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June 17, 2013

VIA E-MAIL

Ms. Victoria Rutson
Director
Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

**Re: Docket No. FD 30186, Tongue River Railroad Company, Inc.—Rail
Construction and Operation—in Custer, Powder River and Rosebud
Counties, Mont.; Information Request #3 (Coal Dust)**

Dear Ms. Rutson:

In reference to your May 20, 2013 letter forwarding a third information request in connection with the environmental review of the Tongue River Railroad project in this proceeding, and your subsequent agreement to provide an extension until today for our response, please find attached a document prepared which responds to the questions posed in that request.

Please let us know if you have any questions about the attached responses.

Sincerely,

A handwritten signature in black ink that reads "David H. Coburn".

David H. Coburn
Attorney for Tongue River Railroad Company, Inc.

cc: Mr. Ken Blodgett, OEA
Mr. Alan Summerville, ICF

1. **Please provide copies of any studies conducted by BNSF that evaluate or analyze the quantity of coal dust emitted from rail cars using passive dust collectors or other means; the concentration (ug/m³) of airborne coal dust near rail lines measured using trackside monitoring equipment; the deposition of coal dust along rail lines; or the potential reductions in coal dust emissions resulting from the use of mitigating measures, including the use of chemical suppressors. BNSF's website (<http://www.bnsf.com/customers/whatcan-i-ship/coal/coal-dust.html>) mentions "extensive research" and "studies" that it has conducted on coal dust, but provides few references other than the summary of the 2010 "Super Trial" of dust suppressants (<http://www.bnsf.com/customers/pdf/coal-supertrial.pdf>).**

We are particularly interested in reviewing any available information on the particle size distribution of coal dust emitted from rail cars; quantitative measurements of coal dust emissions from rail cars and concentrations of airborne coal dust in close proximity to the tracks; the relative quantities of the various types of dust collected and measured (e.g., coal, soil, biological debris, and diesel particulate); and details regarding coal train activity while trackside and passive dust collection measurements were made (e.g., number and dimensions of coal cars, number of trips per day, loaded or unloaded train, suppressants applied or not, distance from point of origin, monitor's distance from the track, and duration of study).

Response: BNSF has studied the effect of coal dust losses from loaded cars in transit on the integrity of the track structure that supports heavy coal trains. These studies have focused on the Powder River Basin (PRB) and on the rail lines in the PRB. The PRB rail lines handle a very high volume of coal traffic. BNSF's studies concluded that coal dust is a ballast fouling agent that can weaken the track structure if it accumulates in the ballast that supports the tracks. Therefore, BNSF concluded that coal dust in the track substructure in the PRB jeopardizes the security of the coal transportation network in the PRB, which is a vital link in the Nation's energy supply chain.

Given the importance of the coal dust issue to BNSF and its shippers, BNSF has studied coal dust over the past ten years. These studies focused on issues relating to the impact of coal dust on track stability and ways to prevent coal dust from fouling the ballast under the PRB tracks. The focus of these studies was the rail lines in the PRB, such as the Joint Line, because this is the location where BNSF experienced the most serious infrastructure issues related to coal dust.

In addition, the vast majority of the information that BNSF developed in its studies of coal dust is confidential, and much of that information deals with issues that are commercially sensitive. Many of the studies were carried out on particular shipper trains and therefore involve confidential shipper-specific information that is restricted by contract from public disclosure. BNSF made available the information relating to its coal dust studies to the STB and the parties in two STB proceedings arising from a challenge to the reasonableness of BNSF's coal loading rule. *Arkansas Electric Cooperative Corporation—Petition for Declaratory Order*, STB Fin. Docket No. 35305 and *Reasonableness of BNSF Railway Company Coal Dust Mitigation Tariff*

Provisions, STB Fin. Docket No. 35557. However, to protect the confidentiality of the underlying shipper data, BNSF produced this information subject to the protective orders entered by the STB in those proceedings. There is no protective order in the Tongue River proceeding that would protect from public disclosure confidential information provided as part of the environmental review process, and therefore the results cannot be disclosed. While the data and documents underlying BNSF's coal dust studies are confidential, BNSF discussed its coal dust studies in public versions of its submissions in the two proceedings listed above.

