



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

JAN 10 2006

#E1-1874  
DZW

REPLY TO THE ATTENTION OF:

B-19J

Diana Wood  
Case Control Unit  
Surface Transportation Board  
1925 K. Street, N.W., Suite 500  
Washington, D.C. 20423

Re: Comments on a Proposed BNSF Railway Company-Abandonment In Rock Island and Whiteside Counties, Illinois: Docket No. AB-6(Sub No. 435X) and AB-987X

Dear Ms. Wood:

The U.S. Environmental Protection Agency (U.S. EPA)-Region 5 received the railroad's Senior Counsel inquiry letter of November 16, 2005 and the Surface Transportation Board (STB) Environmental Assessment (EA) concerning the BNSF Railway Company proposed 5.09 mile rail line abandonment at Albany, Illinois. This letter of comment is provided under 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 are please to receive the EA for this project and appreciate the conditions indicated as appropriate prerequisites to abandonment activity. While it seems possible to carry out the proposed abandonment activities with minimal impacts to the environment, this is in a very sensitive area and special care is warranted. We defer to our fellow agencies regarding their respective areas of expertise, but specifically concur that the Rock Island offices of the US Fish and Wildlife Service needs to approve actions for this project to not only assure protection of endangered and threatened species, but also of their habitats.

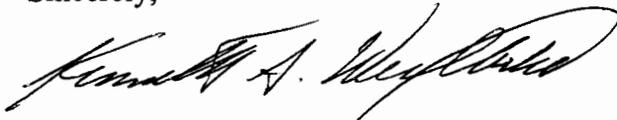
Our EPA concerns include the routine attention to disposal of creosote ties and recycling of rails and such as noted below, but also for the wetlands adjacent to this right-of-way (ROW). Because the southern portion of this rail ROW to be abandoned is an elevated path through sensitive wetlands, precautions should be specified in any contract work which go beyond the "BNSF's general practice". Commitments should be included which specify what precautions will be taken to assure protection of these wetlands during construction. These should include avoiding incidental spills, dumping, and debris on wetland areas, incidental damage to flora, no piling of materials or operating machinery in wetland areas, and attention to machinery maintenance to minimize noise and air pollution. Application for a Section 402 stormwater permit should also be submitted to the Illinois Environmental Protection Agency.

The final disposition of crossties preserved with creosote is an issue of concern per the July 3, 1984 Rebuttable Presumption Against Registration under the Federal Insecticide,

Fungicide, and Rodenticide Act, which states that wood treated with creosote should be buried in a non-hazardous waste landfill or recycled in landscaping applications as otherwise required by the State of Illinois. If rail steel, electrical and signal housings, bridge work and other materials are to be removed from this site, recycling of these materials should be addressed and documented.

We support the abandonment proposed, with the above precautions clearly specified and committed to in all related agreements and contracts. Thank you for the opportunity to provide comments on this project proposal. Should you have questions concerning these comments, please contact me or Norm West, of my staff, at (312)-353-5692 or by e-mail at [west.norman@epa.gov](mailto:west.norman@epa.gov).

Sincerely,

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

Kenneth A. Westlake, Chief  
NEPA Implementation Section

Cc: Michael A. Smith, Esq.  
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Freeborn & Peters, Attorneys at Law  
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Chicago, Illinois 60606-6677