KAPLAN KIRSCH ROCKWELL

January 16, 2013

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Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: *Georgia Department of Transportation – Abandonment Exemption – in Fulton County, Georgia*, STB Docket No. AB-1096X

Dear Ms. Brown:

This Board issued its Decision granting the abandonment authority requested in the above-captioned matter on May 25, 2012 (the "Board Decision"). The Board Decision included a condition that the petitioner, the Georgia Department of Transportation ("GDOT"), consult with the Georgia Environmental Protection Division ("GEPD") of the Georgia Department of Natural Resources with respect to hazardous material spills, contamination sites and underground storage tanks prior to consummating the authorized abandonment.

As described in GDOT's Petition for Exemption, filed on March 20, 2012, the line that is the subject of this abandonment is planned to be incorporated into the Atlanta BeltLine project, a 22-mile corridor of integrated modern streetcar transit, pedestrian and bicycle paths, parks and coordinated development in Atlanta, Georgia. The Federal Transit Administration ("FTA") issued its Tier 1 Final Environmental Impact Statement ("FEIS") for the Atlanta BeltLine in April 2012. FTA published a Record of Decision approving the actions analyzed in the FEIS on August 28, 2012. The environmental analysis performed during preparation of the FEIS included extensive consultation with GEPD with respect to the entire project area, including the right-of-way that is the subject of this proceeding. A copy of the relevant excerpts from the technical appendices accompanying the FEIS is attached hereto as **Appendix A** ("FEIS Excerpts"). The line that is the subject of this proceeding comprises the bulk of the Southwest quadrant of the Atlanta BeltLine project, as shown on Figs. 1.1 and 3.26 of the FEIS Excerpts.

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As set forth in the FEIS Excerpts, FTA consulted with GEPD to ascertain the presence and anticipated impact of hazardous material spills, contamination sites and underground storage tanks throughout the Atlanta BeltLine project area, including all rail rights-of-way proposed for incorporation into the project. FEIS Excerpts at 3-5 and 3-94 through 3-101. In particular, the charts at pages 3-5 and 3-97 reflect the identification of specific sites in both federal and state databases. The FEIS Excerpts also identify future avoidance, minimization and mitigation measures and areas for further analysis to be addressed in the Tier 2 environmental review. FEIS Excerpts at 3-101.

In light of the GEPD's participation in and concurrence with the hazardous materials consultation that was conducted for the larger Atlanta BeltLine project, which included the evaluation of the rail corridor that is the subject of this proceeding, GDOT respectfully requests that this Board find that the consultation process with GEPD has accordingly been completed with respect to this abandonment and to remove the condition imposed in the Board Decision.

Sincerely,

Charles A. Spitulnik
Counsel for Georgia Department of Transportation

Enclosures

cc: All Parties of Record

# Appendix A

**Excerpts from**
**Atlanta BeltLine Corridor Environmental Study**
**Tier 1 Final Environmental Impact Statement Appendices**
**April 2012**

**[attached hereto]**

# ATLANTA BELTLINE CORRIDOR ENVIRONMENTAL STUDY

# TIER 1 FINAL ENVIRONMENTAL IMPACT STATEMENT APPENDICES

**Prepared for:**

**Atlanta BeltLine, Inc.**

**and**

**Metropolitan Atlanta Rapid Transit Authority**

**Prepared by:**

**AECOM/JJG Joint Venture**

**Atlanta, GA**

**Version (1.0): April 2012**

**General Planning Consultant Services RFP P5413**

**Contract No. 200703566**

**Work Order No. 2008-07**

**Appendix A - Tier 1 EIS/ Section 4(f) Technical Memorandum**

**Appendix B - Notice of Intent**

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# Appendix A - Tier 1 FEIS/ Section 4(f) Technical Memorandum

# ATLANTA BELTLINE CORRIDOR ENVIRONMENTAL STUDY

# TIER 1 FINAL ENVIRONMENTAL IMPACT STATEMENT/ SECTION 4(F) TECHNICAL MEMORANDUM

**Prepared for:**

**Atlanta BeltLine, Inc.**
**and**
**Metropolitan Atlanta Rapid Transit Authority**

**Prepared by:**

**AECOM/JJG Joint Venture**

**Atlanta, GA**

**Version (1.0): April 2012**

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# 1.0 PURPOSE AND NEED

## 1.1 Introduction

The Federal Transit Administration (FTA), an administration of the U.S. Department of Transportation (USDOT), has prepared this Tier 1 Final Environmental Impact Statement (FEIS) Technical Memorandum for the Atlanta BeltLine in the City of Atlanta, Fulton County, Georgia, in cooperation with the Metropolitan Atlanta Rapid Transit Authority (MARTA), which operates and maintains bus and rail transit service in the Atlanta region.

