

E1-3499

The Medina County Environmental Action Association, Inc.

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Ms. Diana Wood
 Section of Environmental Analysis
 Surface Transportation Board
 395 E Street, S. W.
 Washington, D. C. 20423-0001

11 January 2008

Subject: STB Finance Docket #34284, Southwest Gulf Railroad Company-
 Construction and Operation Exemption - Medina County, TX.

Dear Ms, Wood:

After reviewing David Coburn's Dec. 13, 2007, emailed letter to you, Medina County Environmental Action Association (MCEAA) submits the following comments.

In his letter, Mr. Coburn, as he has repeatedly done in the past, states that MCEAA's concerns and comments are unjustified and bogus. Just as he has done in the past, he offers no proof that the SGR rail-loop and other quarry related features will not significantly affect floodways of the Polecat and Elm creeks. Instead, he places the responsibility on the Medina County Flood Plan Administrator, Mr. Pat Brawner, whom Mr. Coburn states would not permit, or allow, any railroad or railroad related structures to be built that would violate FEMA regulations.

The truth of the matter is that the County Floodplain Administrator here, as in many if not most counties in Texas, has no formal hydrological training or expertise. He is not an expert and cannot render an expert opinion. Deference to him, in the form of delegation of further analysis, is equivalent to a mere conclusory statement by STB that no impact will occur. Were MCEAA to present expert opinion to the contrary on any new discussion of flooding in the Final EIS that made such a delegation and/or conclusory statement, it would be uncontradicted in the record. For this reason, as MCEAA has urged previously, a hard look, including a quantitative look, must be taken at the bridges in this proposal at this time, not after the license is issued.

In addition, Mr. Brawner has repeatedly stated that he is forced to rely on FEMA guidelines; and the signatures of licensed engineers report that Vulcan/Southwest Gulf Railroad (SGR) will not appreciably affect flooding downstream of this rail-loop. Therefore, permitting of this rail-loop and its related fuel storage and maintenance area, and their related infrastructures, will be accomplished on data submitted by Vulcan/SGR. Mr. Brawner has also stated that FEMA, in its current state, does not have the resources to adequately review and/or challenge this data. Therefore, MCEAA and the public are unfairly subjected to bear flooding risks with 1980's maps done by extrapolation not by actual measurements. MCEAA believes this is a perfect example of "the fox guarding the henhouse", and it will have the foreseeable result of needless loss of life and property.

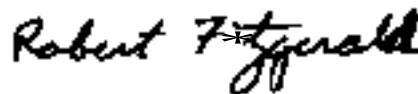
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The STB must not issue a permit for this railroad based on the biased, unproven data of the applicant. Best Management Practices (BMP) and the "trust us" philosophy are not fail-proof.

Review of the latest map submitted with Mr. Coburn's Dec. 13, 2007 email shows that ** of the plant site and all of the fuel storage and maintenance areas are islands surrounded by floodways in the path of 18,391 acres of drainage. The entrance to the plant site by SGR has to cross over approximately 1,100 feet of this floodway on a bridge whose design is yet to be disclosed. (See accompanying attachments.) The height of this bridge will admittedly be at least 15 feet above this floodway at its highest point. MCEAA wants more details of this construction.

As the evidence shows, it is clear that Vulcan/SGR selected the quarry site prior to a full analysis of this truly unsuitable site. Now it is locked into trying to defend its flawed decisions. This letter points out once again why MCEAA has steadfastly urged STB to reconsider its decision to require an EIS on the entire quarry, considering it as a connected action to the railroad, rather than a cumulative impact. We again make this plea. Only a thorough EIS on the quarry will disclose the true environmental impacts of these projects,

Sincerely,



Dr. Robert Fitzgerald
President, MCEAA

Encl: Map: D. Coburn 13 Dec 07
Points of Concern

cc: Senator Kay Bailey Hutchison
284 Russell Senate Ofc. Bldg.
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517 Hart Senate Ofc. Bldg.
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County Judge Jim Barden
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MBMA, Inc., for your Home, Health, and Heritage

January 11,2008

Atch MCEAA letter to STB
Diana Woods, SEA

Points of Particular Concern for STB and FEMA to consider:

Please reference map accompanied by David Coburn's Dec. 13, 2007 email.

A train derailment in the quarry site could result in a diesel spill over the Edwards Aquifer Recharge Zone (EARZ). This scenario is foreseeable in at least 3 areas of the rail loop, designated as 1, 2, and 4 on the accompanying map. MCEAA notes that erosion of the rail loop could occur during periods of heavy rainfall in the upland watersheds of the Polecat and Elm Creeks. This erosion could result in train derailments at the 1, 2, and 4 designations, and could also result in alterations of the floodways, flooding of the plant site and contamination of the EARZ with diesel fuel. For example, the man-made permanent rock berm SGR proposes to construct at point I is not fail-proof. Vulcan's stormwater runoff plan submitted to and approved by Texas Commission on Environmental Quality (TCEQ) offers no proof that the rail loop infrastructure can withstand typical flooding conditions that are noted to occur in this area at frequent intervals. MCEAA has brought this to TCEQ's attention during their comment period to no avail. MCEAA's request to the TCEQ for a public meeting to discuss water pollution abatement and stormwater runoff plans was ignored. For the foregoing reasons, MCEAA urges more finite details concerning these points be obtained by STB and FEMA before a permit is granted.

Moreover, MCEAA urges the STB and FEMA to seek more information concerning the construction of the rail line as it enters the plant site. SGR acknowledges that the rail line will require a bridge at this location. See #4 on map. However, details of its construction have not been given, i.e. its type, length, and height above the floodplain. Will there be connecting berms placed in the floodplain? If so, what is their length? How will they be constructed and maintained? What will be the flooding effect by the placement of bridges and berms in the floodplain?

Lastly MCEAA questions the possible altering of the floodway with increased flooding potentials by the placement of the road connecting the plant site with the fuel storage and maintenance area. See point number 3. The length of this road has not been disclosed. It is located entirely in the floodway directly in the path of the drainage of 18,391 acres of watershed. If this road is going to be constructed at-grade, as information obtained from the Medina County floodplain administrator says it will be, MCEAA asks how this road will be constructed and maintained without increasing the flooding potential and altering the floodway.



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