



REGION 6

DALLAS, TX 75270

April 29, 2024

VIA Electronic Mail

Andrea Poole
Surface Transportation Board
1001 G Street N, Suite 1125
Washington, D.C. 20001
andrea.poole@stb.gov

Re: Proposed Green Eagle Railroad Construction and Operation Exemption in Eagle Pass
Dear Andrea Poole,

The Region 6 office of the U.S. Environmental Protection Agency (EPA) has reviewed the request for comments on the Draft Environmental Impact Statement (EIS) for the Green Eagle Railroad, LLC, a subsidiary of Puerto Verde Holdings (PVH), filed a petition with the Surface Transportation Board (Board) for authority to construct and operate approximately 1.3 miles of new common carrier rail line (Line) in Maverick County, Texas. The Line would be part of a larger project proposed by PVH, the Puerto Verde Global Trade Bridge (Project), consisting of a new trade corridor for freight rail and commercial motor vehicles between Piedras Negras, Coahuila, Mexico, and Eagle Pass, Texas. Only the Line is under the jurisdiction of the Board. The Draft EIS assesses the potential environmental effects of the Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The staff concludes that approval of the proposed Project, with appropriate mitigating measures, that would not constitute a major federal action significantly affecting the quality of the human environment.

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

Air Quality Comments

EPA recommends that the environmental document provide a detailed discussion of ambient air conditions (baseline or existing conditions), National Ambient Air Quality Standards (NAAQS) and non-NAAQS pollutants, criteria pollutant nonattainment areas, and potential air quality impacts of the proposed Project. Such an evaluation is necessary to understand the potential impacts from temporary, long-term, or cumulative degradation of air quality.

EPA recommends the environmental document describe and estimate air emissions from potential construction, maintenance, and operation activities, as well as proposed mitigation measures to minimize those emissions. EPA recommends an evaluation of the following measures to reduce emissions of criteria air pollutants and hazardous air pollutants (air toxics):

EPA recommends the environmental document provide a detailed discussion of ambient air conditions, NAAQS, and criteria pollutant nonattainment areas in the vicinity of the Project for existing conditions.

EPA recommends the environmental document estimate emissions of criteria and hazardous air pollutants (air toxics) from the proposed Project and discuss the timeframe for release of these emissions over the lifespan of the Project and describe and estimate emissions from potential construction activities, as well as proposed mitigation measures to minimize these emissions. The environmental document should also consider any expected air quality/visibility impacts to Class I Federal Areas identified in 40 CFR Part 81, Subpart D for quantify emissions.

EPA recommends the environmental document specify all emission sources by pollutant from mobile sources (on and off-road), stationary sources (including portable and temporary emission units), fugitive emission sources, area sources, and ground disturbance. This source specific information should be used to identify appropriate mitigation measures and areas in need of the greatest attention.

EPA recommends the environmental document include a draft Construction Emissions Mitigation Plan and ultimately adopt this plan in the Record of Decision. We recommend all applicable local, state (e.g., coordination of land-clearing activities with the state air quality agency to determine air quality conditions such as atmospheric inversions prior to performing open burning activities), or Federal requirements (e.g., certification of non-road engines as in compliance with the EPA Tier 4 regulations found at 40 CFR Parts 89 and 1039) be included in the Construction Emissions Mitigation Plan in order to reduce impacts associated with emissions of particulate matter and other toxics from any potential construction-related activities.

Water Quality

EPA recommends to please identify the specific segments of the Rio Grande River near the Project area that are impaired (if any) as well as the segment where this Project will take place. Additionally, if the waters haven't been monitored in this segment, it should be clarified that designated uses for this segment have not been assessed and it is unknown whether this segment is fully supported or impaired.

EPA recommends Construction, operation, and maintenance of the proposed Project will cause increased sedimentation and turbidity in localized areas. Increased turbidity and sedimentation can adversely affect threatened and endangered species in the area. Please identify if there are any endangered species in the area, and if so, EPA recommends further specifying what best

management practice will be in place to reduce the risk of increased sedimentation and turbidity in the waterbody during construction and operation of this Project.

