



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 21 2016

REPLY TO THE ATTENTION OF: E-19J

David Navecky
Surface Transportation Board
395 E. Street SW
Washington, DC 20423
Docket No. FD 35952

Re: Notice of Intent to Prepare and Environmental Impact Statement for the Great Lakes Basin Transportation Freight Rail Project in Wisconsin, Illinois and Indiana

Dear Mr. Navecky:

The U.S. Environmental Protection Agency reviewed the March 18, 2016 Notice of Intent to prepare a draft environmental impact statement (DEIS) from the Surface Transportation Board (STB) for the above referenced project. Our scoping comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. STB is the lead agency for this project under NEPA, and Great Lakes Basin Transportation, Inc. (GLBT) is the project proponent.

The GLBT Freight Rail Project is a proposed 278-mile freight rail line extending from near Milton, Wisconsin through Illinois to near La Porte, Indiana. The proposed project would be designed to allow freight traffic not destined for or originating in Chicago to bypass the congested Chicago terminal area. It would connect with existing Class I railroads and add capacity to accommodate existing and anticipated future growth. The proposed line would mostly be double tracked, use centralized traffic control signals, and positive train control technology to allow for up to 110 trains per day. The proposed right-of-way is 200 feet wide, and project components include flyovers at railroad crossings, four major river crossings in the State of Illinois, and grade-separated crossings at interstate highways and many other roadways. Our scoping comments are based on the limited information EPA has received to date, and we look forward to reviewing and commenting on additional information when it becomes available.

Given the large scale of this project and scope of potential impacts, we recommend robust upfront coordination with resource and regulatory agencies, as well as ongoing public engagement. In addition, we encourage the project team to perform a corridor-wide analysis to inform development of a reasonable range of alternatives for the DEIS. Such an analysis could improve the efficiency of the overall environmental review process by yielding upfront information on key locations to avoid and locations that might be best suited for this project. Please see the enclosed detailed comments for our full recommendations on early inter-agency coordination and conducting a corridor analysis, as well as recommendations on specific environmental and community resources.

We thank STB staff and consultants for meeting with EPA and other agencies on April 22, 2016 to discuss this project, and we appreciate the opportunity to provide scoping comments. If you have any questions or would like to discuss our recommendations, please contact Jen Blonn, the lead reviewer for this project, at 312-886-6394 or blonn.jennifer@epa.gov.

Sincerely,



Kenneth A. Westlake
Chief, NEPA Implementation Section
Office of Enforcement and Compliance Assurance

Enclosures: EPA's Detailed Scoping Comments
Construction Emission Control Checklist

Cc via email: Rachel Nuetzel, U.S. Army Corps of Engineers, St. Paul District
Paul Leffler, U.S. Army Corps of Engineers, Chicago District
Donna Jones, U.S. Army Corps of Engineers, Rock Island District
Aaron Damrill, U.S. Army Corps of Engineers, Detroit District
Kraig McPeak, U.S. Fish and Wildlife Service, Rock Island Field Office
Shawn Cirton, U.S. Fish and Wildlife Service, Chicago Field Office
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Jay Waldschmidt, Wisconsin Department of Transportation
Paul Loete, Illinois Department of Transportation
Ken Runkle, Illinois Department of Transportation
Mike Riley, Indiana Department of Transportation
Laura Hilden, Indiana Department of Transportation
Lisa Helmuth, Wisconsin Department of Natural Resources
Alan Keller, Illinois Environmental Protection Agency
Marty Maupin, Indiana Department of Environmental Management

ENCLOSURE I

EPA'S DETAILED SCOPING COMMENTS ON GREAT LAKES BASIN TRANSPORTATION FREIGHT RAIL PROJECT IN WISCONSIN, ILLINOIS AND INDIANA, JUNE 21, 2016

Interagency Coordination

Due to the large scale and complexity of the proposed project, we strongly encourage early and close coordination with resource and regulatory agencies to align the National Environmental Policy Act (NEPA) process, Clean Water Act (CWA) Section 404 permitting, and other statutory and regulatory requirements. Such coordination can improve efficiency in the environmental review and permitting processes by: (1) helping to promote the development of a draft environmental impact statement (DEIS) that is consistent with future CWA Section 404 permitting needs, (2) allowing agencies to highlight issues early that could later trigger a supplemental DEIS if not addressed, (3) providing opportunities for agencies to raise concerns at a time when the Surface Transportation Board and the project proponent can more easily make changes, prior to the advancement of engineering and design work on alternatives that are unlikely to be permissible or have other substantial flaws. EPA has had success in working under formal agreements for early coordination on major transportation projects, and we are open to engaging in such coordination for this project, as time and resources allow. Formal agreements typically include language stating that agencies will not reverse early coordination approvals unless new information becomes available, which gives certainty to the lead agency as to which issues are resolved. To assist STB in considering this approach, EPA shared example agreements via email on April 22, 2016.

