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ENTERED

March 5, 2014

Office of Proceedings

Karl Morell

March 5, 2014

Of Counsel

kmorell@balljanik.com

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Part of

Public Record

Ms. Victoria Rutson  
Chief, Office of Environmental Analysis  
Surface Transportation Board  
395 E Street S.W.  
Washington, DC 20423-0001

Re: Docket No. AB-1115X, Nebraska Central Railroad Company -  
Abandonment Exemption - in Merrick County, NE

Dear Ms. Rutson:

On January 27, 2013, Nebraska Central Railroad Company filed its  
Environmental and Historic Reports in this proceeding.

Attached please find the additional comments we received from the  
Nebraska Department of Environmental Quality and the Corps of  
Engineers.

Sincerely,

Karl Morell  
Of Counsel

Enclosures

## Morell, Karl

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**From:** Green, Ryan <[ryan.green@nebraska.gov](mailto:ryan.green@nebraska.gov)>  
**Sent:** Tuesday, March 04, 2014 2:19 PM  
**To:** Morell, Karl  
**Subject:** NDEQ NEPA Review: Docket No. AB-1115X, Nebraska Central Railroad Company – Abandonment Exemption – In Merrick County, NE

4 March, 2014

Ball Janik LLP  
ATTN: Mr. Karl Morell

RE: Docket No. AB-1115X, Nebraska Central Railroad Company – Abandonment Exemption – In Merrick County, NE

Dear Mr. Morell:

The Nebraska Department of Environmental Quality (NDEQ) has reviewed the above referenced project. As with any project, permits may be required prior to beginning construction or operation. At a minimum, you should be aware of the possible requirement for the following permits:

	<u>Contact</u>	<u>Phone</u>
Solid and Hazardous Waste Regulations	Erik Waiss	(402) 471-8308
Construction Storm Water General Permit	Blayne Renner	(402) 471-8330

Solid and hazardous waste generated or discovered during abandonment must be characterized, handled, contained and disposed as per Nebraska Titles 128 and 132. This project will generate several thousand railroad crossties which must be stored so as to not affect ground or surface water. Due to creosote content, ties that are not reused or repurposed must be disposed at a construction and demolition or municipal solid waste landfill; they cannot be chipped or burned.

Evaluate the actions to be taken during abandonment to determine if these actions constitute land disturbance. If greater than or equal to one acre of land disturbance will occur; authorization under NPDES general permit NER110000 will be necessary.

If you have questions about the permitting process, or any other questions, feel free to contact me at (402) 471-8697, or the individual listed above. For more information, please visit our website at [deq.ne.gov](http://deq.ne.gov).

Sincerely,



**Ryan Green**  
Small Business and Public Assistance (SBPA) Coordinator  
Nebraska Department of Environmental Quality  
Tel: 402.471.8697  
E-mail: [ryan.green@nebraska.gov](mailto:ryan.green@nebraska.gov)



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, OMAHA DISTRICT  
1616 CAPITOL AVENUE  
OMAHA NE 68102-4901

February 20, 2014

Planning, Programs, and Project Management Division

Mr. Karl Morell, Councilman  
Ball and Janik, L.L.P.  
655 Fifteenth Street, NW, Suite 225  
Washington, D.C. 20005

Dear Mr. Morell:

The U.S. Army Corps of Engineers, Omaha District (Corps) has reviewed your letter dated January 27, 2014 (received February 3, 2014) regarding the environmental report regarding the abandonment of rail line by Nebraska Central Railroad Company (NCRC) in Merrick County, Nebraska (Docket No. AB-1115X). The Corps has reviewed the environmental report and recommends that NCRC coordinate the details of the proposed abandonment with Mr. Shuhai Zheng of the Nebraska Department of Natural Resources to ensure compliance with the National Flood Insurance Program and the Nebraska Game and Parks Commission regarding state fish and wildlife resources.

Since the proposed abandonment would include the salvaging of rail line and associated appurtenances, coordination with the Corps' Werhspann Regulatory Office is required regarding Department of the Army authorization under Section 404 of the Clean Water Act. In your report, NCRC's environmental report, there was no indication that these resource agencies were contacted. Coordination with these agencies should occur before abandonment can begin.

Furthermore, we acknowledge that NCRC has coordinated with the appropriate resource agencies as recommended in our letter dated October 17, 2013, which is Exhibit 7 of the report. Please provide the Corps with notification once the Board's independent environmental analysis has been completed and finalized.

If you have any questions, please contact Ms. Amanda Ciurej of my staff at (402) 995-2897 or [amanda.k.ciurej@usace.army.mil](mailto:amanda.k.ciurej@usace.army.mil) and reference PD# 6352 in the subject line.

Sincerely,

Eric A. Laux  
Acting Chief, Environmental Resources and Missouri  
River Recovery Program Plan Formulation Section