



Janet Napolitano
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Stephen A. Owens
Director

EJ-6773
DAW
FD34836

March 19, 2008

Diana F. Wood
Section of Environmental Analysis
Surface Transportation Board
395 E. Street SW, 11th Floor
Washington, DC 20423

Re: STB Finance Docket No. 34836

Dear Ms. Wood:

The Arizona Department of Environmental Quality (ADEQ) appreciates the opportunity to comment on the Draft Environmental Assessment (EA) for a proposed 12.1 mile rail line construction from Phelps Dodge's San Juan mining operation (under construction) to an existing Arizona Eastern Railway line operating near Safford.

ADEQ's Water Quality Division (WQD) is responsible for ensuring the delivery of safe drinking water to customers of regulated public water systems under the Safe Drinking Water Act, permits for proposed discharges to surface waters of the United States under the Clean Water Act (CWA), permits for discharges that may impact groundwater under the State aquifer protection program and water quality certifications of certain federal licenses and permits. The WQD's comments related to these programs are presented below

CWA 401 water quality certification: The WQD set out a number of conditions likely to apply in Robert Scalamera's September 27, 2007 letter to WestLand Resources (Appendix E in the draft EA). The WQD would reiterate that an individual state-issued CWA 401 certification will be necessary for the part of the project consisting of the bridge across the Gila River. The U.S. Army Corp of Engineers will determine if a Section 404 nationwide permit is acceptable for other parts of the 12-mile rail line construction (most nationwide permits include specific CWA 401 conditions). The project proponent should contact Robert Scalamera at 602-771-4502 or by e-mail at RS3@azdeq.gov before beginning the CWA 404/401 application process to ensure the most current information and application form. The CWA 401 application form also can be downloaded from the agency website at:
<http://www.azdeq.gov/function/forms/appswater.html#dredge>

Stormwater: Stormwater discharges associated with construction activities (clearing, grading, or excavating) which disturb one acre or more must obtain coverage under the Arizona Pollutant Discharge Elimination System (AZPDES) Construction Stormwater General Permit (AZG2008-

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Diana F. Wood
March 19, 2008
Page 2

001). Permittees must develop and implement a Stormwater Pollution Prevention Plan (SWPPP), which includes best management practices that would be implemented to reduce soil erosion and contain and/or minimize the pollutants that might be released to waters of the U.S. Information on the Construction Stormwater General Permit, SWPPP and associated forms, are available on ADEQ's website at:

<http://www.azdeq.gov/environ/water/permits/stormwater.html#const>. For questions on stormwater issues or the Construction General Permit for this project, please contact Shirley Conard at 602-771-4632 or by e-mail at sc4@azdeq.gov

MSGP Coverage: The Arizona Eastern Railway may need to explore eligibility requirements for coverage under the Multi-Sector General Permit (MSGP). The MSGP is a separate stormwater permit that is required from certain specified industrial sites. Operators of these industrial sites must develop and implement a SWPPP, which includes best management practices that would be implemented to reduce soil erosion and contain and/or minimize the pollutants that might be released to waters of the U.S. The Arizona Eastern Railway may require MSGP coverage as a Sector P industry, which includes railroads.

The most recent MSGP is the MSGP 2000, which expired October 30, 2005. A new MSGP has not been issued yet. Facilities with coverage under MSGP 2000 prior to its expiration are granted an administrative continuance. Those facilities already covered under MSGP 2000 must continue to implement their SWPPP and comply with the requirements in the MSGP 2000. The administrative continuance will remain in effect until a new permit is issued. Facilities that did not have coverage under MSGP 2000 prior to its expiration will not have general permit coverage available until the EPA issues a new permit. In the interim, ADEQ requests that any facilities that did not have coverage under MSGP 2000 still use the SWPPP and BMPs recommended for that sector. Information on the MSGP can be found at:

<http://www.azdeq.gov/environ/water/permits/msgp.html>. For questions on MSGP coverage for this project, please contact Dennis Turner at 602-771-4501 or by e-mail at dt1@azdeq.gov.

For further information or for questions, please contact the appropriate program person or contact me directly at (602) 771-4416 or by email at lc1@azdeq.gov.

Sincerely,



Linda Taunt, Deputy Director
Water Quality Division

ER08-0014