

December 9, 2020

Submitted via email and <https://public.commentworks.com/stb/UintaBasinRailDEISCommentForm/>

Joshua Wayland, PhD
Surface Transportation Board
c/o ICF
9300 Lee Highway
Fairfax, VA 22031
Attention: Environmental filing, Docket No. FD 36284

Re: Colorado Department of Public Health and Environment and Colorado Department of Transportation Comments on the Seven County Infrastructure Coalition - Uinta Basin Railway Draft Environmental Impact Statement

Dear Mr. Wayland:

The Colorado Department of Public Health and Environment (CDPHE) submit these written comments on the Draft Environmental Impact Statement (DEIS) for the proposed Uinta Basin Railway (October 30, 2020), Docket No. FD 36284. CDPHE appreciates the opportunity provided by the Surface Transportation Board (STB) to share feedback on the DEIS. We respectfully request that STB extend the comment period on the DEIS by 60 days beyond the current comment period deadline. Due to the complex scope and potential impacts of this proposal, an extension of the comment period will provide for a reasonable and meaningful opportunity to review and comment on the DEIS, which totals 2,791 pages. At this time, we have identified the following topics that should be addressed within the scope of analysis.

Based on the estimated distribution of project-related rail traffic described in the DEIS, STB anticipates that project related rail traffic could exceed the Board's downline analysis threshold of eight trains per day for project-related rail traffic between Kyune and Denver. Because the Denver metropolitan area is an air quality nonattainment area where the analysis threshold is three trains per day, the Board's downline analysis threshold would also be exceeded for the high rail traffic scenario within the Denver Metro/North Front Range (DM/NFR) air quality nonattainment area. Because the projected level of rail operations will determine the level of potential impacts, the EIS should provide additional information to support rail traffic projections put forth in the proposal. We question if the Kyune to Denver route can accommodate the projected increase in rail traffic from a logistical capacity standpoint. If not, and rail traffic is expected to increase on other routes, additional downline analysis may be required.

The downline study includes air quality impacts analysis for the DM/NFR air quality nonattainment area. Significant portions of this area are also designated as maintenance areas for PM10 and carbon monoxide (CO). The downline study distinguishes between 4 segments and a portion of the Kyune to Denver segment located within the DM/NFR, however, analysis for each segment is not included in the DEIS. For greater transparency, STB should include an emissions analysis for each segment in the DM/NFR. Even when parsed into different segments within the DM/NFR, the Clean Air Act General Conformity de minimis thresholds for NOx and CO are exceeded. Because this

project will result in increased emissions throughout the DM/NFR, total emissions for all of the segments should be disclosed and considered for the applicable nonattainment and maintenance areas.

The DEIS states that unlike construction emissions, locomotive emissions during rail operations are not subject to the General Conformity Rule because STB does not exercise continuing program control over rail operations. We note that STB has broad authority to require mitigation measures over both rail construction and continuing operations and the Board has a history of including such requirements in project plans. In fact, the Uinta Basin Railway DEIS includes mitigation requirements for rail operations and maintenance. If project approval is contingent upon compliance with mitigation requirements for rail operations and maintenance, STB has a level of continuing program control over ongoing rail operations. Therefore a General Conformity determination should be completed for the project's indirect emissions in the DM/NFR. We recommend STB exercise its authority to initiate mitigation requirements for downrail operations, in addition to an adaptive management program. The adaptive management program would stipulate that if any segment of the downrail system sustains an increase of a pre-specified number of average daily trains for a pre-designated period of time, a re-evaluation of the impacts of the increased traffic volume would be triggered and appropriate mitigations would be enacted.

Further, under NEPA requirements, the mitigation measures discussed in an EIS must cover the range of impacts of the proposal. If a proposal is considered "significant," such as the Uinta Basin Railway proposal, all of its specific effects on the environment (whether or not "significant") must be considered and mitigation measures must be developed where it is feasible to do. Therefore the EIS should address mitigation measures in the DM/NFR. The DM/NFR is designated as a "marginal" nonattainment area under the 2015 ozone National Ambient Air Quality Standards (NAAQS) and was recently designated as a "serious" nonattainment area under the 2008 ozone NAAQS. Considering the area has failed to attain ozone NAAQS, any increase in emissions in the DM/NFR is significant. The emissions associated with this proposal would contribute to NAAQS violations and delay timely attainment of the NAAQS in the area. In addition to addressing ozone emissions, Colorado has statewide greenhouse gas (GHG) reduction goals of 26% by 2025, 50% by 2030, and 90% by 2050 (based on 2005 levels). Mitigation measures, such as anti-idling programs, replacement of DM/NFR old switch locomotives, and use of electric equipment when feasible, will help us achieve these goals.

CDPHE appreciates the opportunity to provide these scoping comments and looks forward to reviewing the next version of the project EIS. If you have any questions or need additional information, please call me at 303-692-3127 or email me at richard.coffin@state.co.us.

Sincerely,



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