2. **Please indicate whether BNSF would require shippers using the Tongue River Railroad to adhere to coal dust mitigation requirements set forth in BNSF Price List 6041-B (BNSF's Freight Tariff issued in December 2009 establishing the rules and regulations governing coal trains).**

Response: Assuming it is authorized to operate the Tongue River Railroad, BNSF plans to require shippers using the Tongue River Railroad to adhere to coal dust mitigation requirements in BNSF Price List 6041-B and Appendices A and B (issued September 19, 2011) ("Coal Loading Rule") (attached as Exhibit 1). The BNSF Price List referred to in Question 2, issued in 2009, was replaced in 2011 with the current Coal Loading Rule. BNSF's Coal Loading Rule requires shippers loading coal at mines in the Powder River Basin to take measures that will reduce any loss in transit of coal dust from the shipper's loaded coal cars by at least 85 percent as compared to loss in transit of coal dust from coal cars where no remedial measures have been taken. BNSF's Coal Loading Rule also contains safe harbor provisions that shippers and their mine agents can use when they load coal that will put them into compliance with BNSF's loading requirement. The safe harbor provision of BNSF's Coal Loading Rule consists of two requirements: (1) shippers (or their mine agent) must groom loaded coal according to a specified load profile in Appendix A, and (2) shippers (or their mine agent) must apply to the loaded coal an approved topper agent, which are listed in Appendix B. The safe harbor provision also gives shippers the option to use other coal dust reduction measures if the coal shipper can show that those measures will reduce coal losses by at least 85%.

3. **It is our understanding that coal dust mitigation requirements similar or identical to those in BNSF Price List 6041-B apply only to common carrier or contract traffic moving coal on the Powder River Basin (PRB) Joint Line and BNSF's Black Hills Sub-Division. Please explain why BNSF does not apply the same or similar requirements for shipments of coal that originate from non-PRB locations and move over other BNSF rail lines.**

Response: The premise of Question 3, namely that BNSF's Price List 6041-B applies only to coal moving on the Joint Line and BNSF's Black Hills Sub-Division, is mistaken. BNSF's previous coal loading requirements was limited to the Joint Line and BNSF's Black Hills Subdivision, but BNSF's current Coal Loading Rule, issued September 19, 2011, applies to shippers loading coal at any Montana or Wyoming mines. BNSF handles very little coal that does not originate at a mine in Montana or Wyoming and does not anticipate moving coal from other than Montana or Wyoming on the Tongue River Railroad.

4. **Tongue River Railroad's supplemental application dated Dec. 17, 2012 indicates that BNSF would likely be the operator of the new rail line, should the proposal be approved by the Board. Please indicate what voluntary mitigation, if any, TRRC or BNSF would undertake or require shippers to undertake to control coal dust from TRRC trains.**

Response: As discussed above, assuming it is authorized to operate the Tongue River Railroad, BNSF will require shippers using the Tongue River Railroad to adhere to coal dust mitigation requirements in the Coal Loading Rule attached as Exhibit 1.

5. **Please provide any available information regarding the extent to which the effectiveness of each mitigation measure that BNSF has studied may vary with each of the following factors:**
- a. **Distance traveled from the mine;**
 - b. **Train speed;**
 - c. **Track gradient;**
 - d. **Topographic features/cuts/tunnels;**
 - e. **Weather conditions during the trip (e.g., humidity, precipitation, temperature, cloud cover, wind speed); and**
 - f. **Time elapsed since car loading.**

Response: BNSF did not study the extent to which the effectiveness of the mitigation measures was impacted by the individual factors identified above.



**BNSF PRICE LIST 6041-B
(Cancels BNSF Freight Tariff 6041-A)**

PROVIDING

RULES AND REGULATIONS GOVERNING UNIT TRAIN AND VOLUME ALL-RAIL

COAL SERVICE, ALSO ACCESSORIAL SERVICES AND CHARGES THEREFOR

APPLYING AS PROVIDED IN PRICE LIST

ISSUED: September 19, 2011

EFFECTIVE: October 9, 2011

Issued by BNSF Price Management, P.O. Box 961069, Ft. Worth, TX 76161-0069

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RULES AND OTHER GOVERNING PROVISIONS**ITEM 100
COAL DUST MITIGATION REQUIREMENTS**

