



Maryland

Department of the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

April 24, 2019

Diana Wood
Surface Transportation Board
Case Control Unit
Washington, DC 20423

Re: Docket No. AB 193 (Sub-No. 3X)

Dear Ms. Wood:

Thank you for the opportunity to comment on the Surface Transportation Board ("STB") Office of Environmental Analysis' ("OEA") March 29, 2019 Environmental Assessment regarding Canton Railroad Company's petition for abandonment exemption. The proposed exemption is for the abandonment of 1,200 linear feet of rail line in Baltimore City. In the Environmental Assessment, OEA recommended that the STB condition the exemption by requiring Canton to consult with the Maryland Department of the Environment's ("MDE") Solid Waste Program prior to initiating salvage so a determination can be made with regard to the proper handling and disposal of rail ties. The OEA concluded that, if this condition is imposed, the abandonment would not significantly impact the quality of the human environment and therefore does not require an environmental impact statement. The following comments are submitted on behalf of MDE.

Environmental Assessment of Soils

The OAE assessment should address the need to perform an environmental assessment of the soils located within the Canton Railroad Company's right-of-way. The soils need to be sampled to determine if hazardous substances were released into the environment in the areas subject to abandonment. As noted in the U.S. Environmental Protection Agency's 2005 guidance document ("Successful Rail Property Cleanup and Redevelopment - Lessons Learned and Guidance to Get Your Railfields Project on Track"), rail lines can be impacted by residual contamination from former railroad operations and associated industrial activities, including herbicides, petroleum products and byproducts, metals, and creosote. Electro-locomotives can be associated with PCBs. The PCB contamination is typically found at the railyards where equipment was historically repaired and stored. There may be incidental releases of PCB on rail lines. PAHs can be present due to treatment of railroad ties.

The operational activities conducted within a rail line right-of-way are recognized environmental conditions that merit investigation to determine if any further assessment and cleanup activity is required. In the Canton Railroad Company's "Environmental Report," there is no environmental assessment included and there is no description of the type of products that were transported historically. The Environmental Report instead relies primarily on the fact that the Company received no responses indicating specific environmental concerns. However, without an environmental assessment, there is insufficient information on which to base more specific comments as to the potential presence of hazardous substances.

Characterization and Management of Solid and Hazardous Waste

As with any waste generator, if solid waste is generated as part of the abandonment activities, the Canton Railroad Company will be responsible for characterizing the waste as to whether it meets the definition of

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hazardous waste and for managing the waste in accordance with applicable regulations.

If materials, such as railroad ties, are determined not to be hazardous waste, they may be taken to a refuse disposal facility permitted to accept the material. Options include a construction and demolition debris ("C&D") landfill or a commercial C&D transfer facility that transports the material out of state. The list of permitted refuse disposal facilities is on our website at https://mde.maryland.gov/programs/LAND/SolidWaste/Documents/Permitted_Solid_Waste_Facilities.pdf. Any backfill material that is brought to the site should comply with the Soil and Fill Material Guidance at https://mde.maryland.gov/programs/Marylander/Documents/Dredging/NoTrackChangesFillMaterial_andSoilManagementFactSheet82217.pdf.

Impacts to Nontidal Wetlands

The area of Baltimore City along the Canton Railroad and I-895 has several small nontidal wetlands. The environmental assessment indicates that there will be no impacts to waterways, wildlife sanctuaries, national or state parks, critical habitats, or forest, but it does not specifically discuss nontidal wetlands. Please clarify the exact location of the 1,200 linear feet of railway to be abandoned to ensure that nontidal wetlands will not be impacted.

Industrial and Construction Stormwater

Canton Railroad Company at 1841 S Newkirk St, Baltimore MD 21224 had been contacted by MDE's Water and Science Administration (WSA) in the past about requirements for industrial stormwater. In speaking with John Magness, WSA learned that the Canton Railroad Company has the ability to wash rail cars and maintain its own fleet of trains at the above location. The company has not applied for industrial stormwater permit coverage and should do so.

The proposed abandonment activity will require coverage under Maryland's General Permit for Stormwater Associated with Construction Activity, if the project disturbs one acre or more of soil.

Contact information for U.S. Fish and Wildlife Service

There appears to be an error on page 4 of the environmental assessment related to review of the document by the U.S. Fish and Wildlife Service. The statement is made that "OEA is providing a copy of this EA to the USFWS **Massachusetts** [emphasis added] Ecological Services Field Office for review and comment. The document should refer to the Maryland Ecological Services Field Office (USFWS Chesapeake Bay Ecological Services Field Office, Annapolis, MD, (410) 573-4599, per <https://www.fws.gov/ecological-services/map/directory.html#MD>.)

Thank you again for the opportunity to comment. If I may be of further assistance, please contact me at 410-537-3304 or kaley.laleker@maryland.gov.

Sincerely,



Kaley Laleker
Director, Land and Materials Administration

cc: Lee Currey, Director, Water and Science Administration