Recommendations for the Environmental Review Process:

- Before beginning to develop the DEIS, we recommend that STB invite EPA, the U.S. Army Corps of Engineers, and other agencies with authority or special expertise to engage under a project-specific agreement for early coordination and merging the NEPA and CWA Section 404 processes, as well as other environmental processes deemed appropriate for inclusion by STB. Work with partner agencies to develop the agreement document. Include key checkpoints for agency feedback, such as: purpose and need, range of alternatives, and preliminary least-environmentally damaging practicable alternative. Clearly define expectations and for all participants.
- If STB decides to engage in early coordination, we recommend posting all early coordination materials to the project website to ensure full public disclosure of the decision making process.

Corridor-Level Analysis

During an April 22, 2016 meeting with resource agencies, STB staffers discussed their plans to study a wide project corridor. EPA strongly supports a robust corridor analysis, which would enable STB to make informed decisions on locations of potentially viable DEIS alternatives. Early and careful review of natural and community resources and existing infrastructure within a wide corridor could improve the efficiency of the NEPA process. It would promote inclusion of all reasonable alternatives in the DEIS, reducing the risk of needing to later add an alternative through a supplemental DEIS. A corridor analysis would also minimize the risk of investing time and resources into alternatives that are unlikely to be permissible or have other substantial flaws.

Recommendations for the Corridor Analysis:

- Conduct a broad analysis of the full project corridor. Ensure that the corridor width is narrow enough to meet the project's purpose and need and wide enough to include all reasonable alternatives.
- Coordinate with EPA and other resource and regulatory agencies when conducting the corridor analysis to gather feedback on the appropriate width to study, methodologies to employ, and impacts to consider.
- Among other information, use the corridor analysis to identify: (1) key natural and community resources to avoid, (2) abandoned railroad rights of way to consider reusing, (3) roads and utility corridors to consider paralleling to minimize creation of remnant parcels, and (4) mitigation sites to consider utilizing. Use the corridor analysis to inform the range of alternatives for the DEIS. In addition, use the corridor analysis to consider project-wide issues, such as emergency preparedness and response planning, wildlife crossings, and community engagement strategies.
- Ensure that the corridor analysis is publically disclosed in a NEPA document.
- Assess whether the corridor analysis would be most useful to STB as a programmatic Tier 1 DEIS or as part of the project-level DEIS. Consider that less complex transportation projects in the region have used a "tiered" approach to NEPA, including: Federal Highway Administration's (FHWA) Interstate 69 (Evansville to Indianapolis), Illiana Corridor, and Elgin O'Hare West Bypass highway projects, among others.

Purpose and Need Statement and Relationship to Other Projects

Council on Environmental Quality Regulations for Implementing NEPA require that the DEIS "briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action" (40 CFR § 1502.13). The purpose and need statement should be specific enough to allow for a reasonable range of alternatives, but not so narrow that it pre-selects a single alternative. The statement should also justify the need for project impacts on the human and natural environment. Given that there are other projects to reduce freight travel time in the Chicagoland area, it is important for the DEIS to describe such projects and their benefits, and identify outstanding needs that this proposed project would fulfill. For example, the Chicago Regional Environmental and Transportation Efficiency Program (CREATE) is a partnership between U.S. DOT, the State of Illinois, City of Chicago, Metra, Amtrak, and the nation's major freight railroads with the goal of increasing the efficiency of the region's rail infrastructure.¹

Recommendations for the DEIS:

- Clearly articulate the purpose and need for the proposed action.
- Describe other similar or related projects that could reduce freight travel time in the Chicagoland area, including CREATE. Explain the relationship between projects, whether needs are great enough to justify ongoing efforts and the proposed new project, and any duplicative or complementary project elements.

¹ Details on CREATE are available at: <http://www.createprogram.org/>

DEIS Alternatives

EPA has reviewed a project map, which depicts a single alternative (i.e. route) as proposed by Great Lakes Basin Transportation, Inc. (GLBT), the project proponent. It is unclear how GLBT developed the proposed alternative, which environmental and human health impacts GLBT considered, and whether minimizing adverse impacts influenced the proposed location. From conversations with the STB project team, we understand that additional alternatives will be analyzed in the DEIS, in line with the Council on Environmental Quality (CEQ) NEPA Regulations requiring that the DEIS rigorously explore and objectively evaluate all reasonable alternatives (40 CFR § 1502.14).

Recommendations for the DEIS:

- When developing alternatives, aim to reuse abandoned railroad rights of way and follow existing transportation and utility corridors to the extent feasible to minimize project impacts.
- Briefly describe any alternatives that were considered but dismissed prior to the DEIS, and explain why they were not carried forward.
- Clearly describe and fully analyze a reasonable range of alternatives in the DEIS.
- For each alternative, describe and assess all components, including, but not limited to, staging areas, access roads, rail spurs, power stations, and storage/maintenance yards.