The Atlanta BeltLine is a proposed fixed guideway transit and multi-use trails system with a corridor of approximately 22 miles encircling central Atlanta. The Atlanta BeltLine study area is defined as a ¼-mile on each side of the proposed corridor, considered a comfortable walking distance. The study area is comprised of four zones: northeast, southeast, southwest, and northwest. Figure 1-1 illustrates the Atlanta BeltLine study area.

This FEIS/ 4(f) Technical Memorandum is an appendix (Appendix A) to the main Tier 1 FEIS/ Section 4(f) Evaluation. It presents the technical data and evaluation methodologies used in assessing the No-Build and Preferred Alternatives. Preparation of this FEIS/ 4(f) Technical Memorandum is in accord with the National Environmental Policy Act (NEPA), as amended and implemented by:

- the Council on Environmental Quality (CEQ) regulations (40 CFR parts 1500-1508);
- FTA regulations (23 CFR part 771);
- FTA Statewide Planning and Metropolitan Planning regulations (23 CFR part 450);
- regulations of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Public Law 109-59);
- regulations of Section 106 of the National Historic Preservation Act of 1966;
- the Clean Air Act Amendments of 1990;
- Executive Order 12898 on Environmental Justice; and,
- other applicable statutes, rules, and regulations.

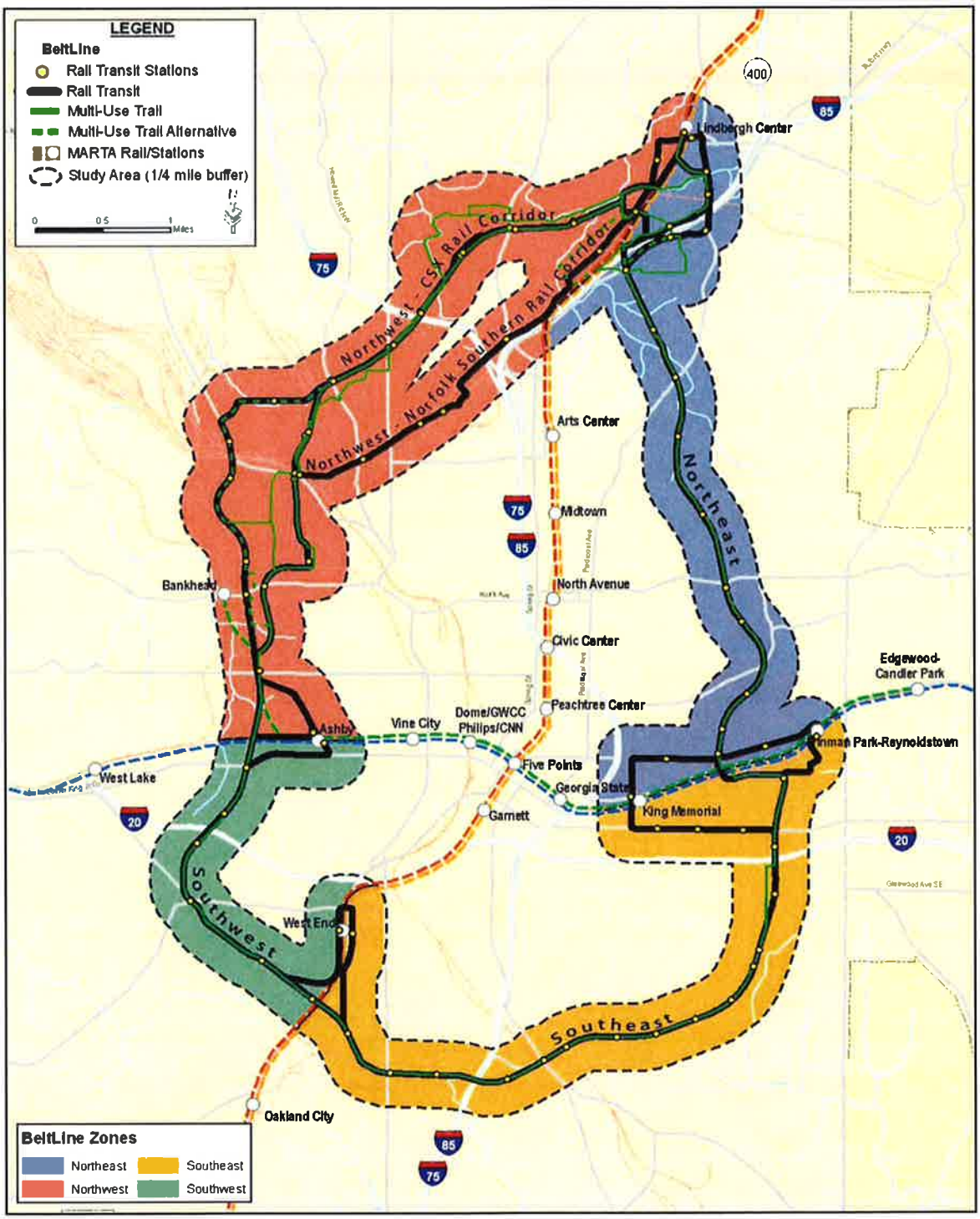
Tiering of the EIS allowed FTA and MARTA to focus on those decisions that are ready for this level of NEPA analysis to support future right-of-way (ROW) preservation, local master planning, and project development activities. These decisions included the following:

