Independence and Security Act, the Project is subject to EO 13423, which sets goals in the areas of energy efficiency, renewable energy, water consumption intensity, acquisition, management of toxic and hazardous chemicals, waste prevention, solid waste diversion and recycling, sustainable buildings, vehicle fleet management, and electronics stewardship. The CEQ issued EO implementing instructions on March 30, 2007. These instructions should be considered mandatory, and agencies are expected to implement them as part of complying with the EO. The EO implementing instructions can be found on the Office of the Federal Environmental Executive's Web site at http://www.ofee.gov or the FedCenter Web site at http://www.fedcenter.gov/programs/compliance/. Additionally, as directed in EO 13423, the Interagency Sustainability Working Group has developed technical guidance to assist agencies in meeting EO goals and statutory requirements. New guidance on High Performance Federal Buildings was issued December 5, 2008. This guidance provides measures to implement for new construction and is available on-line at http://www.wbdg.org/references/sustainable_eo.php

Recommendations:

- Pursue the construction of a Gold rated U.S. Green Building Council's LEED building.
- Clarify in the FEIS how the proposed project is consistent with EO 13423 and the implementing and guidance documents prepared to assist agencies in following the EO.
- Identify specific sustainable design concepts and measures that will be incorporated into the project design and commit to these concepts and measures in the FEIS.
- Describe any renewable energy systems, such as solar electric and solar lighting, that GSA proposes to integrate into the design of the project and confirm that the building design will incorporate metering systems to track energy and water use.
- Identify specific design measures that will be implemented to reduce water consumption.
- 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.

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

"Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.