Clean Water Act Section 404

Given its size and location, we expect the proposed project to require permits for the placement of dredged or fill materials into Waters of the U.S. (Waters) under Section 404 of the CWA. The DEIS should support compliance with the CWA Section 404(b)(1) Guidelines (40 C.F.R. Part 230), which are summarized as follows:

- Least Environmentally Damaging Practicable Alternative (LEDPA) – There must be no practicable alternative to the proposed discharge which would have less adverse impacts on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences;
- No Violation of Other Laws – The proposed project must not cause or contribute to violation of state water quality or toxic effluent standards, and must not jeopardize the continued existence of federally-listed endangered or threatened species or their critical habitat(s);
- No Significant Degradation – The project must not cause or contribute to significant degradation of Waters;
- Impact Avoidance and Minimization – The project must include appropriate and practicable steps to avoid impacts to Waters. “Practicable” under the CWA 404(b)(1) Guidelines means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. Where impacts are unavoidable, there must be documentation on how impacts have been minimized; and
- Compensatory Mitigation – Compensatory mitigation, including on-site and off-site permittee-responsible mitigation, mitigation banks, and in-lieu fee programs, must be used to offset unavoidable impacts to wetlands and other aquatic resources. This is consistent with the 2008 “Compensatory Mitigation for Losses of Aquatic Resources” Final Rule (Mitigation Rule), which upholds the long standing national goal of “no net loss” of wetland acreage and

function. The project must demonstrate that it has followed the sequence of avoid first, then minimize, then mitigate for impacts that could not be avoided and minimized.

While we offer the following comments to inform the DEIS, EPA reserves its right to provide additional comments when more information is available during future CWA Section 404 permitting processes for this project.

Recommendations for the DEIS:

- As discussed above, align NEPA and CWA section 404 processes to ensure that this DEIS will fulfill future NEPA requirements for permitting actions.
- In the corridor analysis, as recommended above, we suggest using readily available GIS data, such as the U.S. Fish and Wildlife Service's National Wetland Inventory and other localized spatial waters data, including, but not limited to, the Wisconsin Wetland Inventory maps.
- In the project-level DEIS analysis, quantify Waters within the project area and adjacent areas using U.S. Army Corps of Engineers preliminary or approved jurisdictional determinations. Include clear maps and describe water quality, functions, and values.
- Identify all waters with special designations, such as Outstanding State and National Resource Waters, and those waters located within state and federally-owned lands. Take additional steps to avoid and minimize impacts to these waters.
- Summarize or include a draft Section 404(b)(1) analysis, or, at a minimum, describe how this project will satisfy CWA Section 404 permitting and Section 401 Water Quality Certification requirements.
- Quantify and describe direct, indirect and cumulative impacts to Waters within and surrounding the project area that may result from the proposed project. Examples of indirect impacts include increases in runoff and changes to hydrology of the remaining portions of wetlands, rivers, and streams. Cumulative impacts are discussed below.
- Demonstrate that all potential impacts to Waters have been avoided and minimized to the extent practicable. Describe alignment decisions and project modifications to avoid and/or minimize impacts to Waters in order to best maintain aquatic resource functions, values, and habitat. Consider using spanned crossings, arched crossings, and oversized buried box culverts over drainages to encourage continuity of hydrological processes and wildlife passages.
- If resources cannot be avoided, clearly demonstrate how cost, logistical, or technological constraints preclude avoidance and minimization of impacts.
- Include, where feasible, project components that support and improve the existing aquatic ecosystems.
- Coordinate closely with the regulatory agencies to develop specific design and construction standards for stream crossings, infrastructure setbacks, monitoring during construction, and other best management practices.
- If impacts to wetlands are unavoidable, consider the following measures to minimize impacts during construction:
 - Perform construction in wetlands during frozen ground conditions, if feasible.
 - Minimize width of temporary access roads.

- Use easily-removed materials for construction of temporary access roads and staging areas (e.g., swamp/timber mats) in lieu of materials that sink (e.g., stone, rip-rap, wood chips).
- Use swamp/timber mats or other alternative matting to distribute the weight of the construction equipment, which will minimize soil rutting and compaction.
- Use vehicles and construction equipment with wider tires or rubberized tracks, or use low-ground-pressure equipment to further minimize impacts during construction access and staging.
- Use long-reach excavators, where appropriate, to avoid driving or staging in wetlands.
- Place mats under construction equipment to contain any spills.
- Discuss any proposed mitigation, including mitigation sequencing per the CWA Section 404(b)(1) Guidelines, and describe of how mitigation will comply with the 2008 Mitigation Rule. Include information on mitigation ratios and type(s) of wetlands that will be restored or created and how wetland hydrology and wetland plant communities will be established at mitigation sites. If a mitigation bank will be used, the DEIS should identify the name and location of the bank and status of available credits.