- identification of either Modern Streetcar (SC) or Light Rail Transit (LRT) technology as the transit mode;
- identification of a general alignment of new transit and trails; and,
- establishment of ROW requirements.

Following the Tier 1 EIS process, subsequent analysis in a Tier 2 NEPA process as a separate action will refine the preferred transit and trail alignments to achieve the most cost-effective investment while avoiding or minimizing potential adverse environmental effects; identify and evaluate transit station locations, vehicle types, maintenance and

storage facilities, site-specific impacts, trail design elements, and mitigation measures for unavoidable adverse affects.

**Figure 1-1: Atlanta BeltLine Study Area and Zones**




Source: AECOM/JJG Joint Venture

| | No-Build Alternative | Preferred Transit and Trail Alternatives |
|---|---|---|
| **Safety and Security** | | |
| | • Requires existing safety and security protocols, such as compliance with American Association of State Highway and Transportation Officials (AASHTO) and Americans with Disabilities Act, or the control of roadway-track interactions for at-grade crossings, and measures in operation for existing transportation services | • Potential for pedestrian conflicts with transit, roadways, and pedestrian security along the trails<br>• Shared ROW with existing freight rail will require appropriate horizontal and vertical clearances between freight rail, streetcar, and trail modes<br>• Tier 2 analysis will identify needs and strategies for safe trail, station, roadway-track interactions, and freight rail-track interactions |
| **Contaminated and Hazardous Materials** | | |
| | • Subject to the U.S. Environmental Protection Agency (USEPA) and Georgia Environmental Protection Division (GEPD) requirements for identifying and managing any contaminated or hazardous material sites | • 187 Recognized Environmental Condition REC sites are within the 300-foot study area for the Preferred Transit Alternative; of these 13 sites have the potential of being directly impacted<br>• 166 REC sites within the 300-foot study area for the Preferred Trail; of these 13 sites have the potential of being directly impacted<br>• 10 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)-related sites are within the 300-foot study area for the Preferred Transit and Trail Alternatives; only 2 of these have the potential for direct impact<br>• A survey of hazardous material will be completed prior to demolition or renovation of an identified structure, and will include abatement measures<br>• Required subsequent activities include Phase I and Phase II Environmental Site Assessments, removal of underground storage tanks where necessary, development of remedial strategies, and coordination with GEPD |
| **Utilities** | | |
| | • The sponsors of the No-Build projects will be responsible for identifying utilities and addressing potential conflicts | • Low potential for utility relocations along rail ROW<br>• High potential for utility relocations along street<br>• Moderate potential for utility relocations south of CSX rail ROW<br>• High potential for utility relocations along the west of Peachtree Street<br>• Potential impacts to water/sewer lines under CSX ROW connecting to the Atlanta City Water Works<br>• Unavoidable relocations will be coordinated with the utility owners to minimize disruptions |
| **Air Quality** | | |
| | • Improves local and regional air quality through improvements to the existing bus, rail, and roadway networks | • Reduction in vehicular emissions. Reduction should offset insignificant emissions increase from off-site electricity generation<br>• The Preferred Trail will contribute no new emissions<br>• Does not require a formal conformity determination on a regional level and, therefore, will not have air quality impacts for the nonattainment pollutants |
| **Noise and Vibration** | | |
| | • Noise and vibration levels in the portions of the study area will be similar to those under the existing conditions | • 155 residences within noise screening distance and 113 residences within vibration screening distance in the northwest zone<br>• A detailed noise and vibration analysis will take place during the Tier 2 analysis |

