



REGION 6

DALLAS, TX 75270

May 5, 2025

VIA Electronic Mail

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Re: Green Eagle Railroad Project

The Region 6 office of the U.S. Environmental Protection Agency (EPA) has reviewed the Surface Transportation Board's (STB) Office of Environmental Analysis request for comments on the Green Eagle Railroad Project (GER). The STB is requesting comments on the environmental issues preparing an environmental document discussing the environmental impacts of a of a 1.3-mile rail line in Eagle Pass and Maverick County, Texas. The proposed line is part of the larger Puerto Verde Global Trade Bridge Project that also includes a new commercial motor vehicle (CMV) crossing between Piedras Negras, Coahuila, Mexico, and Eagle Pass, Texas. The draft Environmental Impact Statement (EIS) analyzes the potential environmental impacts of both the proposed rail line, which requires a license from the STB, and the CMV crossing because they would be built as a single port of entry for freight rail and CMV traffic between Mexico and the United States.

To assist in the review process for the GER, EPA has identified significant areas for your attention. We offer the following comments for your consideration:

National Pollutant Discharge Elimination System (NPDES) Comments

EPA comments are specific to the Clean Water Act (CWA) Section 402, as well as 40 CFR § 122.26(b)(14)(x) and 40 CFR § 122.26(b)(15)(i) of the NPDES permitting regulations which permit operators that discharge stormwater from large and small construction activities in areas upland from a waterbody (e.g., ocean, river, creek, arroyo, etc.) and not considered a jurisdictional wetland area, regardless of the land's designation as federal, state, Indian country

or private. EPA recommends review of the above NPDES regulations to determine when NPDES permit coverage is required for operators of construction activities to discharge stormwater from their construction activities.

The draft EIS explains the GER, is a non-carrier subsidiary of Puerto Verde Holdings (PVH), and PVH intend to construct and operate approximately 1.3 miles of new common carrier rail line in Eagle Pass and Maverick County, Texas (proposed line), including five rail line bridges, and a new border crossing for commercial motor vehicles (associated CMV facility), respectively, as a single port of entry for freight rail and CMV traffic between Piedras Negras, Coahuila, Mexico, and Eagle Pass, Texas as an international commercial transportation corridor proposed by PVH, the Puerto Verde Global Trade Bridge Project.

The GER's proposed Southern Rail Alternative (SRA) is the preferred alignment. Under the SRA, the GER proposes to construct and operate approximately 1.3-miles of double-tracked, new common carrier rail line in Eagle Pass and Maverick County, Texas from the United States and Mexico border to the existing Union Pacific Railroad (UP) mainline, connecting at approximately UP milepost 31, and cross the Rio Grande River on a new rail bridge. The U.S. portion of the new rail bridge would be supported by five 85ft x 20ft piers, each located on land. The eastern end of the new rail bridge would consist of a concrete abutment approximately 66 ft long and 20 ft wide. Farther east of the Rio Grande River, the SRA would run to the south of Seco Creek and cross U.S. 277 (Del Rio Boulevard); Barrera Street; a concrete-lined stormwater drainage channel; and Seco Creek over four smaller single-span bridges referred to in this draft EIS as the U.S. 277 Bridge; the Barrera Street Bridge; the Stormwater Channel Bridge; and the Seco Creek Bridge, respectively. The abutments of each of the four bridges would be of the same size as those of the new rail bridge, described above. Between the five bridges (the New Rail Bridge across the Rio Grande River and the four smaller bridges), the SRA would be constructed on an elevated embankment that would be approximately 18 to 19 feet high and 130 feet in width. Three culverts through the embankment (two west of U.S. 277 and one east of it) would provide for stormwater drainage as well as wildlife access to and from Seco Creek.

The Northern Rail Alternative (NRA) only differs from the SRA between the United States and Mexico border and U.S. 277. East of U.S. 277, both alternatives are the same, including the U.S. 277 Bridge, Barrera Street Bridge, Stormwater Channel Bridge, and Seco Creek Bridge. The new rail bridge would cross the Rio Grande River slightly to the north of where the new rail bridge would be located under the SRA. After spanning the river, the new rail bridge would continue across the mouth of Seco Creek then continue before crossing the creek again in two locations.

Other facilities associated with the proposed rail line, under both alternatives, include:

- 8-ft-tall perimeter fence along both sides of the right-of-way, up to the connection with the existing UP mainline, with a break at the Barrera Street Bridge. West of U.S. 277, the fence would run along the south side of the Right of Way (ROW) only.

- Closed-circuit video monitoring system with motion sensors mounted on 50-ft concrete poles would be installed along the proposed line and power supplied by solar panels.
- 10-ft-wide, gravel access road along the proposed line between the Rio Grande River and U.S. 277. East of U.S. 277, under both alternatives, the access road would resume on the north side of the tracks just east of Barrera Street and end at the south bank of Seco Creek, near the connection with the existing portion of the line, 10-ft-wide steel doors would control access to the road.
- Non-intrusive Inspection Facility for primary inspection of US-bound freight trains consisting of 40,000 sq.ft. roofed, steel structure, covering approximately 560 LF of track.
- 20-ft-high noise barriers and vegetation on both sides of the tracks between the NII facility and the western end of the Stormwater Channel Bridge.
- Five construction staging areas.

The associated CMV Facility would be constructed on agricultural land and consist of a new roadway bridge across the Rio Grande River just north of the new rail bridge; a new road (CMV Road) connecting the new road bridge to FM 1589 (Hopedale Road); and associated border inspection facilities and surveillance facilities for CMVs. The new road bridge would be a short distance north of the new rail bridge, built in the United States, and have two 104ft x 13ft piers on U.S. land. Other facilities associated with the CMV Facility include:

- Four support buildings along the CMV Road (Central Targeting Tower, K9 Kennels and Services, Secondary Inspection Warehouse, Federal Motor Carrier Safety Administration (FMCSA) Building),
- 24-ft-wide asphalt service road along eastern end, fencing the entire perimeter of the CMV Facility, and
- Access to and from FM 1589 (Hopedale Road) through a new unsignalized T-shaped intersection with one inbound and one outbound lane.

