

Harris County Pollution Control

EI-32537

Established in 1953

Harris County Pollution Control Services

Dr. Latrice Babin, Executive Director



October 14, 2022

Joshua Wayland
Office of Environmental Analysis, Surface Transportation Board
Environmental Filing, Docket No. FD 36500
c/o VHB
940 Main Campus Drive, Suite 500
Raleigh, NC 27606

RE: Canadian Pacific Acquisition of Kansas City Southern Environment Impact Statement
Comments
Docket No FD 36500

Joshua Wayland:

On August 5, 2022, the Canadian Pacific Acquisition of Kansas City Southern draft Environmental Impact Statement (EIS) was delivered to the EPA. Initially, the public comment period was open until September 26, 2022; however, an extension was granted, moving the comment due date to October 15, 2022. Harris County Pollution Control Services Department (PCS) respectfully submits the following comments regarding the EIS.

PCS is a local regulatory agency that inspects facilities in Harris County for compliance with air quality laws and regulations, reviews permit applications, and comments to the TCEQ on permitting actions. PCS also works closely with Texas environmental agency, the Texas Commission on Environmental Quality (TCEQ) in an effort to minimize potential impacts from activities to the local environment and airshed.

Upon review of the EIS, PCS submits these comments.

The proposal by Canadian Pacific Railway (CP) to acquire Kansas City Southern Railway would combine the two into a single rail system ranging from Mexico to Canada. The EIS notes that, if the Board approves, there would be an increase in rail traffic (upwards of eight trains per day) all of which could potentially travel through Harris County (Harris County is circled in the map below).

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PCS is concerned that this increase in traffic will increase the probability of spills, derailments, and associated emissions.

On August 10, 2021, four Kansas City Southern railcars filled with deer corn derailed off a Union Pacific line at 0 Highway 90 in Crosby, Texas. Some of the spill was removed immediately, but the remaining waste was not removed for over a month, resulting in the decomposition of said corn and nuisance odor complaints for which Violation Notice was issued by PCS on January 4th, 2022. The concern in the delay is that proper contacts were not available for the rail line and subsequent response was not timely. In the event of a hazardous material spill a similar delay would cause devastating results potentially exposing residents and the environment.

Specific to derailments and the required emergency response; the railroad report broadly discusses the system of emergency management and emergency response that will be in place. However, no copy of that plan is available for review. Additionally, there are no specifics regarding how the emergency response would be facilitated in Houston or Harris County. PCS recommends that Canadian Pacific produce a plan specific to Harris County and provide a contact that local regulators and responders can utilize in the event of a spill.

The EIS mentions Harris County, Texas, as being designated Serious Non-Attainment for the 2008 Ozone National Ambient Air Quality Standards (NAAQS) and compared the emissions to that designation with the applicable thresholds. PCS is concerned that the EIS did not consider the fact that Harris and surrounding counties are slated to be redesignated as *Severe* Non-Attainment, which will lower permitting thresholds, among other measures designed to improve air quality. Therefore, PCS requests further calculations be performed using the thresholds applicable to the *Severe* Non-Attainment designation.

Another concern is noise pollution. The EIS notes that noise studies were performed (in Capital Improvement areas) but not in all major cities. With the potential of up to eight additional trains per day through Harris County, PCS requests the county be included in noise studies.

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Finally, thank you for the opportunity to provide these concerns regarding the permitting action referenced above. Should you have any questions, please contact Mr. Stuart Mueller at (713) 274-6414 or via email at stuart.mueller@pcs.hctx.net.

Sincerely,

A handwritten signature in black ink, appearing to be 'L. Babin'.

Dr. Latrice Babin
Executive Director
Enclosure: map

cc: Helen Bonnyman - Harris County Judge's Office
Sarah Utley - Harris County Attorney's Office
Zoe Middleton- Harris County Precinct 1 Office
Kristen Lee—Harris County Precinct 2 Office
Bruce High - Harris County Precinct 3 Office
Ron Layton - Harris County Precinct 4 Office

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Figure C.1-14. Texas Rail Line Segments: Southeast Texas

