



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAR - 5 2013

Gary Kassof, Commander
First Coast Guard District
One South Street – Battery Building
New York, NY 10004-1466

Dear Commander Kassof:

Thank you for providing the Environmental Protection Agency (EPA) with the opportunity to review the Coast Guard's Draft Environmental Assessment (EA) for the Bayonne Bridge Navigational Clearance Program, dated December 2012. This Draft EA was prepared to fulfill the Coast Guard's responsibilities pursuant to the National Environmental Policy Act.

As EPA has previously communicated to the Coast Guard, in light of the inherent uncertainty in forecasting future trends in cargo movement and distribution, EPA continues to have concerns regarding the Draft EA's determination of "no significant change in total cargo or cargo distribution patterns" with the project. As EPA also noted throughout the EA development process, we believe that changes in cargo movement associated with the project could result in some change in community impacts, particularly related to port traffic and air quality. We also have concerns that any such impacts would likely be borne disproportionately by the minority and low-income communities, which raises concerns under Executive Order 12898 on Environmental Justice. Accordingly, EPA has previously communicated to you its belief that it is important to engage the communities on the north shore of Staten Island, New York, and Bayonne, New Jersey that could be directly impacted by bridge construction and operations, as well as communities adjacent to Port Newark and Port Elizabeth that could be affected by any changes that occur in cargo movement.

Given the above-noted uncertainties as to the extent of the impact of the project on neighboring communities, EPA recommends that the Coast Guard work with the Port to plan now to reduce impacts, should they occur. Many members of the communities have also requested the same in their comments made during the public meetings. That plan would have two components.

First, we recommend that the Coast Guard require as a condition of the permit that the Port conduct monitoring of port activity and truck traffic patterns and volumes so that if the project does have an impact, action can be taken. We recommend that monitoring include collecting relevant data as well as establishing community advisory groups that would work with the Coast Guard and the Port Authority of New York and New Jersey (PANYNJ) to identify impacts that are occurring in their communities.

Second, we recommend that the permit require PANYNJ to commit now to mitigate impacts for the communities adjacent to PANYNJ owned marine terminals, especially air quality impacts, should changes in port activity result from the project. These requirements would be implemented should the conclusion that there will be no significant impacts turn out to be incorrect. We would expect mitigation plans to incorporate and expand upon efforts underway as part of the Port's Clean Air Strategy. This includes measures such as early replacement or repowering of cargo handling equipment with cleaner technologies, reducing drayage truck idling times, expanding the throughput of on-dock rail and using the cleanest support vessels. In addition to air quality considerations, the environmental mitigation plans would also provide for analyzing and mitigating traffic, noise and other environmental impacts that may occur. Such measures might include changes in traffic flow patterns and parking, improved signage, improved street cleaning and maintenance, traffic enforcement measures, environmental buffers and other host community assistance.

This approach would be consistent with efforts taken by other ports to develop community benefit agreements/mitigation plans, and we offer our assistance in establishing these community advisory groups.

Attached are additional technical comments regarding general conformity and air quality analysis. We look forward to continuing our ongoing work with you on this project. Please contact me, or Judy-Ann Mitchell, Chief of the Sustainability and Multi-Media Programs Branch, at (212) 637-3721 if you have any questions regarding our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "John Filippelli". The signature is fluid and cursive, written over a white background.

John Filippelli, Director
Clean Air and Sustainability Division

Enclosure

Enclosure to EPA's Comments on the Coast Guard's Draft Environmental Assessment for the Bayonne Bridge Navigational Clearance Program dated December 2012

Chapter 11: Air Quality

Page 11-8:

While the conclusion that operational emissions do not need to be included in the general conformity determination is correct, the statement, "since the operation of the project would reduce emissions, as demonstrated in the regional (mesoscale) emissions analysis below, the project would conform to the relevant SIPs and maintenance plans, and does not require a general conformity determination," is incorrect. There is no need to include operational emissions in the project's general conformity determination because the Coast Guard does not have continuing program responsibility for those emissions. The decision should not be based on the results of the mesoscale analysis, as the general conformity rule (40 CFR 93 Subpart B) does not allow for such an applicability determination based on mesoscale modeling. (A similar statement is made again on Page 11-14)

Chapter 16: Construction Effects

Page 16-57:

MOVES is the appropriate model for predicting on-road mobile emissions to be used in microscale analyses. We note that while the current analysis was not done to satisfy EPA's transportation conformity requirements (nor was it required for conformity); the MOVES model has been available since December 2009 and recently became the required model for use in EPA-mandated localized "hot-spot" analyses. MOVES should be used for similar types of analyses, such as this one.

Appendix H – Construction Air Quality:

1. This appendix lacks sufficient detail to allow reviewers to evaluate how the construction period emissions for general conformity were determined. All assumptions should to be documented. For example:

- Please provide the inputs to the NONROAD model
- Please provide the inputs to the MOBILE model
- Please explain how the Control Factor was determined and used in the calculation
- Please provide the assumed engine tier levels for non-road equipment
- Please explain how the Daily Use % and Average Use % were used in the calculation

2. It is not clear whether marine sources were included in the construction phase general conformity applicability analysis. Chapter 16 references the use of barges to transport materials and to remove the existing bridge deck (Sections 16-6-4 and 16-6-5). Tug emissions associated with barge towing and placement must be included in the analysis to the extent that those emissions occur in the nonattainment area (40 CFR 93.153).