Surface Water and Groundwater Quality

The DEIS should fully discuss potential direct, indirect and cumulative impacts from the proposed project to surface and groundwater quality.

Recommendations for the DEIS:

- Identify all water bodies that are listed as impaired under CWA Section 303(d) and could be directly or indirectly impacted by this project. Describe each water body's specific impairments, the causes of the impairments, and whether a Total Daily Maximum Load (TMDL) plan is in place.
- Analyze project impacts on impaired waters and TMDLs. Commit to any necessary mitigation measures to avoid further impairment or delay of timely remediation.
- Evaluate potential direct or indirect impacts to public and private drinking water supply intakes and wells from project construction and operation. Identify protective measures as needed.
- Discuss plans for managing stormwater and complying with the National Pollution Discharge Elimination System under CWA Section 402.
- Identify any streams that are designated as "legal drains" in Indiana, and other states if applicable. Ensure that work in a legal drain, specifically any proposed modification to a stream designated as a legal drain, receives authorization from the applicable county surveyor's office.

Air Quality

The proposed project would result in temporary fugitive dust and diesel exhaust emissions from construction activities, such as material hauling and use of heavy machinery. Long-term direct emissions sources include operating up to 110 diesel-powered trains per day and running maintenance facilities. Long-term indirect operational emissions sources include, but are not limited to, any induced growth in nearby supporting facilities. In 2002, EPA classified diesel emissions as a likely human carcinogen, and in 2012 the International Agency for Research on

Cancer concluded that diesel exhaust is carcinogenic to humans. Diesel exhaust can also lead to other serious health conditions and can worsen heart and lung disease, especially in vulnerable populations, such as children and the elderly. Temporary and long-term emissions and potential health impacts should be fully evaluated and considered in developing alignment locations and protective measures for this project.

EPA's General Conformity Regulations ensure that federal actions comply with the National Ambient Air Quality Standards (NAAQS). In order to meet this Clean Air Act requirement, a federal agency must demonstrate that every action that it undertakes, approves, permits or supports in areas that do not meet or previously have not met air quality standards will conform to the appropriate state implementation plan. Further, projects funded or approved by FHWA or the Federal Transit Administration (FTA) in areas that do not meet or previously have not met the NAAQS are subject to Transportation Conformity Regulations.² Potential elements of this project that could require funding or approval by FHWA or FTA include, but are not limited to, the modification of existing grade crossings, road networks, or transit infrastructure. To comply with EPA's Transportation Conformity Regulations, such elements would need to be included in a conforming transportation plan and a transportation improvement program.

Recommendations for the DEIS:

- Provide a detailed discussion of existing air quality conditions and criteria pollutant maintenance and nonattainment areas in the project study areas.
- Include a thorough analysis of direct, indirect, and cumulative air quality impacts (positive and negative) from the construction and operation of each alternative. Include estimates of all criteria pollutant emissions and any anticipated exceedances of NAAQS.
- Identify potential hotspot impacts, especially where idling locomotives, maintenance yards, storage yards, or new multi-modal centers are proposed.
- Analyze health risks associated with construction and operational air emissions from the proposed project to nearby sensitive receptors. Discuss siting decisions and protective measures to avoid, minimize, or mitigate human exposure to harmful emissions.
- Use the most current EPA-approved model to estimate emissions and present all methods and assumptions for analyses. For questions, contact EPA's Mike Leslie at leslie.michael@epa.gov.
- Discuss general and transportation conformity requirements and their applicability to the proposed project. If applicable, include a draft General Conformity Determination with related mitigation commitments.
- Commit to require construction contractors to use measures from the enclosed Diesel Emissions Control Checklist when applicable.
- Specify how impacts to sensitive receptors, such as children, elderly, and the infirm will be minimized. For example, commit to locate construction equipment and staging zones away from sensitive receptors and fresh air intakes to buildings and air conditioners.

² Information on Transportation Conformity is available at: <https://www3.epa.gov/otaq/stateresources/transconf/>

- Recommend that the project proponent and other companies that would operate trains on the proposed railroad system use electric switching locomotives, or other low emission locomotive technologies, whenever possible to reduce air emissions during operations.

Children's Health and Safety

Executive Order 13045 on children's health and safety directs each Federal agency to make it a high priority to identify and assess environmental health and safety risks that may disproportionately affect children, and to ensure that its policies, programs, activities, and standards address these risks. Children can be particularly vulnerable to the toxic effects of contaminants because their bodies and systems are not fully developed and they generally eat more food, drink more water, and have higher inhalation rates relative to their size. Based on the limited project information available, we are concerned with the potential for new sources of air emissions and noise to be located near places where children congregate, such as schools, day care facilities, and parks

Recommendations for the DEIS:

- Identify locations where children congregate and census blocks with high percentages of children in the project area.
- To establish a baseline, identify existing children's health conditions that could be exacerbated by this project's impacts. For example, consider whether children already face high asthma rates in communities that would be impacted.
- Evaluate potential direct, indirect, and cumulative impacts from the proposed project on children's health.
- Commit to specific measures to protect children's health from project impacts. Site staging areas, material hauling truck routes, and other sources of air emissions away from places where children congregate to the extent possible. Require strict implementation of applicable measures from the enclosed Diesel Emissions Control Checklist in these areas.

