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February 2, 2024

Danielle Gosselin, Director
Surface Transportation Board
Office of Environmental Analysis
395 E. Street SW
Washington, DC 20423

Re: Townline Rail Terminal EA Comments,
DOCKET NO. FD 36575

Dear Ms. Gosselin:

The Town of Smithtown Department of Environment and Waterways has reviewed the Draft Environmental Assessment (EA) dated January 5, 2024 related to the above referenced project and has identified the following concerns.

Existing operation description is inaccurate in that not all land of this site is industrially zoned. The statement that this industrial project is on industrial land is inaccurate, much of the proposed railroad is on property zoned for single family residential use. The statement on page 26 that the draft comprehensive plan recommends the project area be rezoned to heavy industrial is inaccurate; the plan only recommends such rezoning for the western portion and merely states that the eastern portion should not be developed as residential. This section of the EA also incorrectly refers to Old Northport Road as Northport Road.

Throughout, the document refers to access to "LIRR mainline". Within the LIRR track system the mainline is the dual track access to the central portions of Long Island. This location is on the Port Jefferson Branch, a single track that accesses the north shore of Nassau and Suffolk Counties. This should be clarified since the Port Jefferson Branch has more limited capacity for both passengers and freight due to its single-track configuration and consequentially unique impacts.

With regard to common carrier obligation as discussed on page 1 of the EA, it should be acknowledged that on-site materials permitted by the existing Town of Smithtown zoning code,

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and the materials permitted by the NYSDEC solid waste permit, both limit Carlson's activities and conflict with the proposed railroad use. The inherent conflicts between the three should be identified and included in the EA. It should be noted that on June 16, 2023, in Docket No. FD 36575 (Sub-No. 1), the Town of Smithtown filed a petition for a declaratory order asking the Surface Transportation Board to institute a proceeding to consider issues related to the transportation of hazardous materials.

Solid waste management is regulated by New York State and implemented by municipalities. The list of five landfills and the materials handled at each is incomplete. The most recent data from NYSDEC should be included. The Smithtown Local Solid Waste Management Plan (LSWMP) was revised and approved by NYSDEC in December 2022 and valid thru 12/31/2027; the EA should use this LSWMP for analysis. The Suffolk County documents referred to are planning documents only and merely contain recommendations; this EA should reflect such.

Town of Brookhaven has announced that their landfill will remain open until 2027 or 2028 for the disposal of ash; the analysis should include this information. The data for Brookhaven Landfill should be confirmed with The Town of Brookhaven; the data only lists 12,000 trucks and does not list specific sources or quantities for ash. Covanta facilities at Huntington and Hempstead dispose of ash at Brookhaven landfill, both of which are hauled by Carlson. Additionally, Carlson hauls ash from other WTE facilities on Long Island in the Towns of Babylon and Islip to other locations on Long Island. The full quantities of ash currently hauled by Carlson must be clearly identified in the EA, as Carlson may intend to ship additional quantities through the proposed facility.

NYSDEC has commented that Carlson's existing solid waste permit would require modification and quantities of waste permitted to be handled at this site may need to be reduced due to the loss of land area from the site associated with the installation of railroad infrastructure (NYS DEC Comment letter 7/21/2022).

The description of the proposed action (page ii) states that "Carlson would handle and transport from Long Island." As noted above, if all ash from Long Island currently hauled by Carlson were to shipped through the proposed facility, then the quantities of ash listed in this EA would be significantly higher than specified in table 2-1.1. The analysis would need to be amended to reflect such.

Table 2-1.1 is the basis for much of the analysis within this Environmental Assessment and contains inaccurate and/or unsubstantiated information, such as:

- Incinerator ash – the table lists 80,000 tons; this quantity is inaccurate, Data received from Covanta for 2023 shows 72,831 tons of ash produced. This is 9% below the reported quantity. There are no DEC permits in place for the handling of ash at Carlson's facility; ash is direct-hauled by Carlson from Covanta to the Brookhaven Landfill. If it is the intent, as stated on page ii, that "Carlson would handle and transport ... [C&D and ash] ... from Long Island" through the proposed facility, then the quantities of ash shipped by Carlson would be significantly higher than specified in table 2-1.1. The statement on page 6 that Covanta Energy

produces 12,000 trucks per year contradicts the information presented in this table. The document should accurately represent the proposed railroad's use, quantities of ash and locations that produce the ash so that the analysis is thorough, accurate, and clearly presented for all readers to understand.

