

From: [Hackett - CDPHE, Sean](#)
To: Joshua.Wayland@stb.gov; [Uinta Basin Rail Environment](#)
Subject: Comments on the Seven County Infrastructure Coalition – Uinta Basin Railway Environmental Impact Statement
Date: Monday, August 05, 2019 9:42:33 AM
Attachments: [CDPHE UBR Scoping Comments 080519.pdf](#)

Mr. Wayland:

The Colorado Department of Public Health and Environment (CDPHE) appreciates the opportunity to provide the attached scoping comments on the Seven County Infrastructure Coalition Uinta Basin Railway proposal.

Please let me know if you have any questions.

Sincerely,

Sean Hackett
Energy Liaison



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August 5, 2019

Joshua Wayland

Surface Transportation Board c/o ICF

Docket No. FD 36284

9300 Lee Highway

Fairfax, VA 22031

Sent via email to: Joshua.Wayland@stb.gov & uinta.eis@icf.com

Re: Colorado Department of Public Health and Environment's Scoping Comments on the Seven County Infrastructure Coalition - Uinta Basin Railway Environmental Impact Statement

Dear Mr. Wayland:

The Colorado Department of Public Health and Environment (CDPHE) appreciates the opportunity to provide scoping comments on the Seven County Infrastructure Coalition (Coalition) Uinta Basin Railway proposal (Uinta Basin Railway or Railway). We are encouraged to see that the Surface Transportation Board's Office of Environmental Analysis is preparing an Environmental Impact Statement (EIS) that will analyze the potential environmental impacts for the Uinta Basin Railway. CDPHE conducts National Environmental Policy Act (NEPA) reviews and provides comments as a cooperative agency to ensure compliance with applicable Federal and State requirements intended to avoid or minimize impacts to public health and the environment. Based on its potential negative impacts to public health and the environment, as well as potential wildlife impacts identified by Colorado Parks and Wildlife, CDPHE recommends that the Craig route not be chosen as the final route for this project.

CDPHE believes it is essential to expand the study area contemplated for the EIS in order to capture potential effects from enabling more trains every day, some portion of which will be carrying crude oil, gilsonite, coal and other mineral and agricultural products in environmentally sensitive and populated areas in Colorado. Regardless of the alternative chosen, the Coalition estimates that the Uinta Basin Railway will induce additional rail activity— as many as seven trains per day. If the Coalition chooses the Craig Route, this additional rail activity would enter into Colorado via the Union Pacific (UP) rail line east of Axial. After passing through the UP Craig Subdivision, it would travel through the Denver area and then south and east to the Colorado border.

The EIS needs to thoroughly analyze and discuss the safety risks associated with routing additional hazardous rail cargo along the environmentally sensitive corridors to which the Uinta Basin Railway would connect. Any rail traffic induced by the Railway and using the UP system would transit through metropolitan Denver, and depending on the route, through populated areas like Pueblo, Colorado Springs, Glenwood Springs, Steamboat

Springs, Craig, and Grand Junction (along with many other cities and towns). Adding more oil train traffic in particular raises safety risks for the often densely populated areas that must be carefully analyzed. The EIS should include consideration of the environmental justice implications of this additional rail activity.

Similarly, both the Craig Line and main UP line parallel sensitive river systems — the Yampa and Colorado Rivers. Both could be affected by any spills that may occur from incidents associated with the new rail traffic induced by the Uinta Basin Railway. The Yampa River is a vital wild river and the rail line follows the Yampa just upstream of Dinosaur National Park. Any spills could have catastrophic effects on wildlife, recreation, agriculture and drinking water. Similarly, the Colorado River is the most important river in the Southwest United States, providing water supply for millions, habitat for endangered species, heavily-used recreation resources and irrigation water. CDPHE regulates water quality in these river systems.