1. To prevent contamination of the rail ballast caused by fugitive coal dust, BNSF is modifying the loading requirement applicable to all coal cars loaded at Montana and Wyoming mines by shippers whose coal transportation is subject to this Rules Book.
2. Effective October 1, 2011, shippers loading coal at any Montana and Wyoming mine must take measures to load coal in such a way that any loss in transit of coal dust from the shipper's loaded coal cars will be reduced by at least 85 percent as compared to loss in transit of coal dust from coal cars where no remedial measures have been taken. At least 30 days prior to loading cars for shipment by BNSF, a Shipper shall provide BNSF with written notice of compliance efforts.
3. A shipper will be deemed to be in compliance with the loading requirement set out in this Item if the shipper satisfies Sections 3.A and 3.B below or pursues the option in Section 4 below:
 - A. Shipper ensures that loaded uncovered coal cars will be profiled in accordance with BNSF's published template entitled "Redesigned Chute Diagram" located in Appendix A to this publication.
 - B. Shipper ensures that an acceptable topper agent (e.g., surfactant) will be properly applied to the entire surface of all loaded coal cars at an effective concentration level and in accordance with the manufacturer's specifications. An acceptable topper agent is one that has been shown to reduce coal dust loss in transit by 85%. Appendix B to this publication lists the topper agents that meet this criteria. Proper use of any one of the topper agents on the approved list in accordance with the manufacturer's specifications and at the application rates specified in Appendix B, will satisfy this safe harbor provision. BNSF will consider other topper agents to be acceptable for purposes of this safe harbor provision if the shipper can demonstrate that appropriate testing has shown that the topper agent achieves compliance with this Item. Guidelines for the testing of new topper agents will be provided upon request.
4. Shipper may seek inclusion of any other method of coal dust suppression (e.g., compaction or other technology) in the safe harbor provision of Section 3.B above by submitting a compliance plan to BNSF that provides evidence demonstrating that an additional proposed compliance measure will result in compliance with this Item. Shipper must also satisfy the profiling requirement of Section 3.A above. Any product including topper agents, devices or appurtenance utilized by the Shipper or Shipper's mine agents to control the release of coal dust shall not adversely impact railroad employees, property, locomotives or owned cars.

ISSUED: September 19, 2011

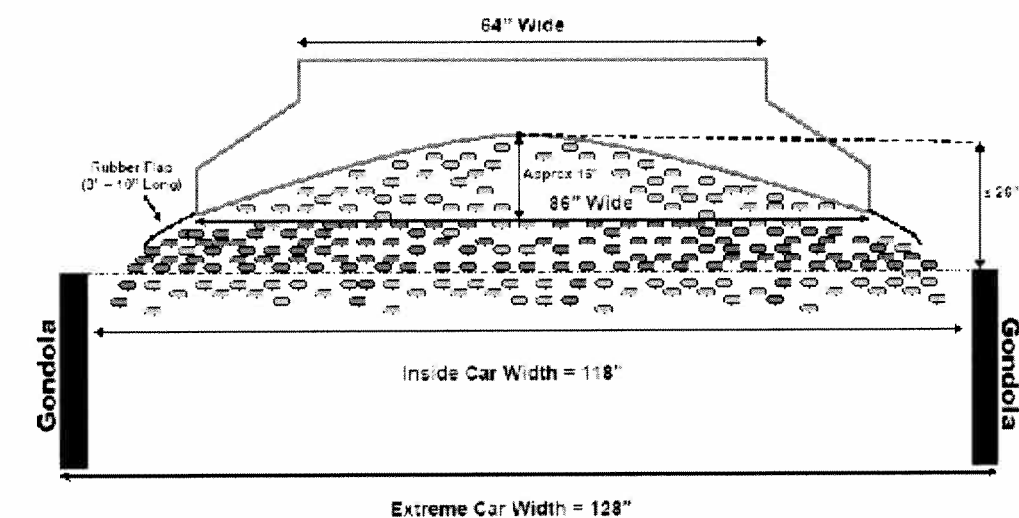
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RULES AND OTHER GOVERNING PROVISIONS

APPENDIX A

REDESIGNED CHUTE DIAGRAM

Redesigned Chute Diagram

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RULES AND OTHER GOVERNING PROVISIONS

APPENDIX B

Acceptable Topper Agents and Application Rates

<u>Topper Agents</u> ⁽¹⁾	<u>Concentration Rate</u> <u>per Car</u> ⁽²⁾	<u>Total Solution Applied</u> <u>per Railcar</u> ⁽³⁾
Nalco Dustbind Plus	2.0 gal	20 gal
Midwest Soil-Sement	1.25 gal	18.75 gal
AKJ CTS-100	1.36 gal ⁽⁴⁾	15 gal
AKJ CTS-100C	1.36 gal ⁽⁴⁾	15 gal
Rantec Capture 3000	2.5 lbs	20 gal
MinTech Min Topper S+0150	1.1 gal	20 gal

(1) For Topper Application only.

(2) The amount of topper agent mixed into a solution for each Railcar. These concentration rates were established during testing. c

(3) The amount of topper agent applied to each Railcar.

(4) 1.36 gallons of concentrate (CTS-100C) mixed with 13.64 gallons of water.