

May 18, 2026

Jay C. Johnson

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Via Email

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

Re: Docket No. FD 36927, Denton & North Texas Railroad LLC – Construction
and Operation Exemption – Line of Railroad in Denton County, TX

Dear Danielle,

As you know, our client Denton & North Texas Railroad LLC (DNT) sent pre-notice letters to several Texas agencies before it filed the notice of class exemption in this docket. We have received in response the attached letter from the Texas Commission of Environmental Quality.

In its letter, TCEQ notes Denton County's nonattainment status for 2008 eight-hour ozone National Ambient Air Quality Standard with a classification of severe and for the 2015 eight-hour ozone NAAQS with a classification of serious. TCEQ's letter also states that the federal Clean Air Act § 176(c) general conformity requirements apply, such that DNT's proposed action must not result in emissions of volatile organic compounds (VOCs) and nitrogen oxides (NO_x) exceeding the *de minimis* ozone thresholds of 50 tons per year for serious nonattainment areas and 25 tons per year in severe nonattainment areas.

Operation of DNT's proposed rail line will fall far below these *de minimis* emissions thresholds. At most, DNT foresees operating one train per day on a 4,200-foot line. This is similar to what was proposed in another recent Texas project, the Lone Star Railroad, Docket No. FD 35874. The attached air emissions table from the Environmental Assessment for that project shows just 0.86 tons per year of NO_x and just 0.05 tons per year of VOCs—amounts exponentially below the thresholds cited in TCEQ's letter. Since the Lone Star Railroad proposed a similar train count (0.7 trains per day) over a much longer 3.18-mile line, using Tier 0 locomotives, the EA's emissions estimates prove that DNT's line will not even come close to crossing the conformity thresholds flagged in TCEQ's letter.

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And as OEA explained in the Lone Star Railroad EA, when a project falls this far below the conformity thresholds, no further analysis is warranted.

TCEQ's letter also notes that the state Office of Water does not anticipate significant long term environmental impacts from DNT's proposed rail line so long as construction and waste disposal activities associated with the project are completed in accordance with applicable local, state, and federal environmental permits, statutes, and regulations. DNT confirms that it will use best management practices to control construction runoff to maintain surface and groundwater quality.

Please reach out if you have further questions.

Sincerely,



Jay C. Johnson

Exhibit A: Air Emissions Table from Docket No. FD 35874

Table 4.1-1. Air Emissions as a Result of Proposed Rail Line Operation

Pollutant	General Conformity Thresholds (tons/year)	Proposed Project Emission Levels (tons/year^a)
Carbon Monoxide (CO)	100	0.13
Nitrogen Oxides (NO _x)	100	0.86
Particulate Matter ≤ 10 microns in diameter (PM ₁₀)	100	0.03
Particulate Matter ≤ 2.5 microns in diameter (PM _{2.5})	100	0.03
Sulfur Dioxide (SO ₂)	100	0.00
Volatile Organic Compounds (VOCs)	100	0.05

Notes:

^a. Emission rates conservatively based on use of Tier 0 locomotives generating 3,000 horsepower each. Tier 0 includes locomotives manufactured between 1973-2001 (Environmental Protection Agency 2009).

Brooke Paup, *Chairwoman*
Catarina R. Gonzales, *Commissioner*
Tonya R. Miller, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 11, 2026

Megan L. Algya, Esq
Venable LLP
600 Massachusetts Avenue
Washington, DC 20001

Via: **E-mail**

Re: TCEQ NEPA Request #2026-218. DENTON & NORTH TEXAS RAILROAD LLC – CONSTRUCTION AND OPERATION EXEMPTION – LINE OF RAILROAD IN DENTON COUNTY, TX. Denton County.

Dear Ms. Algya,

The Texas Commission on Environmental Quality (TCEQ) has reviewed the above-referenced project and offers the following comments:

The proposed action is located in Denton County, which is designated nonattainment for the 2008 eight-hour ozone National Ambient Air Quality Standard (NAAQS) with a classification of severe and designated nonattainment for the 2015 eight-hour ozone NAAQS with a classification of serious; therefore, federal Clean Air Act, §176(c) general conformity requirements apply. Per federal general conformity regulations at 40 CFR §93.153, a conformity demonstration may be required when the total projected direct and indirect volatile organic compounds (VOC) and nitrogen oxides (NO_x) emissions—precursor pollutants that lead to the formation of ozone—from an applicable federal action are equal to or exceed the *de minimis* emissions level of 50 tons per year (tpy) for ozone NAAQS serious nonattainment areas and 25 tpy for severe nonattainment areas.

For emissions analyses conducted to determine general conformity applicability, the TCEQ recommends using a methodology consistent with the requirements at 40 CFR §93.159.

The Office of Water does not anticipate significant long term environmental impacts from this project as long as construction and waste disposal activities associated with it are completed in accordance with applicable local, state, and federal environmental permits, statutes, and regulations. We recommend that the applicant take necessary steps to ensure that best management practices are used to control runoff from construction sites to prevent detrimental impact to surface and ground water.

Any debris or waste disposal should be at an appropriately authorized disposal facility.

Thank you for the opportunity to review this project. If you have any questions, please contact the agency NEPA coordinator at (512) 239-5538 or NEPA@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Vise".

Ryan Vise
Division Director
External Relations