

received 11/29/2004



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EI-1462
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REPLY TO THE ATTENTION OF:

B-19J

Mack H. Shumate, Jr.
Senior General Attorney, Law Department
Union Pacific Railroad
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606-1718

Re: Docket No. AB-33, Sub No. 219X, *Union Pacific Railroad Company
Abandonment Exemption - Douglas and Champaign Counties, Illinois*

Dear Mr. Shumate:

In accordance with 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, the U.S. Environmental Protection Agency (U.S. EPA) has reviewed the Environmental and Historic Reports (Reports) submitted in connection with the above-mentioned abandonment petition. These Reports discuss the proposed abandonment of 9.87 miles of railroad known as the "Westville Industrial Lead" located in the cities of Villa Grove and Broadlands, Douglas and Champaign Counties, Illinois.

Pursuant to a review of the Reports, it is not clear whether Union Pacific Railroad Company (UP) intends to salvage track equipment from the right-of-way (ROW). If UP intends to remove track material, we feel the proposed abandonment raises several questions. To that end, we have the following comments which should be discussed in the Surface Transportation Board's (STB) forthcoming Environmental Assessment (EA).

- Specific information pertaining to removal and salvage methods. In particular, applicable environmental regulations for removal and ultimate disposal of rails and ballast should be addressed.
- Removal of material should be accomplished using the ROW for access, along with existing public and private crossings, particularly in areas adjacent to the Jordan Slough. We recommend silt fencing be used to provide erosion control. In addition, areas of disturbed soil should be restored to original grade and reseeded immediately with a native species mix certified by the Illinois Department of Natural Resources.
- 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 Illinois.

- Storing and fueling of removal 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.
- Culvert and bridge maintenance is an important issue. Because 75% of the ROW is reversionary, culvert maintenance will become the responsibility of the land owner acquiring part of the ROW adjacent to his or her property. We strongly suggest maintenance provisions be included in real estate agreements facilitating the transfer of such property. Ideally, culvert maintenance should be planned at least once per season to prevent blockage and damaging floods, while bridge maintenance activities should be planned yearly. Disposal of obstruction materials should take place away from the streambed, and the use of equipment in the streambed should be minimized and scheduled to coincide with periods of low or normal flow. Consideration of native flora to revegetate around culvert ends and bridge foundations to prevent erosion should be addressed. In particular, provision of maintenance activities for culverts and bridges should be provided until the property is sold, at which time maintenance activities will be transferred to the new owner via specific real estate provisions.
- The Reports indicate that UP is of the opinion there is nothing of historical note within the area of the proposed abandonment. We encourage confirmation of this opinion with the Illinois State Historic Preservation Office (SHPO). Consultation should include the railroad itself which may be viewed as a historic feature of the area. The railroad could be memorialized through photographs prior to abandonment and materials removal. We feel the Report is incomplete without the SHPO's opinion regarding this action.

We look forward to receiving the STB's EA. Should you have any questions, please do not hesitate to contact me or Kathleen Kowal of my staff at (312) 353-5206 or via e-mail at kowal.kathleen@epa.gov.

Sincerely,



Kenneth A. Westlake, Chief
Environmental Planning and Evaluation Branch

cc: Victoria J. Rutson, Surface Transportation Board