UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
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JUN 30 2011

Ms. Maureen Sheehan
U.S. General Services Administration
Portfolio Management Division
Capital Investment Branch (9P2PTC)
400 15th St, S.W.
Auburn, Washington 98001

Subject: EPA Comments on the Final Environmental Impact Statement for Expansion and Reconfiguration of the Land Port of Entry (POE) in Downtown Calexico, Imperial County, California (CEQ # 20110173)

Dear Ms. Sheehan:

The U.S. Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (EIS) for the Expansion and Reconfiguration of the Land Port of Entry (POE) in Downtown Calexico, California, 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.

EPA reviewed the Draft EIS and provided a written comment letter (August 18, 2010) that identified our rating for this project as *Environmental Concerns- Insufficient Information (EC-2)* due to concerns regarding the project's impacts to New River, water quality, air quality from vehicle and construction emissions, and environmental justice communities. EPA recognizes the additional information and clarifications provided in the Final EIS regarding the New River Improvement Project, water quality, air quality, environmental justice, cross-border coordination, and the presidential permit process. Remaining concerns with the project are described below.

Alternative A – Impacts to New River

EPA appreciates that the Final EIS reaffirms Alternative B as the Preferred Alternative, which is the smaller POE facility footprint maintaining the natural channel of New River on the project site with a spanned crossing of the New River. EPA believes Alternative B is likely to be the Least Environmentally Damaging Practicable Alternative (LEDPA) under Section 404 of the Clean Water Act (CWA) when compared to Alternative A, which would culvert the extent of New River as it crosses the POE project site and would result in much greater impacts.

EPA has remaining concerns that the analysis in the Final EIS appears to imply that Alternative A may be permittable under Clean Water Act Section 404 by claiming changes to the New River would not result in significant impacts with implementation of mitigation (p. 4-8). EPA reiterates that selection of Alternative A may not comply with the Clean Water Act Section 404(b)(1) Guidelines, particularly since the General Services Administration (GSA) has already identified that the lesser impacting Alternative B meets the purpose and need of the project. If GSA decided to select Alternative A in the

Record of Decision (ROD), EPA would continue to have critical concerns about potential adverse impacts to waters of the United States associated with the culverting of the New River which could significantly affect the river's hydrogeological functions, including groundwater recharge and sediment transport, and hinder bi-national efforts to improve water quality in the New River. In addition, keeping the river open would allow maintenance of aquatic habitat and wildlife functions such as wildlife movement, rest and forage, and maintenance of native vegetation. According to the 404(b)(1) Guidelines, no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.

Air Quality

While the Final EIS includes additional air quality analysis, EPA has continuing concerns with air quality impacts associated with increased congestion on neighboring roads resulting from project construction and implementation. EPA continues to recommend the following mitigation measures for incorporation into the ROD:

Traffic Mitigation Measures. The Final EIS identifies several impacts to local roadways that will occur as a result of project implementation. The accompanying November 2009 Calexico West Traffic Impact Study (Appendix B) includes several recommendations to reduce those impacts, but they are not included as mitigation for the project. Since unmitigated traffic impacts would likely increase vehicle emissions, EPA remains concerned the resulting air quality impacts will be unaddressed. The Response to EPA Comments in the Final EIS indicates that the referenced traffic study is a draft and that a Final Traffic Impact Study, which would adopt recommendations and assign responsibility and authority, will not be completed until long after the ROD is signed. EPA recommends that GSA include commitments in the ROD to: 1) continue coordination with federal, state, and local transportation agencies, and 2) develop a plan that identifies the responsible parties for implementation of the mitigation measures to reduce impacts to local roadways and freeway segments and includes a timeline for implementation of the measures.

Construction Mitigation Measures. EPA continues to recommend that GSA commit to the following measures in the ROD to reduce the impacts resulting from future construction associated with this project.

> *Recommendations:*
> In light of the serious health impacts associated with vehicle 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 the following measures be incorporated into a Construction Emissions Mitigation Plan, where feasible and appropriate, in order to reduce impacts associated with fugitive dust and vehicle emissions, diesel exhaust, and mobile source air toxics from construction-related activities:
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> *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[1] or State Standards[2]. 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[3]. 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 Final EIS, 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.

Green Building and Energy Efficiency

While the Final EIS states that the project will be designed to integrate sustainable concepts and benchmarked against the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system with a minimum target rating of silver (p. 2-7), the Final EIS does not identify the sustainable concepts that will be incorporated and the benefits that are realized from the implementation. EPA continues to recommend that GSA pursue a minimum Gold LEED rating and identify specific sustainable design concepts and measures and commit to these concepts and measures in the ROD. We further recommend that GSA provide environmental education on green facility features and encourage a partnership between the U.S. and Mexico construction teams with the

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[1] EPA's website for nonroad mobile sources is http://www.epa.gov/nonroad/.

[2] For ARB emissions standards, see: http://www.arb.ca.gov/msprog/offroad/offroad.htm.

[3] Diesel engines < 25 hp rated power started phasing in Tier 4 Model Years in 2008. Larger Tier 4 diesel engines will be phased in depending on the rated power (e.g., 25 hp - <75 hp: 2013; 75 hp - < 175 hp: 2012-2013; 175 hp - < 750 hp: 2011 - 2013; and ≥ 750 hp 2011- 2015).

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.

Thank you for the opportunity to comment on the Final EIS. When the ROD is finalized, please provide a copy to the address above (mail code: CED-2). If you have any questions, please contact Susan Sturges, the lead reviewer for this project. You may reach Susan at 415-947-4188 or sturges.susan@epa.gov.

Sincerely,

For Connell Dunning

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

CC via email: Therese O'Rourke, Los Angeles U.S. Army Corps of Engineers, San Diego Field Office
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