Environmental Justice (EJ) and Other Community Concerns

Executive Order 12898 directs federal agencies to identify and address disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations. Tools are available to assist the project team in their EJ analysis for the DEIS. A multi-agency federal workgroup recently released a report entitled, "Promising Practices for EJ Methodologies in NEPA Reviews."³ The report details examples of methodologies used across the federal government for EJ analyses in the NEPA process. In addition, EPA released "EJSCREEN," which is a publically available mapping tool designed to screen for potential impacts to communities living with or vulnerable to EJ concerns.

In all communities along the new rail corridor, the project may be disruptive due to noise, air pollution, property acquisition, displacement of goods and services, altering local character, and physically dividing communities, among other impacts. Strong upfront planning, in close

³ Environmental Justice Interagency Working Group "Promising Practices for EJ Methodologies in NEPA Reviews" is available at: <https://www.epa.gov/environmentaljustice/ej-iwg-promising-practices-ej-methodologies-nepa-reviews>

collaboration with affected communities, is key to identifying siting locations and project designs that minimize impacts and protect residents' quality of life.

Recommendations for the DEIS:

- Include a detailed community outreach strategy aimed at gaining local input from all communities along the corridor, and specify targeted activities to reach low income and minority communities. Describe how input would be used to inform project development.
- Clearly describe baseline conditions and potential impacts to each community along the proposed rail corridor, including unincorporated communities. Identify any important community facilities that could be displaced and effects on community cohesion and character, among other community impacts.
- Identify low income and minority populations that may be impacted by the proposed project. Compare percentages of low income and minority residents in the project area to an appropriate reference community to determine whether the project could have disproportionately high and adverse effects. Include clear maps and summary tables.
- Consider the "Promising Practices for EJ Methodologies in NEPA Reviews" report. Discuss its applicability to this project and any best practices utilized from the report.
- Use EPA's "EJSCREEN" tool⁴ to screen for potential impacts to communities living with or vulnerable to EJ concerns.
- Provide specific measures to avoid, minimize, and mitigate any anticipated adverse impacts to communities.

Greenhouse Gas (GHG) Emissions and Climate Change

All direct and indirect GHG emissions from the proposed project would cumulatively contribute to global climate change. Through our recommendations below, we suggest a framework for assessing the project impacts on climate change as well as climate change impacts on the project.

The U.S. Global Change Research Program's National Climate Assessment⁵ section on the Midwest provides a useful starting place for analyzing changing climate conditions. It provides an in-depth look at climate change impacts on the U.S. now and in the future. The report was produced by a team of over 300 experts guided by a 60-member Federal Advisory Committee and was extensively reviewed by the public and experts, including federal agencies and a panel of the National Academy of Sciences. The report finds that, in the Midwest, extreme heat, heavy downpours, and flooding will affect infrastructure, health, air and water quality, and more.⁶

Recommendations for the DEIS:

Emissions

- Estimate the direct and indirect GHG emissions from each alternative. Include GHG emissions that could result from induced growth, such as any new multi-modal facilities spurred by this proposal, as well as GHG emissions associated with adding

⁴ EPA's EJSCREEN Environmental Justice and Mapping Tool is available at: <https://www.epa.gov/ejscreen>

⁵ <http://www.globalchange.gov/>

⁶ U.S. Global Change Research Program, 2014 National Climate Assessment, available at: <http://nca2014.globalchange.gov/report>

rail capacity for the transport of fossil fuels. Consider any potential reductions in GHG emissions that could result from lowering freight rail congestion in the Chicago region.

- Consider using tools for estimating and quantifying GHG emissions that are available on CEQ's website.⁷
- When developing alternatives, consider alignment and design options that would minimize long-term GHG emissions. Discuss such considerations in the DEIS.
- Use GHG emissions levels as a reasonable proxy for climate change impacts when comparing alternatives and considering appropriate avoidance, minimization, and mitigation measures.
- Commit to specific best practices to minimize GHG emissions from construction and operations. Assess energy efficiency, renewable energy, electrification of equipment, and cleaner diesel strategies for inclusion in planning documents and construction contractor scopes of work. Consider that reducing diesel emissions has the added benefit of reducing black carbon emissions, which have climate forcing effects orders of magnitude larger than carbon dioxide on a per mass basis.
- Describe measures to mitigate GHG emissions from the proposed project, such as planting trees along right-of-way. Include clear mitigation commitments in the DEIS.

