

SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS
FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN

DOCKET NO. AB 1032 (SUB-NO. 0X)

September 2, 2015

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:
(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() NO NEW COMMENTS WERE RECEIVED

(X) NEW COMMENT WAS RECEIVED

In this proceeding, the Nebraska, Kansas & Colorado Railway, L.L.C. (“NKCR”) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 to abandon 57.31 miles of rail line located: (1) between milepost 3.35, near Orleans, Nebraska, and milepost 29.84, at Alma, Kansas; (2) between milepost 47.23, at Reager, Kansas, and milepost 78.05, at Oberlin, Kansas; and, (3) the Norton Spur located in Norton, Kansas (the lines). NKCR also seeks to discontinue its trackage rights over a 17.7 mile line owned by Kyle Railroad located between Alma and Oronoque Junction, Kansas.

The Office of Environmental Analysis (OEA) served an Environmental Assessment (EA) in this proceeding on August 14, 2015 for public review and comment. In the EA, OEA recommended three environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment if the conditions were imposed. The current conditions in the EA are as follows:

- 1. Prior to the commencement of any salvage activities, the Nebraska, Kansas & Colorado Railway, L.L.C shall consult with the Kansas and Nebraska Department of Environmental Quality regarding fugitive dust, construction storm water, water quality and waste disposal.**
- 2. Prior to the onset of salvage activities, the Nebraska, Kansas & Colorado Railway, L.L.C shall consult with the Nebraska Army Corps of Engineers regarding proposed abandonment activities.**
- 3. In the event that any archaeological sites, human remains, funerary items or associated artifacts are discovered during salvage activities, the Nebraska, Kansas & Colorado Railway, L.L.C will immediately cease all work and**

notify the Office of Environmental Analysis (OEA), interested Federally recognized tribes, and the Kansas or Nebraska SHPO. OEA shall then consult with the SHPO, interested Federally recognized tribes and the Nebraska, Kansas & Colorado Railway, L.L.C to determine whether any mitigation measures are necessary.

One new comment was received from the Kansas Department of Health & Environment, Bureau of Waste Management (BWM). In its August 28, 2015 letter to OEA, BWM describes its concerns about the disposal of railroad ties following railroad abandonments. BWM decries that Kansas has a history of improper disposal of railroad ties. In the past, railroad ties have been left on private lands and in the right-of-way.

Due to its history of improper disposal practices, BWM urges OEA to ensure that the applicant appropriately disposes of railroad ties following any abandonment approval. In specific, BWM requests that the applicant notify BWM regarding: the nature, location, size, time, and duration of any planned salvage activities (including tonnage, equipment and contractor used).

To insure that its concerns are appropriately addressed, OEA recommends the addition of the following **new** condition:

New Condition:

- 1. Prior to the commencement of any salvage activities, the Nebraska, Kansas & Colorado Railway, L.L.C shall consult with the Kansas Department of Health & Environment, Bureau of Waste Management regarding the appropriate disposal of railroad ties and other waste materials.**

Conclusion

The EA comment period has ended and one new comment was received. Accordingly, OEA recommends that the three conditions originally recommended in the EA and the new above condition be imposed upon any decision granting abandonment authority.

OEA concludes that if the above conditions are imposed, the proposed action would not significantly affect the quality of the human environment.

OEA Contact: Catherine Nadals
202-245-0293
nadalsc@stb.dot.gov
OEA

Distribution: OEA Chron, ECT



FW: waste railroad ties

Bob Medina

to:

'nadalsc@stb.dot.gov'

08/28/2015 10:15 AM

Hide Details

From: Bob Medina <bmedina@kdheks.gov>

To: "'nadalsc@stb.dot.gov'" <nadalsc@stb.dot.gov>

History: This message has been replied to.

2 Attachments



LetterSurfaceTransportationBoad(8-28-15).docx workplan(forRailroads).docx

Good Morning Catherine,

I am sending you a cover letter explaining the Bureau of Waste Management involvement from the abandonment of railroad tracks and our need to be in the process. Again I thank you for your help and the Bureau of Waste Management looks forward working with your agency. I have included a letter and a work plan for you to look over and give to any railroads who plan on any abandonments in the state of Kansas. Thanks.bm.



August 28, 2015

Catherine Nadals
Surface Transportation Board
Office of Public Assistance, Governmental Affairs, and Compliance
Washington, DC 20423

Re: Waste Railroad Ties

Dear Catherine:

The Bureau of Waste Management (BWM) has received several complaints of railroad ties disposed on public and private properties for many years. The problem with the historic improper disposal of so many railroad ties has become a financial burden for many private landowners and local governments within our state.

The BWM is now faced with the problem of Illegal Dumping of the railroad ties. Company's large and small who buy, repair or abandon railroad tracks have left hundreds to thousands of railroad ties for someone else to deal with. Some of these companies are no longer in business and the financial burden of properly disposing of these railroad ties is left to local and state government.

Our research of such sites on private land reveals the landowners were approached by contractors looking for low cost disposal methods. The railroad ties at the time of repair or abandonment should have been properly disposed at a permitted facility. Instead, the landowners were told they could make money selling these railroad ties for landscaping, fencing and various other uses. These sites are still there because the landowners have found no customers for these old railroad ties. During some of our inspections of abandoned or repair railroad lines, we have notice the contractor left railroad ties along the right of way.

The BWM understands before any railroad lines are abandoned an application must be filed with the Surface Transportation Board along with the Section of Environmental Analysis (SEA). An environmental assessment (EA) or environmental impact statement (EIS) must be prepared by the SEA 60 days prior to any abandonment.

The Bureau of Waste Management has been informed of STB Docket No. AB 1032X is applying for abandonment in Norton County, Kansas. The Bureau of Waste Management would like to be involved in this process. Please send them information asking to provide our Bureau the necessary information. I am providing an example of a work plan which should be used by the railroad informing the BWM of their process in the abandonment. The Bureau of Waste Management would like for the Surface Transportation Board to also include this in your process as this does occur in many parts of the United States.

Catherine Nadals
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The Bureau of Waste Management is asking your agency to include us during this process. We believe by including our bureau in this process, the chances of new problem sites developing will be minimized or eliminated. The Bureau of Waste Management appreciates the opportunity to work with your agency.

Sincerely,

Bob R. Medina
Environmental Scientist
Bureau of Waste Management
Waste Reduction & Public Education/Grants

C: Bill Bider
Ken Powell
Darian Dernovish, Legal

WORK PLAN

Date _____

To: Kansas Dept. of Health and Environment
Bureau of Waste Management

Subject: Corrective Action Waste Tie Clean Up Site # _____

_____ (Railroad) will be working to clean up an abandonment of railroad track located in the _____ (legal description). The property is owned by _____.

Description of Work:

The site is approximately _____ miles long. The waste consisted of waste railroad ties, recycled metal and steel tracks. The estimated tonnage is _____. The _____ (railroad company) will be performing the clean up although depending on scheduling a private contractor may be hired. The waste ties will be taken to _____ for disposal. We will be starting the abandonment _____.

(Note) Receipts will be provided to the Bureau of Waste Management upon the completion of the abandonment of where all waste ties have been disposed. Please provide BWM names of all contacts with your railroad and any contractors whom the BWM can discuss disposal process at any time during the abandonment.

Equipment:

Dump trucks
Loaders
Trucks
Roll Offs

Labor:

Disposal costs:

Estimated tonnage
Permitted facility's name

We will be starting the abandonment on _____.
We anticipate completing the work by _____.

Contact Person for Bureau of Waste Management

Bob Medina, [M-F 7-4]
(785) 296-6617