



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 6

**1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733**

November 16, 2015

Kenneth Blodgett
Surface Transportation Board
395 E Street SW
Washington, DC 20423-0001
Attn: STB Finance Docket No. 35874

RE: STB Docket No. FD 35874, Lone Star Railroad, Inc. and Southern Switching Company – Rail Construction and Operation – Howard County, Texas

In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA) and the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (EPA) Region 6 has reviewed the Draft Environmental Assessment (EA) titled "Lone Star Railroad, Inc. and Southern Switching Company Rail Construction and Operation in Howard County, Texas". The proposed action will connect a rail line to an existing Union Pacific Railroad Company mainline. The Lone Star Railroad, Inc. and Southern Switching Company project involves the construction and operation of 3.18 miles of new rail line, which would assist in efficient delivery of frac sand.

We have enclosed detailed comments for your consideration in preparation of the Final EA. Please provide your responses to our comments in a dedicated section of the Final EA to validate that our comments were addressed.

EPA appreciates the opportunity to provide comments for the Draft EA. Please send the Final EA to my attention. Should you have any questions or concerns regarding these comments, do not hesitate to call me at 214-665-7451, or contact Stephanie Meyers of my staff, at 214-665-6469 or meyers.stephanie@epa.gov for assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Jansky, P.E.", with a large, stylized "P.E." to the right.

Michael Jansky, P.E.
Chief, Special Projects Section
Compliance Assurance and
Enforcement Division

**DETAILED COMMENTS
ON THE
DRAFT ENVIRONMENTAL ASSESSEMENT
FOR THE
LONE STAR RAILROAD, INC. AND SOUTHERN SWITCHING COMPANY PROJECT**

4.0 Environmental Consequences of Proposed Action

4.1.3 Air Quality

Given that the project could result in 1,000 truckload shipments of frac sand per week (approximately 143 loaded and 143 unloaded truck trips per day on average), and may potentially involve substantial earth moving activities, EPA believes it is especially important that mitigation measures include the use of best management practices for PM10 and fugitive dust control (e.g., gravel roads, soil wetting practices, limiting access, traffic and speed reduction). In order to further reduce potential air quality impacts, the responsible parties should develop a more detailed Construction Emissions Mitigation Plan (Plan) – or modify Section 5.6.1 Physical Resources – Geology and Soils, Water Resources, and Air Quality of the EA to further enhance the proposed mitigation measures.

EPA recommends that, in addition to all applicable local, state, or federal requirements, the following mitigation measures be included (as applicable and practicable) in the Plan or EA in order to reduce air quality impacts associated with emissions of NO_x, CO, CO₂, PM, SO₂, and other pollutants from construction-related activities, any planned structural and non-structural activities, and any possible future modifications to the roadway system in the project area.

Recommendations:

- EPA recommends the following control measures be included (**as applicable and practicable**) in the Construction Emissions Mitigation Plan in order to reduce impacts associated with emissions of particulate matter and other pollutants from construction-related activities:
 - Fugitive Dust Source Controls: EPA recommends that the plan include these general commitments:
 - Stabilize heavily used unpaved construction roads with a non-toxic soil stabilizer or soil weighting agent that will not result in loss of vegetation, or increase other environmental impacts.
 - During grading, use water, as necessary, on disturbed areas in construction sites to control visible plumes.
 - Vehicle Speed
 - Limit speeds to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions.
 - Limit speeds to 10 miles per hour or less on unpaved areas within construction sites on un-stabilized (and unpaved) roads.
 - Post visible speed limit signs at construction site entrances.