- The number of truck trips is listed as 4,444 trips at 52 miles per round-trip. Scale tickets from Brookhaven for a one-month period averaged 36.6 tons ash per truck (as trucks used by Carlson for ash transport have overweight permits), resulting in only 2,185 trips and 113,620 miles traveled in total, a reduction of miles traveled by 117,380. The calculation in the table is inaccurate by 51%. Calculations for air quality utilize this inaccurate calculation and therefore inaccurately project both air quality and climate impacts.
- C&D Debris: The Carlson facility is not permitted by NYS DEC to handle C&D debris, only RUCARBS and unadulterated wood. The reported quantity of 60,000 tons from the Kings Park Industrial Area is unsubstantiated and no reference is given as to source. The quantity does not correspond with the RUCARBS reported by Carlson to NYSDEC (2020 and 2021).
- Residuals: The quantity of 30,000 tons from Carlson is unsubstantiated. The NYSDEC annual report lists only 941 tons of residual (2021).
- Accurate and substantiated information reflecting the quantities of ash and C&D hauled, the number of truck trips, amounts hauled per truck, and the number of miles traveled should be provided in the EA and used throughout all analyses and impact assessments.

“Daytime Operations” (page 17) states that Townline Rail will operate from 6 am to 6 pm. Town of Smithtown Code Chapter 207 restricts noise-producing operations to no earlier than a 7 am start; this requirement should be reflected throughout the document and incorporated as a mitigation measure if the project is approved.

Section 2.4 (page 19) inaccurately states “no federal, state, and local agencies raised any concerns regarding potential environmental impacts.” The letter submitted by the Town of Smithtown dated 7/19/2022 and included in this EA's attachments cites “potential environmental impacts including noise, fugitive dust and odors, ground and surface water and traffic.”

“Transportation affected environment” (page 2.4) states that Sunken Meadow Parkway can be “used to travel to other industrial properties in the area and the Brookhaven Landfill.” This statement is misleading. Commercial traffic is not permitted on Sunken Meadow Parkway. The quoted statement and all subsequent analyses must be revised accordingly.

The conclusion on page 22 that OEA is not recommending mitigation related to traffic and roadway systems is based upon analyses which failed to recognize that most routes to and from this site will pass through existing residential neighborhoods on two-lane residential streets.

Consideration should be given to incorporating a mitigation measure requiring that truck traffic traveling to and from the facility be restricted from residential areas.

In Table 3.5-2 the estimated operational emissions need to be recalculated using updated and accurate quantities of materials handled, truck trips, and vehicle miles traveled.

The Groundwater section (pages 48 and 49) should include analyses based on the current standards for Suffolk County utilizing the Suffolk County Sub Watershed Plan of July 2020: <https://suffolkcountyny.gov/Departments/Health-Services/Environmental-Quality#SubWWPlan>.

- Drinking water sources are not limited to Special Groundwater Protection Areas (SGPAs). The Suffolk County Water Authority (SCWA) has drinking water wells throughout the county. Locations of the nearest wells should be included in the analysis including recent data for water quality.
- Long Island Aquifers are: Upper Glacial, Magothy, and Lloyd, with most drinking water source well depths into the Magothy Aquifer. Specifics for this area should be obtained from Suffolk County Water Authority and included in this EA.

The discussion of Mitigation Measures (pages 62 and 63) is incomplete. For example:

- Noise and Vibrations: Noise mitigation should recognize Town Code Chapter 207 with regard to permissible noise levels and hours, including limiting operations to a 7:00 am start time.
- Biological Resources VM-02: The proposed habitat removal mitigation of limiting tree removal to “only the areas necessary to safely construct and operate the rail line,” is contradicted by the list on page 58 (Cumulative impacts) of associated proposed developments, including the proposed 200’ x 400’ transloading facility, a proposed 100’ x 200’ material storage building, and approximately 5,675 feet of new roads on the property.
- Biological Resources VM-03: Outdoor lighting mitigation should restrict pole height to 25’ as specified in the analysis on page 17 of this document and included in the letter from STB to USFWS dated 10/19/2023, that permanent lighting levels be 2.0 footcandles and not to exceed 25’ height.
- Biological Resources MM-01: Soil disturbance mitigation should include the implementation of a NYS SWPPP (stormwater pollution prevention plan).

The statement within Agency Roles and Reviews (page 10) and Cumulative Impacts (page 59) “does not anticipate cumulative impacts for any other reasonably foreseeable actions in the study area” will in no way impact the future SEQRA review and the identification of potential impacts and/or potential significant impacts related to aspects within Town of Smithtown jurisdiction. Statements in this EA related to areas of Town jurisdiction that require NYS SEQRA review, including but not limited to the proposed transloading facility and associated site improvements

and conclusions regarding cumulative impacts, are premature as these aspects are outside the jurisdiction of the STB and no site-specific application has been submitted to the Town.

Please contact this Department with any questions or concerns regarding this matter.



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Environmental Protection Director

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