EPA suggests it is presumed that they will store oil, fuel, and other fluids necessary for construction and operation of these two bridges along the Rio Grande. EPA would like additional clarification regarding the protocols for if a spill/leak occurs and the mitigation actions that will take place during clean up.

EPA recommends to bridge construction activities requiring the placement of permanent fill, clearing of trees and vegetation, and soil disturbance. One of the proposed actions to minimize the effect of construction and clearing is to revegetate disturbed areas. EPA recommends including a monitored plan to revegetate the area to help local species thrive, as well as limit erosion along the shoreline.

Solid Waste

EPA recommends that the potential (in)direct and cumulative impacts of solid and hazardous waste from the proposed action and operation/maintenance of the new railroad line and associated facilities.

EPA recommends including estimates of solid and hazardous waste amounts and types produced from the proposed action's construction and operation including the expected storage, disposal, and management plans for solid and hazardous waste.

EPA recommends including a response plan for an accidental release of hazardous material and include how State and Federal hazardous waste management regulations, including transboundary regulations, would be applied in the construction and operation of the proposed facilities.

National Pollutant Discharge Elimination System (NPDES) Comments

EPA recommends that the construction activity operators be required to obtain Clean Water Act (CWA) Section 402 and 40 CFR § 122.26(b)(15)(i) NPDES permit coverage to discharge stormwater from the construction activities and construction support activities because it appears that this Project will include construction activities in areas upland from a waterbody in close proximity to a waterbody.

For 40 CFR § 122.26(b)(15)(i) NPDES regulations (applicable to State NPDES programs, see § 123.25) which authorize the discharge of stormwater from construction activities, all entities associated with a construction Project who: 1) meet the NPDES Permitting Authority's Construction General Permit (CGP) definition of "operator," 2) cause an earth disturbance of 1 acre or greater, or less than one acre if part of a larger common plan of development or sale that ultimately disturbs 1 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 permit coverage via the CGP (if all permit eligibility requirements are met) or other

NPDES permit from the NPDES Permitting Authority prior to beginning construction activities and/or construction support activities.

EPA's 2022 CGP definition of construction activities refer 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." Therefore, clearing, grading and excavation of land for any of the Project's proposed facilities on areas upland from a waterbody and not considered a jurisdictional wetland area that results in earth disturbance and/or construction support activities (e.g., equipment staging yards, materials storage areas, excavated material disposal areas, laydown areas, etc.), are considered construction-related activities that require NPDES permit coverage.

EPA suggests that because the overall earth disturbance of this Project is greater than 1 acre, the larger common plan of development or sale is triggered at each location, therefore stormwater discharges from all construction activities and on-site or off-site construction support activities (i.e., borrow pits, staging areas, material storage areas, temporary work areas, etc.) are required to obtain NPDES permit coverage via the CGP or other NPDES permit (except any portion of the Project's construction activities that is covered by a CWA 404 permit) regardless if the smaller Project's earth disturbance is less than 1 acre at each location. In Texas, the Texas Commission on Environmental Quality (TCEQ) is the NPDES permitting authority.

EPA appreciates the opportunity to review the environmental issues for the proposed action and are available to discuss EPA's comments. Please send our office an electronic copy of environmental documents when they are electronically filed with the Office of Federal Activities using the following link: <https://www.epa.gov/sites/default/files/2021-01/documents/e-nepa-guide-on-registration-and-preparing-an-eis-for-electronic-submission.pdf>. If you have any questions, please contact Tanisha Hinton, Project review lead at 214-665-6466 or hinton.tanisha@epa.gov.

Sincerely,

**ROBERT
HOUSTON**

Robert Houston
Branch Manager
Environmental Justice, Community Engagement and
Environmental Review Division

Digitally signed by ROBERT
HOUSTON
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