Reading File

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901
September 19, 2008

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

Morris Angell
U.S. General Services Administration
Portfolio Management Division
Capital Investment Branch (9PTC)
450 Golden Gate Avenue
San Francisco, CA 94102

Subject: EPA Comments on the Final Phase I Environmental Impact Statement for State Route 11 and the Otay Mesa East Port of Entry, San Diego County, California (CEQ 20080321)

Dear Mr. Perez and Mr. Angell:

The Environmental Protection Agency (EPA) reviewed the above-referenced document 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. Our comments are enclosed.

The Phase I Environmental Impact Statement (PEIS) is a joint effort of the California Department of Transportation (Caltrans) and Federal Highway Administration (FHWA). The document states that the PEIS intends to provide decision-makers and the public sufficient information to identify a corridor for future State Route 11 (SR 11) and the future Otay Mesa Port of Entry (POE). The FHWA and U.S. General Services Administration (GSA) will each serve as Lead Agency for subsequent project level environmental impact statements for (1) the proposed SR 11 and (2) the POE facility, respectively.

EPA is a "Participating Agency" (as defined in 23 USC 139 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)) and a "Cooperating Agency" (as defined in the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1508.5)) for this project and has participated in several working group meetings for this project. EPA previously provided comments following our review of:

- An annotated outline for the Draft PEIS (March 2007),
- The May 2, 2007 Notice of Intent (NOI) for the project published in the Federal Register (June 2007),
- The project's Purpose and Need and Range of Alternatives (August 2007), and
- The Draft PEIS (March 3, 2008).

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We rated the Draft PEIS as Environmental Concerns-Insufficient Information (EC-2) due to (1) concerns regarding the absence of a cumulative impact analysis for several resources areas, (2) concerns about air quality impacts associated with truck idling, and (3) a lack of information on mobile source air toxics (MSATs) impacting sensitive receptors.

EPA appreciates the additional cumulative impact analysis for impacts anticipated from Phase II actions, and the commitment to consider anti-idling measures such as truck stop electrification. Since land adjacent to the alternatives on the US side is currently undeveloped, EPA appreciates Caltrans' commitment to work with the local US land use planning agency to site sensitive receptors away from the proposed SR-11 and POE facility.

The Final PEIS includes information on the potential environmental impacts related to the proposed neighboring POE facility and other development in Tijuana, Mexico. EPA appreciates the on-going coordination between the responsible Mexican and US agencies to exchange information and discuss transboundary issues.

Remaining concerns regarding cumulative impacts, air quality, and program alternatives are discussed in the attachment. Thank you for the opportunity to comment on the Final PEIS. If you have any questions, please contact Susan Sturges, Acting Transportation Team Lead, at 415-947-4188, or Jennifer Blonn, the lead reviewer for this project. You may reach Jennifer at 415-947-4109 or blonn.jennifer@epa.gov.

Sincerely,

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

Attachment:
EPA's Detailed Comments

cc: Kelly Finn, Caltrans
Susanne Glasgow, Caltrans
Mark Cohen, U.S. Army Corps of Engineers
Susan Wynn, U.S. Fish and Wildlife Service
Andy Brinton, U.S. Customs and Border Protection

EPA DETAILED COMMENTS ON THE FINAL PEIS FOR STATE ROUTE 11 AND OTAY MESA EAST PORT OF ENTRY, SAN DIEGO COUNTY, CALIFORNIA, SEPTEMBER 19, 2008

Cumulative Impacts

At the conclusion of Chapter 4.0 Cumulative Impacts, the text on page 4-27 reads, "Based on the above program-level evaluation, substantial cumulative impacts would not be anticipated from Phase II implementation of the proposed program for the following issues: Growth, Energy, Visual/Aesthetics, Paleontology, Air Quality". Preceding analysis does not support this conclusion. EPA recommends including a more accurate summary conclusion in the Record of Decision (ROD) reflecting the analysis in the Final Phase 1 Environmental Impact Statement (Final PEIS) for these cumulative impacts. For example, a more accurate summary statement would be that substantial cumulative impacts are unknown. EPA further recommends that such a statement be accompanied by a commitment to carefully analyze the cumulative impacts prior to Phase II environmental analyses of the proposed SR-11 and POE facility program (program).

EPA is concerned with cumulative induced growth from Phase II, and the impacts this growth may have on air quality in the San Diego Air Basin and biological resources in the area. The text on page 4-6 reads, "In Phase II, the project type, location, accessibility, and growth pressure all indicate the potential for changes in growth patterns in the area, and related indirect growth-induced impacts to various environmental resources. These potential effects would be evaluated in greater detail during the Phase II environmental process..." EPA would appreciate the opportunity to review a fuller analysis of cumulative growth impacts when it becomes available, prior to receipt of the subsequent draft Phase II environmental impact statement.

EPA appreciates the additional modeling included in this joint California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) document that identifies the potential green house gas impacts from the proposed program, however, this additional analysis was only included in the CEQA portion of the document. EPA reiterates that NEPA requires the disclosure of project impacts to resources, and recommends that the ROD include a summary of the green house gas analysis performed for the program.

Air Quality

In response to EPA comments on the Draft PEIS, the text on page 3.14-2 was changed from "*California* is in attainment for all other criteria air pollutants" to "*San Diego* is in attainment for all other criteria air pollutants" (emphasis added). EPA recommends that the ROD note that the same correction should be made to text on page 3.14-1 in the Final PEIS.

EPA remains concerned with the use of the February 2006 Federal Highway Administration Mobile Source Air Toxics (MSATs) Interim Guidance as a reference to analyze MSATs. While there are positive elements to this guidance, especially the acknowledgement of potential MSATs concerns, EPA continues to disagree with major elements of this approach nationally. This is especially important in California, where the awareness of air toxics impacts, the knowledge of background conditions, and the familiarity with tools to assess potential

impacts are very high. EPA continues to recommend performing the assessment described in the March 2007 report entitled "Analyzing, Documenting, and Communicating the Impacts of Mobile Sources Air Toxic Emissions in the NEPA Process."

Program Alternatives

In response to the Draft PEIS, EPA commented on Transportation System Management (TSM) and Transportation Demand Management (TDM) options. EPA recommended, "In the Final PEIS, clarify if analysis of possible alternatives that consider TSM- and TDM- only (i.e. not tied solely to the Western of Central Alternatives) will also be considered at the project level EIS". In response to this comment, TSM/TDM options already in place were listed. EPA recommends clarifying in the ROD whether (1) additional TSM/TDM options are being considered or could be added to currently existing facilities and (2) if additional options will be considered when defining alternatives in the project level EIS.