Air quality impacts from pollutant emissions are limited by regulations, standards and implementation plans established under the federal Clean Air Act, as Administered by CDPHE's Air Pollution Control Division (APCD) under authorization of the U.S. Environmental Protection Agency (EPA). CDPHE recommends that the EIS include a cumulative effects analysis, including climate change impacts, with a description of the anticipated environmental impacts of the proposed action in relationship to all other effects from past, present and reasonably foreseeable future federal, non-federal, and private actions within the spatial and temporal bounds of the proposed project.

While the notice indicates that the EIS will evaluate potential air quality impacts from the operation of trains on the Uinta Basin Railway, the freighted product and rail line construction activities, it does not indicate that the EIS will quantify potential greenhouse gas emissions resulting from the downstream combustion of the crude oil, gilsonite and coal that it will transport. Because the Uinta Basin Railway is a necessary precondition for the downstream combustion of these products, they are connected actions under NEPA and they must be considered together in a single EIS.

The proposed project may require a Land Development Air Pollutant Emissions Notice (APEN). Under Colorado air quality regulations, land development refers to all land clearing activities, including but not limited to land preparation such as excavating or grading, for residential, commercial or industrial development. Land development activities release fugitive dust, a pollutant regulated by APCD. Small land development activities are not subject to the same reporting and permitting requirements as large land activities. Specifically, land development activities that are less than 25 contiguous acres and less than six months in duration do not need to report air emissions to the APCD. However, it is important to note that even if a permit is not required, fugitive dust control measures included in the Land Development APEN Form APCD-223 must be followed at the site. APCD also has APEN requirements for internal combustion engines; however, non-road engines are not required to submit an APEN. APEN forms and guidance documents can be accessed online:

<https://www.colorado.gov/pacific/cdphe/air/air-permit>.

All applicable requirements and permits should be discussed in the EIS.

APCD recognizes that the transportation of products and commodities via rail could potentially reduce transportation emissions as compared to the current method of truck

transportation. However, according to the Uinta Basin Railway website, the proposed action may result in increased oil and gas, agriculture, and mining activity. Emissions from these activities can travel great distances, affecting air quality and public health including in the Denver/North Front Range ozone nonattainment area. In addition, Colorado recently established new greenhouse gas (GHG) emissions reduction goals of 50% GHG reductions by 2030 and 90% GHG reductions by 2050 (based on 2005 levels) stemming from House Bill 1261, which was signed by Governor Polis on May 30, 2019. Therefore, we request an analysis of intrastate and interstate air pollution transport from criteria pollutant and GHG emissions that may result from the proposed project and potential mitigation measures. Consideration of these indirect, secondary and cumulative impacts is required by the Council on Environmental Quality regulations implementing NEPA.

Several sections of the proposed Craig Route are in close proximity to Dinosaur National Monument (DNM). DNM is a class II air quality “floor” under the prevention of significant deterioration federal 1963 Clean Air Act, as amended, but is a class I area by Colorado standards for sulfur dioxide (SO₂). This means that development can be permitted in the vicinity (within 10- 25 kilometers depending on the size of the development) of the park as long as the levels of all criteria pollutants except SO₂ do not exceed the Class II increment requirements. Class I increment consumption requirements apply for SO₂ (Colorado Regulation No. 3, Part D, § VIII.B). According to the National Park Service, ozone, visibility, and nitrogen deposition impacts are of significant concern for DNM. Increased energy development in the Uinta Basin may emit significant quantities of air pollutants in the DNM area, resulting in visibility degradation, adverse effects to human health, and adverse ecosystem effects from nitrogen deposition and ozone impacts to vegetation. These effects should be thoroughly discussed in the EIS.

CDPHE expects that the EIS will thoroughly consider alternatives such as the use of pipelines for oil transportation, along with mitigation for all of the safety risk, water, species, air quality and climate impacts that may be associated with impacts.

CDPHE appreciates the opportunity to provide these scoping comments and looks forward to reviewing the project EIS. If you have any questions or need additional information, please call me at 303-692-3662 or email me at sean.hackett@state.co.us.

Sincerely,

Sean Hackett
CDPHE Energy Liaison