Climate Change Adaptation

- In the "Affected Environment" section of the DEIS, discuss climate change and assess ongoing and reasonably foreseeable effects of climate change relevant to the project study area and the proposed project. Use the U.S. Global Change Research Program's National Climate Assessment to inform the discussion.
- Based on the project team's assessment of climate change impacts and consistent with federal policy,⁸ incorporate resiliency and adaptation to changing climate conditions into project siting, design, and mitigation decisions, including stormwater management strategies and capacities.

Effects of Climate Change on Project Impacts

- Discuss whether the environmental impacts of the project alternatives would be exacerbated by climate change. If necessary, discuss and commit to additional measures to avoid, minimize and mitigate impacts.

Hazardous Substances and Emergency Response

The proposed project could result in releases of hazardous substances through accidental spills during construction and, if rail cars carry hazardous substances, through accidents during operation of the railroad. Comprehensive, upfront planning and preparedness are needed to avoid such incidents and establish response contingencies. EPA engages in ongoing response planning and training with Class I railroads for the purposes of: (1) better understanding the nature of commodity flows, (2) providing joint training to state and local response agencies, and (3)

⁷ GHG accounting tools are available at:

https://ceq.doe.gov/current_developments/GHG_accounting_methods_7Jan2015.html

⁸ Executive Order on "Preparing the United States for the Impacts of Climate Change" is available at:

<https://www.whitehouse.gov/the-press-office/2013/11/01/executive-order-preparing-united-states-impacts-climate-change>

ensuring that railroad spill response plans, as required by the U.S. Department of Transportation (USDOT), are consistent with both the Oil and Hazardous Substances National Contingency Plan and the EPA Region 5 Regional Contingency Plan for spills of oil and hazardous substances. EPA is willing to expand this engagement to include STB and/or GLBT, Inc. to strengthen emergency contingency planning for the proposed project.

Recommendations for the DEIS:

- Disclose hazardous substances that would be used during project construction.
- Discuss plans to avoid accidental releases during construction and respond to any accidental releases.
- Disclose hazardous substances that freight trains could carry along the proposed rail line. To the extent that information is available, describe all elements of commodity flow, such as material description, volume, frequency, types of containers, shippers, and carriers.
- Discuss plans and controls designed to avoid accidents during operations and to respond to any accidental releases.
- Evaluate potential public health and safety impacts associated with an accidental release of oil and other hazardous substances during project construction and operations.
- Discuss how STB and/or GLBT, Inc. would coordinate with communities, states, EPA, U.S. Coast Guard, Federal Railroad Administration, and USDOT to develop integrated spill response plans, including Geographic Response Plans. Such plans are needed to prepare to respond to incidents involving the transport of oil and hazardous substances on the proposed rail line. Include a discussion of training and exercises involving all the above parties.
- Contact EPA's Ralph Dollhopf at ralph.dollhopf@epa.gov or 231-301-0559 for assistance with emergency preparedness and contingency planning.

Threatened and Endangered Species and Other Wildlife

Construction and operation of a new 278-mile freight railroad has the potential to harm threatened and endangered species and other wildlife. Construction could result in tree clearing and other disruption of habitat, creation of noise, and increases in runoff into waterways, among other harmful impacts. Operational activities have the potential for direct takes through train-wildlife collisions, creation of noise, risk of contaminant exposure through accidental spills, and if the corridor is fenced, barriers to wildlife movement.

Section 7 of the Endangered Species Act (ESA) directs all Federal agencies to ensure that any action they authorize, fund, or carry-out does not jeopardize the continued existence of a threatened or endangered species or proposed or designated critical habitat. Implementing regulations found at 50 CFR Part 402 specify how Federal agencies are to fulfill their ESA Section 7 consultation requirements.

Recommendations for the DEIS:

- Use the U.S. Fish and Wildlife Service (FWS) "Information for Planning and Conservation" tool to obtain a list of trust resources in the project area, which would include species that are listed as threatened or endangered under ESA, candidate

species for listing, critical habitat, and migratory birds protected under the Migratory Bird Treaty Act.⁹

- Once the list is obtained, determine whether the proposed action may affect trust resources. If trust resources may be affected, engage in consultation with FWS. Document all coordination and formal consultation in the DEIS with the goal of aligning NEPA and ESA Section 7 consultation processes.
- Describe the presence of ESA-listed threatened and endangered species, candidate species, migratory birds, and critical habitats in the project area. Describe the extent and nature of potential direct, indirect and cumulative project impacts.
- Request a meeting of FWS and regional and local wildlife experts to explore specific locations and design features for any necessary wildlife crossings. Include findings in the DEIS.
- Coordinate with state Departments of Natural Resources (DNRs) to determine if any state-listed species could be impacted by the proposed project, and document coordination in the DEIS.
- Use data developed for the statewide Wildlife Action Plans for Illinois,¹⁰ Indiana,¹¹ and Wisconsin¹² to inform the (1) siting of alternatives and (2) development of designs that minimize impacts to wildlife and enable safe wildlife crossings. Identify specific measures to minimize adverse impacts to wildlife. Document coordination with state wildlife biologists in the DEIS.
- Consult with FWS and state wildlife agencies under the Fish and Wildlife Coordination Act (FWCA),¹³ which requires consultation when federal actions would result in the control or modification of a natural stream or body of water. This includes discharges of fill material. Discuss requirements of FWCA, interagency coordination, and measures to protect wildlife.

