

February 27, 2016

VIA ELECTRONIC MAIL TO:
ALLEN.M.GARNEAU@USCG.MIL

Mr. Allen M. Garneau
U.S. Coast Guard Headquarters, Stop 7418
2703 Martin Luther King Jr. Avenue, SE
Washington, DC 20593-7418

Re: *Ambassador Bridge Expansion Project Comments*

Mr. Garneau,

Please accept these comments submitted on behalf of Bridgewatch Detroit regarding the Ambassador Bridge Expansion Project's (ABEP) draft permit for the purpose of constructing a companion bridge adjacent to the existing Ambassador Bridge across the Detroit River between Detroit, Wayne County, Michigan, United States and Windsor, Ontario, Canada.

Commenters have significant concerns related to this permit, its accompanying Environmental Assessment (EA), and the need for a full Environmental Impact Statement (EIS). Written comments received on or before February 28, 2016 will be considered in the final action of the U.S. Coast Guard (USCG).¹ Accordingly, these comments are timely submitted.

I. Outdated Traffic Data

Modeling used in the December 2015 ABEP Final EA Reevaluation ("EA Reevaluation") was based off of outdated data from 2005.² Given that over 10 years has passed since the traffic analysis supporting this study was completed, this permit should not be granted until new traffic analysis has been conducted. It is contended that the underperforming traffic volumes seen from 2006 to 2014 indicates that future projections will underperform as well.³ This conclusion, however, seems to ignore the different economic realities of pre-2014 and today; with the former characterized by recession and city bankruptcy and the latter by improved economic condition and promise. Furthermore, pre-2014 traffic counts are subject to, and likely the product of, the Ambassador Bridge's current dilapidated condition, which a new second-span would not be. The U.S. Environmental Protection Agency (USEPA) recommended in an October 2015 letter to the

¹ *Notice of Draft Underground Injection Permit Comment Period and Public Hearing*, U.S. COAST GUARD, February 2, 2015, available at http://www.uscg.mil/hq/cg5/cg551/CGLeadProjects_files/Ambassador_Bridge/ABEP%202015%20PN%20Extension%20of%20Time%281pgformat%29%28Final%29.pdf.

² U.S. DEP'T OF HOMELAND SECURITY, U.S. COAST GUARD, REEVALUATION – ENVIRONMENTAL ASSESSMENT – AMBASSADOR BRIDGE EXPANSION PROJECT (2015) [hereinafter REEVALUATION] at 3-6.

³ REEVALUATION, *supra* note 2, at 3-7.

USCG that “air quality and travel forecasts be updated with more recent data”⁴ and no permit should be approved without having done so.

Additionally, only 6-lanes were considered in the development of traffic projections.⁵ This is less than the full 10-lane capacity the second-span would provide for when combined with the current 4-lane Ambassador Bridge. It is contended that this 6-lane analysis is appropriate because “as the US plaza is currently configured, only 6 lanes can be effectively used for traffic heading for either Canada or the US” and “the plaza would have to be modified to accommodate both spans,” which “would have to be evaluated under a separate proposal.”⁶ This conclusion, however, seems to dismiss the countervailing entrepreneurial drive to maximize profit—a drive that could find creative ways of increasing use to 10-lanes short of action that would trigger new permitting requirements. The USCG should have considered this possibility and, as such, no less than a 10-lane analysis should have been conducted.

II. Sulfur Dioxide Nonattainment

The project area is in nonattainment for sulfur dioxide (SO₂)⁷ and the USCG is unduly dismissive of the contribution ABEP would have on this nonattainment. To begin, the USCG conclusion that ABEP would contribute only a small portion of the SO₂ in Wayne County⁸ appears to be based off outdated National Ambient Air Quality Standard (NAAQS) levels. Specifically, the EA Reevaluation lists an SO₂ NAAQS of 80 µg/m³ from 2007,⁹ but in 2010 the USEPA promulgated a new, and seemingly more stringent, SO₂ NAAQS of 75 ppb.¹⁰ As such, the percentage of SO₂ the USCG concludes the ABEP would contribute to overall levels is under representative.

Additionally, focusing on the ABEP’s overall impact to SO₂ is the wrong perspective. The ABEP contributions to SO₂ should be viewed, rather, as a percentage of the SO₂ levels currently above attainment because it is this amount of SO₂ that needs to be eliminated, not SO₂ levels in general. The percentage of contribution apparent when viewed from this perspective shows a greater project SO₂ impact than current EA conclusions suggest. With the project area being currently in nonattainment for SO₂, any increases should be taken seriously. The fact is that this project would increase SO₂ emissions¹¹ in an area already in nonattainment and that reality should not be so readily dismissed.

⁴ *Id.* at 3-8.

