

Wayland, Joshua

From: Monica Wilkerson <monica.wilkerson@state.co.us>
Sent: Thursday, May 09, 2019 5:15 PM
To: Wayland, Joshua
Cc: John Putnam - CDPHE
Subject: Docket No. FD 36284, Seven County Infrastructure...
Attachments: CDPHE UBR Preliminary Comments 05-09-2019.pdf

Mr. Wayland,

Pursuant to the request for comments re: *Docket No. FD 36284, Seven County Infrastructure Coalition-Construction & Operation Exemption-in Utah, Carbon, Duchesne, and Uinta Counties, Utah*, the Colorado Department of Public Health and Environment submits the attached preliminary comments.

Thank you,

Monica Wilkerson

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COLORADO
Department of Public
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

May 9, 2019

Joshua Wayland
Surface Transportation Board
c/o ICF
9300 Lee Highway
Fairfax, VA 22031

Re: Colorado Department of Public Health and Environment's Preliminary Comments on the Proposed Uinta Rail Line

Dear Mr. Wayland:

The Colorado Department of Public Health and Environment (CDPHE) appreciates the opportunity to provide preliminary scoping comments on the Seven County Infrastructure Coalition Uinta Basin Railway proposal. 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 proposed rail line. 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. We respectfully submit the following preliminary comments.

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 and other substances in environmentally sensitive and populated areas in Colorado. Regardless of the alternative chosen, your letter indicates that the proposed project will induce additional rail activity – as many as six trains per day. This activity would likely travel through Colorado, both on the Union Pacific line east of Axial or on the main east-west Union Pacific line from the Utah border to the 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 new project would connect. Any rail traffic induced by the proposed project and using the Union Pacific 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 these additional hazardous trains.

Similarly, both the Craig Line and main UP line parallel sensitive river systems – the Yampa and Colorado Rivers, along with South Boulder Creek. Both could be affected by any spills that may occur from incidents associated with the new rail traffic induced by the project. 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. South Boulder Creek is a critical source for water for the Denver Water system, habitat for the Prebles' Meadow Jumping Mouse and valuable recreation. CDPHE regulates water quality in all of 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. In order to provide thorough comments, APCD requests additional information regarding the commodities and products that will be transported into Colorado as a result of the proposed project. We recommend 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.

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 Project 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 1, 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 the National Environmental Policy Act.

Several sections of the proposed Craig Route are less than 10 miles away from Dinosaur National Monument (DNM), as depicted in *Figure 3 - Craig Study Area*. 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.



Joshua Wayland
May 9, 2019
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CDPHE appreciates the opportunity to provide these preliminary scoping comments and looks forward to reviewing the project EIS. If you have any questions or need additional assistance, please call me at 303-692-3397 or email me at john.putnam@state.co.us.

Sincerely,



John Putnam
Director of Environmental Programs