Noise and Vibration Impacts

The proposed project would introduce a new source of noise and vibration to many quiet, rural communities. Potential noise and vibration impacts to human health and welfare and wildlife activity are particularly important for this project because up to 110 freight trains may use the proposed railroad each day. Under NEPA, noise and vibration impacts should be fully disclosed in the DEIS and used to inform siting decisions and protective measures.

Recommendations for the DEIS:

- Identify residential, commercial, community, and wildlife receptors that could be impacted by noise and vibration from the proposed project and fully analyze potential impacts.
- Commit to specific measures to avoid or minimize impacts. For noise impacts, consider siting locations, soundproof walls, and, when other options are not feasible, offering those affected insulation and window treatments to lower indoor noise levels. For vibration impacts, consider siting and design options to lower impacts.

⁹ FWS Information for Planning and Conservation (IPaC) tool is available at: <https://ecos.fws.gov/ipac/>

¹⁰ The Illinois Wildlife Action Plan is available at: <http://www.dnr.illinois.gov/conservation/TWAP/Pages/default.aspx>

¹¹ The Indiana State Wildlife Action Plan is available at: <http://www.in.gov/dnr/fishwild/7580.htm>

¹² The Wisconsin State Wildlife Action Plan is available at: <http://dnr.wi.gov/topic/wildlifehabitat/actionplan.html>

¹³ The Fish and Wildlife Coordination Act is available at 16 U.S.C. 661-666c; Public Law 85-624

- Address nocturnal and diurnal impacts to wildlife activities such as foraging, predator avoidance, and nesting that may be affected by new noise and vibration introduced to natural habitats.

Native and Invasive Plant Species

Executive Order 13112 on Invasive Species calls for the restoration of native plant and tree species. The proposed project would disturb vegetation in the right-of-way and in nearby staging areas, which could introduce non-native invasive plant species. Early recognition and control of infestations is essential to stopping the spread of invasive plants and avoiding future widespread use of herbicides, which could have adverse impacts on biodiversity and nearby water quality.

Recommendations for the DEIS:

- Identify plant species currently found in the project area and discuss potential impacts to the spread of invasive species.
- Commit to specific best practices to avoid introducing and, over the long-term, controlling invasive species into the project area.
- Describe how the project will meet the requirements of Executive Order 13112.
- Coordinate the replacement of trees and vegetation with the appropriate city and county foresters, when available. Use native species whenever feasible.
- Commit to best practices to create pollinator friendly habitat along the right-of-way, in line with the 2014 Presidential Memorandum entitled, “Creating a Federal Strategy to Promote the Health of Honey Bees and Other Pollinators.”¹⁴
- Avoid removing trees when feasible and provide mitigation to offset impacts since trees provide the value of filtering pollutants, absorbing runoff, and reducing stream bank erosion, among other benefits.

Farmland Impacts

The proposed project would traverse substantial acreages of farmland. Direct, indirect, and cumulative impacts and options for protective measures should be disclosed in the DEIS to inform decision making.

Recommendations for the DEIS:

- Describe farmland within the project corridor, including: acreages of prime farmland, farmland of statewide importance, and farmland with unique qualities, such as centennial and sesquicentennial farms and agricultural research farms.
- Engage farming experts and closely coordinate with farming communities in order to fully understand the scope of impacts and opportunities to minimize those impacts. Describe coordination to date, including information gained.
- Discuss potential impacts to drainage systems and farming operations.
- Quantify acreages of direct and indirect impacts to farmland and discuss cumulative impacts.
- Commit to measures to avoid impacts to farmlands. Use abandoned railroads and follow existing roadways to the extent feasible to avoid creating remnant parcels.

¹⁴ “Creating a Federal Strategy to Promote the Health of Honey Bees and Other Pollinators” Presidential Memorandum is available at: www.whitehouse.gov/briefing-room/presidentialactions/presidential-memoranda

Cumulative Impacts

Cumulative impacts are defined in CEQ's NEPA regulations as the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such actions (40 CFR § 1508.7). These actions include both transportation and non-transportation activities.