- Inspect and wash construction equipment vehicle tires, as necessary, so they are free of dirt before entering paved roadways, if applicable.
- Provide gravel ramps of at least 20 feet in length at tire washing/cleaning stations, and ensure construction vehicles exit construction sites through treated entrance roadways, unless an alternative route has been approved by appropriate lead agencies, if applicable.
- Use sandbags or equivalent effective measures to prevent run-off to roadways in construction areas adjacent to paved roadways. Ensure consistency with the project's Storm Water Pollution Prevention Plan, if such a plan is required for the project.
- Sweep the first 500 feet of paved roads exiting construction sites, other unpaved roads en route from the construction site, or construction staging areas whenever dirt or runoff from construction activity is visible on paved roads, or at least twice daily (less during periods of precipitation).
- Stabilize disturbed soils (after active construction activities are completed) with a non-toxic soil stabilizer, soil weighting agent, or other approved soil stabilizing method.
- Cover or treat soil storage piles with appropriate dust suppressant compounds and disturbed areas that remain inactive for longer than 10 days. Provide vehicles (used to transport solid bulk material on public roadways and that have potential to cause visible emissions) with covers. Alternatively, sufficiently wet and load materials onto the trucks in a manner to provide at least one foot of freeboard.
- Use wind erosion control techniques (such as windbreaks, water, chemical dust suppressants, and/or vegetation) where soils are disturbed in construction, access and maintenance routes, and materials stock pile areas. Keep related windbreaks in place until the soil is stabilized or permanently covered with vegetation.
- Mobile and Stationary Source Controls:
 - Plan construction scheduling to minimize vehicle trips.
 - Limit idling of heavy equipment to less than 5 minutes and verify through unscheduled inspections.
- Administrative controls:
 - Develop a construction traffic and parking management plan that maintains traffic flow and plan construction to minimize vehicle trips.
 - Identify any sensitive receptors in the project area, such as children, elderly, and the infirm, and specify the means by which impacts to these populations will be minimized (e.g. locate construction equipment and staging zones away from sensitive receptors and building air intakes).

- Include provisions for monitoring fugitive dust in the fugitive dust control plan and initiate increased mitigation measures to abate any visible dust plumes.

4.5 Cultural Resources

Texas Historic Commissions' State Historic Preservation Officer (SHPO) advised that the proposed project was in an area with potential for cultural resources and several archeological sites had been recorded in the vicinity. There was no consultation with Tribes regarding this proposed project.

In addition, the United States has a unique legal relationship with federally-recognized tribes based on the Constitution, treaties, statutes, Executive Orders, and court decisions. This relationship includes recognition of the right of tribes as sovereign governments to self-determination, and an acknowledgment of the federal government's trust responsibility to tribes. The precise nature of this relationship will vary depending upon the identity of the tribes, nature of trust resources, and federal agencies involved.

Recommendations:

- EPA recommends conducting a Tribal Government-to-Government consultation and identify the tribes which could be affected.
- EPA recommends that discussions be provided on Tribal (Executive Order 13175) impact and an in-depth explanation for a no impact determination.

4.9.5 Socioeconomics

The Draft EA states effects of the proposed rail line on low-income and minority populations were analyzed in accordance with Environmental Justice, but there were no identifiable discussions.

Recommendations:

- EPA recommends that a consolidated discussions be allocated on Environmental Justice (Executive Order 12898) impact and an in-depth brief explanation for a no impact determination.
- EPA suggests that populations be identified by race, national origin, as well as income and impact assessed.
- EPA recommends that all the necessary tools and methods (i.e. EJ Screen, ACS and U.S. Census Bureau and area knowledge) be used in identifying the low income and minority population within or near the parameter of the project area.
- Please adequately translate public documents, notices, and hearings related to human health and/or the environment for limited English speaking populations and make them readily accessible to the public.

5.0 Recommendations for Mitigation and Request for Comments

5.6.1 Physical Resources – Geology and Soils, Water Resources, and Air Quality

The Draft EA states, for Mitigation Measure 3, that, “The Applicants shall comply with the reasonable requirements of applicable federal, state, and local regulations regarding the control of fugitive dust related to rail line construction activities.”

Recommendation:

- EPA recommends removing the term, “reasonable” from Mitigation Measure 3.

5.6.2 Biological Resources – Vegetation, Wildlife, and Threatened and Endangered Species

The Draft EA includes a Mitigation Measure regarding development of a plan to prevent and address spills of oil or other hazardous products during construction and operation of the rail line, although a specific plan addressing these issues is not included.

Recommendation:

- EPA recommends including a more detailed hazardous waste and spill prevention plan. The plan should discuss specific preventative and response measures regarding the release of hazardous materials.

