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The Medina County Environmental Action Association, Inc.

202 CR 450, HONDO, TX 78861
www.dontmesswithquihi.com
DR. ROBERT T. FITZGERALD, PRESIDENT
LESTER LANDRUM, VICE-PRESIDENT
ARCHIE GERDES, DIRECTOR
JOE BALZEN, DIRECTOR
ALYNE FITZGERALD, COMMUNICATIONS

Phone 830-741-5040
Fax 830-426-2060
JACQUE CONRAD, SECRETARY
MARY WALPOLE, TREASURER
TED PORTENIER, DIRECTOR
DWIGHT BIEDIGER, WEBSITE
ERNA BALZEN, MEMBERSHIP

January 21, 2007

Surface Transportation Board
Attn: Victoria Rutson
Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001

received
1/29/07

Re: Finance Docket #34284
Vulcan Materials/Southwest Gulf Railroad

Dear Ms. Rutson:

As president of the Medina County Environmental Action Association (MCEAA), I wish to thank the Section on Environmental Analysis (SEA) of the Surface Transportation Board (STB) for its efforts in completing the Supplemental Draft Environmental Impact Study (SDEIS). These two volumes of data represent a more detailed and accurate evaluation and comparison of all the alternative routes for Vulcan Materials proposed Southwestern Gulf Railroad and its cumulative impact of Vulcan's quarry. MCEAA is gratified that SEA's preliminary decision that the two eastern routes are the least environmentally disruptive of the eight alternatives submitted for evaluation by STB. Further more, it is my opinion that the MCEAA Medina Dam Route alternative is the better of the two eastern routes which will be further discussed later in this letter.

I would like to single out the section on Cultural Heritage of the Quihi Area in the SDEIS as being especially well done. It truly demonstrates what MCEAA and other historic groups have struggled so hard to relate to the STB---that the Quihi area is a unique resource that must be recognized, preserved and protected from the invasion of a railroad which would destroy it by its very presence, not to mention the noise, dust, vibration and flooding danger that would accompany it. The eastern routes would guarantee this cultural landscape could have the opportunity to be developed and to take its rightful place as a Texas and national treasure.

I, also, appreciate the opportunity granted by SEA to comment on mitigation measures which I believe are justified and should be imposed or required by STB if a permit is granted. These mitigation measures are necessary to minimize the known harmful environmental impacts of the SGR and the quarry. These mitigation measures will follow below under the area which they will impact.

I will close my comments with the factual reasons of why MCEAA Medina Dam Alternative is the best choice for the SGR route if a permit with imposed mitigation measures is granted.

I. Transportation and Traffic Safety

Road improvement of State FM 2676 and County Roads 351, 353, 354 and 4526. These include widening, paving with sufficient base material and topping to support 78,000 pound loaded gravel trucks that will be using the above roads. Also include on and off ramps at junctions of CR4516 with FM2676 and CR4516 with CR4643, overpass on CR 4516 with SGR crossing, overpass with FM 2676 with SGR crossing and a bridge over Quihi Creek crossing with CR4516. The above state and county road improvements are needed to prevent loss of life and property on roads Vulcan admits will be impacted by its SGR and Vulcan's Statewide Transport gravel trucks.

Justification

MCEAA notes Vulcan is purposefully attempting to mislead STB concerning the amount of material (100,000 tons per year) and the number of trucks per day (24) they say would be required to transport the material it produces annually.

Previous data submitted by Vulcan (DEIS Vol III, G11, EI28) and at the air permit meeting, stated Vulcan would ship 10% to 15% of its *average* annual 4 million tons of material locally. According to the below calculations, based on this data, Vulcan would require 96 trucks per day (not 24) -one way and 192 trucks per day round trip if 10% of the quarry output were shipped by truck and, at 15% of the quarry output, 144 trucks per day-one way and 288 trucks per day round trip:

- 10% of 4,000,000 equal 400,000 tons
- 15% of 4,000,000 equal 600,000 tons
- 100,000 tons requires 24 trucks per day-one way or 48 trucks per day
- 400,000 tons requires 96 trucks per day-one way or 192 trucks per day
- 600,000 tons requires 144 trucks per day-one way or 288 trucks per day

This number of trucks leaving and entering the quarry site on a daily basis justifies the above road improvements which Vulcan is trying to evade by purposely miscalculating the amount of material and number of trucks required. In so doing, Vulcan argues that it only needs to do a minimal amount of county and state road improvements, only citing CR 353 for widening.

Not only does it ignore the other roads listed above, which Vulcan (and other gravel trucks) admits it will use, but it now declines to construct overpasses on FM 2676 and CR4516 which it previously said it would do. Currently Vulcan states it will build and pay for these overpasses when the need arises, and when it is required to do so by TxDOT and County Commissioners Court. Even if Vulcan signs such a written contract with the state and county government, this contract is worthless unless these specific improvements are incorporated by STB as part of the imposed mitigation for a permit for a rail line. For this reason, MCEAA requests the above listed road improvements be a part of the imposed mitigation in the final Environmental Study (FEIS). Taxpayers should not have to bear this burden for Vulcan/SGR's profit.

