



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

January 12, 2022

Adam Assesza
OEA Project Manager
Surface Transportation Board

Submitted through online portal:

https://www.stb.gov/proceedings-actions/e-filing/environmental_comments/

Subject: EPA Comments to Surface Transportation Board Regarding Docket No. FD 36501,
Union Pacific Railroad Company – Construction and Operation Exemption – in Maricopa
County, AZ; Preliminary Environmental Consultation

Dear Adam Assesza:

The U.S. Environmental Protection Agency has reviewed the December 10, 2021 letter requesting EPA input related to the potential environmental impacts associated with Union Pacific Railroad Company (UP) request to construct and operate the Pecos Industrial Rail Access and Train Extension (PIRATE) project consisting of approximately six miles of new rail line in Maricopa County, Arizona.

The letter stated that UP intends to seek authority from the Surface Transportation Board (Board) to construct and operate the proposed rail line, and that, before making its decision on whether to grant such authority, the Board must consider the potential environmental impacts of UP's proposal, pursuant to the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA), the Board's environmental rules at 49 C.F.R. Part 1105, and related environmental laws.

Our feedback is provided pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. We provide the following information for Surface Transportation Board to consider when determining the level of NEPA compliance to pursue for the proposed project. Should STB determine that an Environmental Assessment and Finding of No Significant Impacts is warranted, EPA recommends that each of the items identified below be presented with rationale and supporting information justifying a determination that no potential impacts are anticipated to be significant. In addition, please include the EPA in future noticing regarding initiation of an EA or EIS scoping period.

National Priorities List

We note that the project area is adjacent to and includes portions of the Former Williams Air Force Base, a Federal National Priorities List site. This former base is 95% transferred to the Phoenix Mesa

Gateway Airport Authority and Arizona State University, and other entities. While most of the soil cleanup remedies, including institutional controls (ICs) have been implemented, Air Force (AF) continues to address contaminated groundwater at the ST12 Fuels Spill Site and LF004 Landfill located within the proposed project boundary and is munitions clearance for the Parcel N Debris area, also within the study area, is not yet complete. EPA recommends that STB confirm that no land disturbance related to project construction or operation will impact contaminated groundwater or soil cleanup actions.

The Air Force should be consulted for potentially significant impacts to Superfund Cleanup efforts and infrastructure. STB and UP must insure that any future rail and potential connected actions will not negatively affect the ongoing remedy. Please coordinate with the Phoenix-Mesa Gateway airport Authority and Arizona State University who operate on the former Williams Air Force Base Property. Information about the Superfund cleanup can be found at the Williams AFB Superfund webpage at: <https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0900890>

Tribal Coordination

EPA recommends that STB and UP coordinate with US Bureau of Indian Affairs and potentially impacted tribes, including the Gila River Tribe, to determine if the proposed project would have any impacts to cultural resources, traditional cultural properties, traditional plant collecting properties, or other sensitive tribal resources. EPA understands that the landfill and parcel N debris area within the proposed project area are slated to go to BIA in trust for the Gila River Tribe.

Aquatic Resources and Groundwater Impacts

EPA recommends that STB consider if the project or connected actions associated with the project will impact current hydrological flows or wetland, jurisdictional waters, or other desert washes or aquatic resources. Also, there are several water storage projects in the vicinity of Williams Air Force Base which have resulted in an over 60- foot change in the regional water table since the base closed in 1993. Rapid development growth in the area has prompted the City of Mesa to install several large capacity public supply extraction wells in the area to meet the growing demand for water. Clarify if the proposed project will further exacerbate groundwater challenges in the project area. Disclose the source of water for project construction and operation, as well as for any connected actions associated with the ultimate rail project.

Air, Traffic, Noise, and Visual Impacts

EPA recommends that STB consider potential air, noise, health and traffic impacts of future warehouses, industry, manufacturing, good movement operations and storage facilities that this project may contribute to when determining level of significance of the proposed project. Warehouse and distribution center activity, as well as the transport of industrial and/or potentially hazardous materials, may impact public health. Particulate pollution will result from diesel-emitting trains that the project will accommodate. Without commitments for use of the most efficient engine technology and electrification where possible for locomotives and ground servicing equipment, impacts to adjacent residential and commercial districts may be significant. Consider providing air filtration (filters, improved windows) to nearby residents, schools, and businesses.

Construction of a new rail segment provides the opportunity for installing sustainability features along with the rail development. For example, consider installing linear solar arrays along the new corridor

may offset electricity needs of adjacent manufacturing. At warehouses and manufacturing plants that will be using the proposed rail network, consider commitments to reduce air quality impacts, such as providing air filters to capture particulates and providing advanced technologies to improve worker health.

EPA recommends that STB consider the potential for significant noise impacts from 24-hour operations along the future rail and adjacent warehouse and industry locations and consider if restricted hours of operation are needed near adjacent residences and businesses. When considering the potential rail route, include alternatives that can accommodate planting vegetation along the rail facility in order to reduce noise and visual impacts, and provide vegetative cover that can help reduce particulate emissions. Consider alternative routes that can accommodate sound barriers and measures to reduce light pollution.

Hazardous Materials Management and Safety

We note that the area is undergoing rapid residential and mixed use development that could be impacted significantly by rail transport of chemicals or hazardous materials, warranting contingency planning to address potential spills, as well as compliance with any transport/storage regulations related to hazardous materials management. STB should identify if the project will require UP Toxic release inventory disclosure requirements and what community safety planning will be prepared and completed prior to project completion.

Federal Immigrations and Customs Enforcement

The project area appears to be near a Federal Immigrations and Customs Enforcement facility. EPA recommends that STB and UP coordinate closely with ICE regarding potential impacts.

Environmental Justice and Climate Change

Executive Order 14008 on Tackling the Climate Crisis at Home and Abroad (Jan. 27, 2021) recognizes the climate crisis is profound and directs the federal government to drive assessment, disclosure, and mitigation of climate pollution and climate-related risks. The EO also directs federal agencies to achieve environmental justice as a part of their missions by developing programs, policies, and activities to address the disproportionately high and adverse impacts on human health, environmental, climate-related and other cumulative impacts on these communities, as well as the accompanying economic challenges of such impacts.

Additionally, Executive Order 13990 on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crises (Jan. 20, 2021), declares that it is essential that agencies capture the full costs of greenhouse gas emissions as accurately as possible, including taking global damages into account. EPA recommends that STB identify all design, construction, and operations commitments to reduce greenhouse gas emissions and address potential climate change impacts through adaptation planning. Consider using EJSCREEN to assist in the identification of potential communities with environmental justice concerns and associated impacts.

The EPA appreciates the opportunity to provide feedback for consideration by STB as the agency determines what level of NEPA to pursue. When the EA or NOI/DEIS are released for public review,

please notify Connell Dunning, NEPA Transportation Team Lead, at 415-947-4161 or dunning.connell@epa.gov.

Sincerely,

Dunning
, Connell

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Dunning, Connell
Date: 2022.01.12
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Connell Dunning
Environmental Review Branch