The draft EIS summary water resources section indicates the requirement to comply with TPDES permit requirements and the Surface Waters Subsection 3.11.1.1 explains TPDES permits are issued at the state level to control pollutants generated during construction. However, it is not clear whether the STB, GER or PVH understands that operators of construction activities who will be discharging stormwater from their construction activities and disturb less than one acre if part of a common plan of development or sale, such as in this proposed rail line/CMV Project, are also required to comply with CWA Section 402 NPDES permit regulations and obtain NPDES permit coverage to discharge stormwater discharges from construction activities upland from a waterbody and not considered a jurisdictional wetland area.

EPA's regulations under 40 CFR § 122.26(b)(14)(x) and 40 CFR § 122.26(b)(15)(i) NPDES regulations applicable to State NPDES programs (see 40 CFR § 123.25), authorize the discharge

of stormwater from large and small construction activities. Under these regulations, all entities associated with a construction project who: 1) meet the NPDES permitting authority's definition of "operator," 2) cause an earth disturbance of one acre or greater, or less than one acre if part of a larger common plan of development or sale that ultimately disturbs one acre or greater, and 3) discharge stormwater from their construction activities (including any on- and off-site construction support activities), are required to obtain NPDES stormwater permit coverage via the Construction General Permit (CGP) or individual NPDES permit from the NPDES permitting authority prior to beginning construction activities and/or construction support activities.

EPA's following CGP definitions of "construction activities" and "construction support activities" clarify the types of earth-disturbances and pollutants which are to be included in determination of CGP coverage eligibility to discharge stormwater from construction activities. EPA's 2022 CGP definitions can be found at 2022 CGP- Appendix A – Definitions (as modified). "Construction Activities" refers to earth-disturbing activities, such as the clearing, grading, and excavation of land, and other construction-related activities (e.g., grubbing; stockpiling of fill material; placement of raw materials at the site) that could lead to the generation of pollutants. Some of the types of pollutants that are typically found at construction sites are: sediment; nutrients; heavy metals; pesticides and herbicides; oil and grease; bacteria and viruses; trash, debris, and solids; treatment polymers; and any other toxic chemicals. EPA's definition of "construction support activities" refers to a construction-related activity that specifically supports the construction activity and involves earth disturbance or pollutant-generating activities of its own and can include activities associated with concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, and borrow areas.

Because the overall earth disturbance involved for the Puerto Verde Global Trade Bridge Project's rail line and associated commercial motor vehicles facility is greater than one acre, the larger common plan of development or sale is triggered at each project location. Therefore, stormwater discharges from all construction activities and/or construction support activities (i.e., borrow pits, staging areas, material storage areas, stockpiles, temporary batch plants, laydown areas, workspace, parking areas, etc.) upland from a waterbody (e.g., ocean, river, creek, arroyo, etc.) and not considered a jurisdictional wetland area, are required to obtain NPDES permit coverage via the CGP or individual NPDES permit (except any portion of the project's construction activities that is covered by a CWA 404 permit or waived from permit coverage) regardless if the smaller project's earth disturbance is less than one acre at each location (i.e., pier, abutment, culvert, road/access, fence, building, staging area, etc.).

EPA recommends each entity associated with the project's proposed construction-related activities review the applicable definitions of "construction activities" and "construction support activities" for the Texas Commission on Environmental Quality's (TCEQ) CGP and all CGP permit conditions as TCEQ is the NPDES Permitting Authority for the state of Texas, except on Indian country.

Water Quality Comments

The newly constructed line for the GER would run along an elevated embankment 19 ft high and 130 ft wide. The path is partially located within a 100-yr floodplain and intersects a residential area. EPA recommends the lead agency to address if construction of the GER could potentially increase any flooding risks to the nearby residential and commercial properties and discuss how it would be mitigated.

EPA recommends that lead agencies include the assessment unit ID (AUID) and associated impairment information for each potentially impacted waterbody segment within the study area, which can be found in the applicable state's Integrated Report as well as EPA's HowsMyWaterway.

In this case, the Rio Grande River has an AUID while Seco Creek does not.

Waterbody	Designated Uses	Support status
Rio Grande Below Amistad Reservoir (AUID: TX-2304_08)	Aquatic Life	Insufficient info
	Domestic Water Supply – Public Water Supply	Good
	General	Good
	Recreation	Good

Resource Conservation and Recovery Act (RCRA) Comments

EPA recommends conducting a detailed assessment to identify potentially hazardous waste (fuel, solvent, lubricant, construction related chemical that may generated during site preparation and construction activities (bridge work, grading, equipment maintenance) and ongoing railroad operations and maintenance.

EPA recommends the final EIS should outline the waste storage, transportation and disposal plans with emphasis on containment measures and minimizing risks during transit and evaluate potential spill risks, emergency response plans and measures to protect sensitive environmental areas such as wetlands, rivers, and groundwater from contamination.

EPA recommends addressing the applicability of state, federal and other relevant hazardous waste regulations, ensuring full compliance with all regulatory requirements.

EPA appreciate the opportunity to comment on the environmental document. If you have any questions, please contact Tanisha Hinton, GER lead at (214) 665-6466 or hinton.tanisha@epa.gov.

Sincerely,

Houston,
Robert



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Houston, Robert
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Robert Houston
Acting Branch Manager
Environmental Review Branch