



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

EI-334

REPLY TO THE ATTENTION OF

B-19J



September 8, 2003

David Navecky
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423

Re: Docket No. AB-55 (Sub-No. 634X), *CSX Transportation, Inc -Abandonment Exemption*

Dear Mr. Navecky:

The U.S. Environmental Protection Agency (EPA) has reviewed the Environmental Assessment dated August 26, 2003 in the afore-mentioned abandonment exemption petition. Our comments in this letter are provided pursuant to NEPA, the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

Pursuant to a review of this document, we understand CSX intends to remove the rails, crossties, and upper layer of ballast from the right-of-way (ROW). In particular, we feel that removal poses questions regarding subsequent use of said equipment (i.e., salvage/recycle or disposal in accordance with appropriate regulations) by CSX. To that end, EPA has the following comments:

- Removal and ultimate disposal of rails and ballast should be conducted according to applicable environmental regulations;
- Per the July 3, 1984 Rebuttable Presumption Against Registration for three major wood preservatives under the Federal Insecticide, Fungicide, and Rodenticide Act, wood treated with creosote should be buried in a non-hazardous waste landfill unless otherwise required by the State of Indiana;
- Storing and fueling of construction equipment should take place in upland areas, away from water bodies, floodplains or other sensitive habitat;
- Prevention and/or control of spills (i.e., fuels, lubricants or other pollutants) from construction equipment should be conducted according to applicable environmental regulations; and
- Portions of the ROW which the railway owns or intends to sell for trails use are recommended to be revegetated with native flora. Long-term benefits of this mitigation activity go beyond stormwater and soil protection to include development of habitat for wildlife, improved aesthetics, and decreases erosion.

We appreciate the opportunity to comment on the Environmental Assessment. After the Board has had a chance to review any and all comments to this Environmental Assessment, please forward a copy of the final Environmental Assessment to our attention.

Should you have any questions, please do not hesitate to contact me or Kathleen Kowal of my staff at (312) 353-5206.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth A. Westlake". The signature is fluid and cursive, with a large, prominent loop at the end.

Kenneth A. Westlake, Chief
Environmental Planning and Evaluation Branch

cc: Natalie S. Rosenberg, Esq.