SGR's Plans to Turn the Operation of the Rail Line to Another Carrier: MCEAA members would like to know STB's opinion concerning SGR plans to have another carrier manage the rail line, should a permit be granted for the construction of the rail line. Many questions concerning this decision arise. What prompted SGR's decision to have Union Pacific or any other rail line manage the line? What reason does SGR have for not wishing to operate its own railroad? STB should investigate why this is so. Would SGR be unable to manage it because of lack of experienced and trained railroad workers? If Union Pacific refused to build the line years ago, will it now agree to do so when it is currently besieged with shortages of personnel, engines, train cars and has experienced numerous accidents? Is it now more capable and willing to manage a new rail line which would add more traffic on its already over-burdened route through San Antonio, particularly if the new route had multiple liabilities as the SGR's originally Proposed Route and three alternatives possessed? MCEAA members respectfully ask STB to answer these questions in the FEIS.

II. Surface Water Concerns

Contamination of the Edwards Aquifer from diesel fuel stored in ten one-thousand gallon tanks at the edge of the Edwards Aquifer Recharge Zone and the Elm and Pole Cat Creek flood plains.

In response to MCEAA's protest concerning Vulcan/SGR original fuel storage and maintenance location over the Edwards Aquifer Recharge Zone, the Edwards Aquifer Authority advised movement of the fuel storage and maintenance area to the south, to a location which would have protective Del Rio clay covering. The response by Vulcan/SGR was to move the fuel storage and maintenance area due east, to the above-mentioned location. We believe this places those facilities in harms way during heavy rains into the 18,301 acre watershed that passes close by the present location, and could easily be flooded causing pollution in the Elm Creek flood plain and downstream. MCEAA suggests movement of the fuel storage and maintenance area to the southern terminus, near Dunlay, on high ground, where spills can be more easily contained and cleaned up, where delivery of bulk fuel can be more readily made and would be less expensive and dangerous, than if transported to the current location.

III. Ground Water

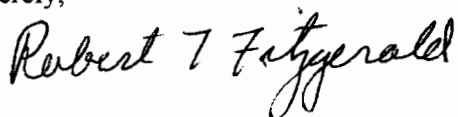
Supply and water quality issue concerns exist, caused by blasting in preparation of the railroad loop or straight-line tracks as well as daily quarry blasting effects on wells in the quarry area. Since the only source of water in the quarry area is from private wells, and since blasting activities are known to have potentially adverse effects on nearby wells, I believe there should be appropriate imposed mitigation that Vulcan Materials/SGT be required to repair wells that are damaged or contaminated or deepen wells that are dried up by Vulcan's huge water requirements. In lieu of this, Vulcan should be required to bear the cost to extend public water supply lines to this area to replace water availability it has interfered with. I also note with interest that Vulcan may seek to obtain water from other sources than the Edwards Aquifer for its railroad and quarry. (Septoe & Johnson's letter of October 12, 2006, E1-2550) This is yet another example of Vulcan's failure to do proper research before undertaking these projects. Now Vulcan is having to ask STB to allow it to get water from other aquifers because it did not drill test wells, or did not perform pump tests as are normal requirements for large projects with high water requirements. Only now does it learn that wells on the Edwards Aquifer Recharge Zone frequently are poor producers of large volumes of water such as they would need. Hence, Vulcan's request is made to STB to rescind previous suggested mitigation limiting Vulcan's water supply solely from the Edwards Aquifer.

By drilling wells in other aquifers, other problems and questions arise. Currently there are water shortages and restrictions in areas of Medina County, such as the Cow Creek Aquifer. Planned subdivisions, such as a 3500-unit subdivision in northeastern Medina County called The Hills of Castle Rock, may not be able to be completed due to water unavailability. This subdivision is dependent on the Trinity Aquifer, which is already stressed.

Recent queries by myself and others at the Medina County Ground Water Board Meeting (January 19, 2007) revealed that Vulcan has not requested a well permit for drilling into any aquifer in Medina County. MCEAA would like to know if Vulcan has to get water off of the quarry site, from an aquifer other than the Edwards, how it will plan to pipe the water to the quarry site. Realizing the answer to this question depends on the well site, we would like this to be discussed in the FEIS.

In conclusion, if the STB's final decision is to grant a permit for the SGR rail line, in spite of all of the severe environmental impacts that have been brought to STB's attention by MCEAA and others over the past three years, we believe the obvious choice for the least environmentally-damaging route is the MCEAA Medina Dam Alternative. This is proven conclusively by the SDEIS. Suffice it to say that, in the final analysis, any other alternative route will cause more severe environmental damage and be more disruptive on a one to one comparison. One does not have to re-state the advantages of the MCEAA Medina Dam alternative since STB is well aware of them. Therefore, the MCEAA Medina Dam alternative route should be selected with needed imposed mitigation.

Sincerely,



Robert T. Fitzgerald, President
MCEAA

MCEAA, Inc., for your Home, Health, and Heritage