



February 5, 2024

Danielle Gosselin
Director
Office of Environmental Analysis
Surface Transportation Board

RE: Docket No. FD 36575, Townline Rail Terminal, LLC Construction and Operation of a Line of Railroad; Issuance of Draft Environmental Assessment and Notice of Public Comment Period

Dear Director Gosselin,

In accordance with the National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR 1500-1509), the United States Environmental Protection Agency (EPA) has reviewed the Draft Environmental Assessment (EA) prepared by the Surface Transportation Board ("the Board") Office of Environmental Analysis (OEA), regarding the Townline Rail Terminal, LLC Construction and Operation of a Line of Railroad ("the Project"), specifically its purpose and need, alternatives analysis, potential impacts and proposed voluntary mitigation in the study area as determined by the Board.

The Draft EA has adequately outlined the proposed action as well as the purpose and need, which is to construct and operate 5,000 feet of new common carrier rail and associated switching and sidetrack in the Hamlet of Kings Park, Town of Smithtown, Suffolk County, New York. This action will provide a rail option for transporting incinerator ash and construction and demolition debris off Long Island due to the expected closing of the Brookhaven landfill in 2024, as well as a more efficient option to the truck transportation that currently exists to move waste material off Long Island.

Thank you for the opportunity to provide the attached comments on this Draft EA. EPA looks forward to the receipt and review of the Final EA, and we are committed to continuing to work with your team throughout the NEPA process and in the future, especially as full projects come to fruition. Should you have questions on our comments noted above or related to this project, please contact Arielle M. Benjamin at benjamin.arielle@epa.gov or 212-637-3650.

Sincerely,

Mark Austin

Mark Austin
Environmental Review Team Lead

Cc: Andrea Poole, Environmental Review Specialist, OEA, Surface Transportation Board

EPA Detailed Comments

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General Comments

- **Section 1.4** – EPA appreciates the Board’s inclusion of its process for determining the level of review for the NEPA process as an Environmental Assessment and encourages this practice for commitment to transparency and public understanding. (p. 8-9)
- **Section 2.2** – EPA acknowledges the need for a modification to the existing waste transfer permit due to “physical space reduction and new waste streams proposed for the facility.” Is there also a need to modify the permit due to the change in mode of transportation from truck to rail? Please clarify. (p. 17)
- There does not appear to be an analysis in the Draft EA regarding where the incinerator ash and construction and demolition debris will be transferred when Brookhaven Laboratory is closed in 2024. **Section 2.2** mentions that the calculation of reduced traffic is based on truck transfer to Covanta in Huntington, however if the Proposed Action is to transfer waste off Long Island, this calculation in truck miles traveled would change significantly based on where the waste is being transferred.
 - Therefore, EPA recommends that the Board assess the transfer locations outside of Long Island to where future waste produced by Carlson and associated facilities in Kings Park will be shipped and the impacts associated with the change in transfer location. This is a reasonably foreseeable impact under **40 CFR § 1508.8** and should be addressed prior to an environmental determination regarding the Project.

Transportation

- **Section 3.2** – The Draft EA mentions that “...Carlson expects that it would continue operating the existing waste transfer facility within the capacity limits of its existing NYSDEC permit...” (p. 22) However, in Section 2.2, it is noted that NYSDEC correspondence stated that a modified permit would be required (p.7). We recommend that an update be made to reflect accordingly.
- EPA recommends the Board consider Townline’s plans to offer rail service to adjacent properties and environmental impacts associated with transfer of waste materials due to production of asphalt and concrete and other potential customers as different types of waste may have different environmental impacts during operation and should be disclosed in accordance with NEPA.

Mitigation

- EPA supports the mitigation measures identified by the Board and the voluntary mitigation proposed by Townline Rail Terminal, LLC. Additional mitigation based on feedback received during the public comment period or other knowledge sources should be reflected in the Final EA.