Recommendations for the DEIS:

- Identify the current condition of resources in the project area as a measure of past impacts, such as the percentage of wetlands lost to date. This information forms the baseline for assessing potential cumulative impacts.
- Consider the future condition of resources in the project area based on likely impacts of reasonably foreseeable projects or actions added to existing conditions and current trends.
- Assess the cumulative contribution of the proposed alternatives to impacts on human health and the environment.
- Include measures to avoid, minimize, and mitigate cumulative impacts.

U.S. Environmental Protection Agency
Construction Emission Control Checklist

Mobile and Stationary Source Diesel Controls

Purchase or solicit bids that require the use of vehicles that are equipped with zero-emission technologies or the most advanced emission control systems available. Commit to the best available emissions control technologies for project equipment in order to meet the following standards.

- On-Highway Vehicles: On-highway vehicles project should meet, or exceed, the U.S. EPA exhaust emissions standards for model year 2010 and newer heavy-duty, on-highway compression-ignition engines (e.g., long-haul trucks, refuse haulers, shuttle buses, etc.).¹⁵
- Non-road Vehicles and Equipment: Non-road vehicles and equipment should meet, or exceed, the U.S. EPA Tier 4 exhaust emissions standards for heavy-duty, non-road compression-ignition engines (e.g., construction equipment, non-road trucks, etc.).¹⁶
- Locomotives: Locomotives servicing infrastructure sites should meet, or exceed, the U.S. EPA Tier 4 exhaust emissions standards for line-haul and switch locomotive engines where possible.¹⁷
- Marine Vessels: Marine vessels hauling materials for infrastructure projects should meet, or exceed, the latest U.S. EPA exhaust emissions standards for marine compression-ignition engines (e.g., Tier 4 for Category 1 & 2 vessels, and Tier 3 for Category 3 vessels).¹⁸
- Low Emission Equipment Exemptions: The equipment specifications outlined above should be met unless: 1) a piece of specialized equipment is not available for purchase or lease within the United States; or 2) the relevant project contractor has been awarded funds to retrofit existing equipment, or purchase/lease new equipment, but the funds are not yet available

Consider requiring the following best practices through the construction contacting or oversight process:

- Use onsite renewable electricity generation and/or grid-based electricity rather than diesel-powered generators or other equipment.
- Use ultra-low sulfur diesel fuel (15 ppm maximum) in construction vehicles and equipment.
- Use catalytic converters to reduce carbon monoxide, aldehydes, and hydrocarbons in diesel fumes. These devices must be used with low sulfur fuels.
- Use electric starting aids such as block heaters with older vehicles to warm the engine.
- Regularly maintain diesel engines to keep exhaust emissions low. Follow the manufacturer's recommended maintenance schedule and procedures. Smoke color can

¹⁵ <http://www.epa.gov/otaq/standards/heavy-duty/hdci-exhaust.htm>

¹⁶ <http://www.epa.gov/otaq/standards/nonroad/nonroadci.htm>

¹⁷ <http://www.epa.gov/otaq/standards/nonroad/locomotives.htm>

¹⁸ <http://www.epa.gov/otaq/standards/nonroad/marineci.htm>

signal the need for maintenance (e.g., blue/black smoke indicates that an engine requires servicing or tuning).

- Retrofit engines with an exhaust filtration device to capture diesel particulate matter before it enters the construction site.
- Repower older vehicles and/or equipment with diesel- or alternatively-fueled engines certified to meet newer, more stringent emissions standards (e.g., plug-in hybrid-electric vehicles, battery-electric vehicles, fuel cell electric vehicles, advanced technology locomotives, etc.).
- Retire older vehicles, given the significant contribution of vehicle emissions to the poor air quality conditions. Implement programs to encourage the voluntary removal from use and the marketplace of pre-2010 model year on-highway vehicles (e.g., scrappage rebates) and replace them with newer vehicles that meet or exceed the latest U.S. EPA exhaust emissions standards.

Fugitive Dust Source Controls

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative, where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

Occupational Health

- Reduce exposure through work practices and training, such as turning off engines when vehicles are stopped for more than a few minutes, training diesel-equipment operators to perform routine inspection, and maintaining filtration devices.
- Position the exhaust pipe so that diesel fumes are directed away from the operator and nearby workers, reducing the fume concentration to which personnel are exposed.
- Use enclosed, climate-controlled cabs pressurized and equipped with high-efficiency particulate air (HEPA) filters to reduce the operators' exposure to diesel fumes. Pressurization ensures that air moves from inside to outside. HEPA filters ensure that any incoming air is filtered first.
- Use respirators, which are only an interim measure to control exposure to diesel emissions. In most cases, an N95 respirator is adequate. Workers must be trained and fit-tested before they wear respirators. Depending on the type of work being conducted, and if oil is present, concentrations of particulates present will determine the efficiency and type of mask and respirator. Personnel familiar with the selection, care, and use of respirators must perform the fit testing. Respirators must bear a NIOSH approval number.