



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EI-2644
CD

DEC 14 2006

REPLY TO THE ATTENTION OF:

B-19J

Robert D'Zuro
Conrail Corporation
2001 Market Street, 8th Floor
Philadelphia, PA 19103

Re: **STB Docket No. AB-167 (Sub-No. 1188X) Consolidated Rail Corporation
Rail Abandonment in Wayne County, Michigan**

Dear Mr. D'Zuro:

On October 3, 2005 the U.S. Environmental Protection Agency (U.S. EPA) submitted a reply to Conrail's inquiry letter concerning the possible abandonment of 4.30 miles of two contiguous rail lines through the former industrial corridor in the community of Highland Park, Michigan. The Surface Transportation Board (STB) subsequently issued a decision on July 18, 2006 which included the condition 2.(4)(a) which states that "...prior to commencement of any salvage activities, Conrail shall consult with USEPA and MDEQ in order to ensure that any concerns regarding potential contamination of the right-of-way are addressed, and...". Per your phone conversation with my staff member, Norm West, on October 31, 2006, and a follow-up e-mail to him on that date, you communicated that the other STB conditions have been met. In a communication from Peg Bostwick, Chief of the MDEQ Wetlands, Lakes and Streams Unit, dated October 31, 2006, she stated that "No concerns have been raised by DEQ staff regarding potential contamination in the right-of-way." Our letter of response is provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

We consider it reasonable to be concerned for this specific portion of track, compared to the average rail abandonment site, because of the significant number of brownfield sites adjacent to virtually the entire length of this right-of-way (ROW). Default ownership and land use of this ROW upon abandonment are potentially uncertain because the City of Highland Park is in receivership to the State of Michigan and because Wayne County is expressing planning interests in utilizing the land. In addition, portions of this land have significant potential to become derelict dump sites. Therefore we deem it prudent to accurately define site responsibility and provide due care to protect Conrail and whichever jurisdiction eventually receives the ROW property. Based upon consultation with Gerald Phillips of our Resource Conservation and Recovery Act (RCRA) Program, and our Regional Brownfields Coordinator, Deborah Orr, U.S. EPA recommends that an assessment consistent with all appropriate inquiry and / or State of Michigan requirements be conducted at the ROW property.

Thank you for consideration of this concern. Should you have questions regarding this letter, feel free to contact me or my staff member, Norm West, at (312) - 353 - 5692 or west.norman@epa.gov. Please forward copies of any Phase 1, Phase 2 or similar reports regarding this property to Gerald Phillips, mail code D-8J at this address.

Sincerely,



Kenneth A. Westlake, Chief
NEPA Implementation Section
Office of Science, Ecosystems and Communities

Cc: John K. Enright
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