⁵ U.S. DEP’T OF HOMELAND SECURITY, U.S. COAST GUARD, FINAL ENVIRONMENTAL ASSESSMENT – AMBASSADOR BRIDGE EXPANSION PROJECT (2009) [hereinafter ORIGINAL EA] at 32.

⁶ *Id.* at 33.

⁷ REEVALUATION, *supra* note 2, at 3-6.

⁸ *Id.*

⁹ *Id.* at 3-5.

¹⁰ *Michigan Area Designations For the 2010 SO₂ Primary National Ambient Air Quality Standards*, U.S. ENVTL. PROT. AGENCY, 2010, available at http://www3.epa.gov/so2designations/tsd/05_MI_tsd.pdf.

¹¹ REEVALUATION, *supra* note 2, at 3-5.

III. Outdated Modeling Software

The EA Reevaluation uses outdated mobile source modeling software and should be updated to incorporate the current regulatory standard. Specifically, analysis based off of MOBILE6 modeling software was inherited from the original 2007 EA in the EA Reevaluation.¹² This is despite the fact that MOBILE6's successor software, MOVES2010, is available and required for use by USEPA starting on March 2, 2013.¹³

The Clean Air Act “requires EPA to regularly update its mobile source emission models.”¹⁴ As such, the USEPA “continuously collects data and measures vehicle emissions to make sure the Agency has the best possible understanding of mobile source emissions.”¹⁵ No doubt one product of this continuous evaluation by USEPA is to ensure that the best available information is available for use in informing software improvements.

USEPA's Motor Vehicle Emission Simulator (MOVES) “is a state-of-the-science emission modeling system that estimates emissions of mobile sources...for criteria pollutants, greenhouse gases, and air toxins.”¹⁶ MOVES2010 is currently required by USEPA for use in “regional emissions analysis for transportation conformity determinations” and a successor software, MOVES2014, was published in the Federal Register on October 7, 2014 and is currently awaiting expiration of a two-year grace period before it is “required to be used in new regional emissions analysis for transportation conformity determinations” on October 7, 2016.¹⁷ USEPA recommended that the “MOVE2014 mobile source emissions model” be used “to develop mobile source emissions projections” instead of outdated MOBILE6 software.¹⁸ This USEPA recommendation should be actioned. At a minimum, however, no permit should be approved until an analysis utilizing MOVES2010 software, the current USEPA mandated standard, has been conducted.

IV. Other Reservations

- A. USEPA has recommended a new mobile hot spot analysis be conducted for PM_{2.5} as a part of the EA Reevaluation.¹⁹ Particulate matter (e.g. PM_{2.5}) is hazardous to human health. Smaller matter (i.e. PM_{2.5} as opposed to PM₁₀) can be more difficult for the human body to filter and protect against. As such, PM_{2.5} is of particularly grave concern. Hot spots are locations where emissions from specific sources may expose

¹² U.S. DEP'T OF HOMELAND SECURITY, U.S. COAST GUARD, REEVALUATION – ENVIRONMENTAL ASSESSMENT – AMBASSADOR BRIDGE EXPANSION PROJECT ATTACHMENT D (2015).

¹³ U.S. ENVTL PROT. AGENCY, *Modeling and Inventory, Previous MOVES Versions and Documentation*, <http://www3.epa.gov/otaq/models/moves/moves-docum.htm> (last visited Feb. 26, 2016)[hereinafter MOVES].

¹⁴ *EPA Releases MOVES2010 Mobile Sources Emission Model: Questions and Answers*, U.S. ENVTL. PROT. AGENCY, available at <http://www3.epa.gov/otaq/models/moves/420f09073.pdf>.

¹⁵ *Id.*

¹⁶ MOVES, *supra* note 13.

¹⁷ *Id.*

¹⁸ REEVALUATION, *supra* note 2, at 3-8.

¹⁹ *Id.*

individuals to higher risks of adverse health effect than the region in general. This means that while a region may be in attainment (e.g. Wayne County is currently in attainment for PM_{2.5}) certain localities (e.g. near factors, expressways) within an otherwise attainment region can be subject to nonattainment levels. Given this understanding, the USEPA's recommendation for new hot spot analysis should be taken seriously and conducted.

- B. The ABEP is not included in Southeast Michigan Council of Governor's most current Regional Transportation Plan (RTP) as required.²⁰ The ABEP was included in SEMCOG's 2030 RTP for Southeast Michigan, but not SEMCOG's 2040 RTP published in June 2013.²¹ No permit should be approved until this is rectified.

V. Conclusion

Thank you for your consideration of these comments. Please do not hesitate to use the contact information below should you have any further questions or concerns.

Sincerely,

//signed/kab/27 Feb 2016//

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²⁰ *Id.*

²¹ *Id.*