in all directions. Traffic signals will be installed at intersections where the trail crosses a high-traffic vehicular road at grade. Railroad warning devices for highway grade crossings will be used where appropriate. The design of the crossing circuitry will avoid unnecessary delays to motorists. Where needed, the grade crossing warning system will preempt adjacent traffic lights to avoid automobiles forming a queue across the tracks.

Mainline grade crossings will consist of durable, long lasting materials. Construction of grade crossings will occur with due consideration to access for track maintenance, electrical isolation, non-interference with electrical track circuits or rail fastenings, tire adhesion, and slip resistance for pedestrians. Grade crossings will be on tangent track and away from special trackwork areas, unless otherwise approved by MARTA. Rail joints will not exist in grade crossings.

As the design advances, there will be an evaluation of the warrant for modifications to existing roadways. Plans to permanently alter existing roadways will take place in coordination with GDOT and/or the City to assure safety of all modes of travel.

**Freight Rail – Track Interactions**

The Preferred Alternatives will avoid sharing active freight rail ROW for the majority of the length of the corridor. A shared ROW will require additional coordination between MARTA, in partnership with ABI, and freight rail companies. Such coordination will determine design and operating conditions for a shared ROW situation. As described in Section 3.2.5.2, for example, CSX and MARTA have clearance requirements that will have to be accommodated in shared use or parallel ROW.

### 3.9.4 Potential Avoidance, Minimization, and Mitigation Measures

The design of safety and security strategies will focus on addressing the conditions developed as part of the Preferred Alternatives. The selection and application of those strategies will strive to avoid adverse impacts on adjacent properties and land uses. Where impacts are unavoidable, means to minimize those impacts will occur. Typical considerations could include, but will not be limited to design modification or selection of alternate strategies. In all cases, the project sponsors will coordinate with the affected property owner to identify and design appropriate solutions or mitigation strategies. The project sponsors will coordinate with police, fire, and other safety agencies through the development of the project.

### 3.9.5 Subsequent Analysis

A Tier 2 analysis will identify the specific safety and security needs and strategies for the Preferred Alternatives regarding trails, stations, roadway-track interactions, and freight rail-track interactions. Potential for impacts to traffic and safety response times will also be evaluated for all emergency services.

## 3.10 Contaminated and Hazardous Materials

This section describes the known contaminated and hazardous materials located in the study area of the Preferred Alternatives, possible strategies to minimize exposure during project construction and operation, and subsequent analysis regarding project handling requirements.

### 3.10.1 Methodology

An investigation for known or suspected contaminated and hazardous material sites occurred within both the ¼-mile study area and the 300-foot buffer area (defined as 150 feet on either side of the proposed alignments). The larger ¼-mile study area allows a broader view of potential effects within the overall Atlanta BeltLine study area, while the 300-foot buffer area focuses on direct physical impacts with a width that conservatively allows for all anticipated alternative impacts. In compliance with United States Environmental Protection Agency (USEPA) and American Society for Testing and Material (ASTM) requirements, federal and state environmental regulatory database reports, including current and historic status reports, were reviewed to determine the number of hazardous materials sites and Recognized Environmental Conditions (REC) sites located within the 300-foot study area.

A field survey of potential REC sites was completed all zones and included a visual review of the sites to observe signs of spills, stressed vegetation, evidence of the presence of buried tanks or buried waste, subsidence, unusual soil discolorations, or any other unnatural items that may indicate the possible presence of environmental conditions. The findings of the site reconnaissance were limited to the readily observable conditions within the 300-foot buffer area.

The regulations of the USEPA and the GEPD govern the activities that are associated with the identification, investigation, and remediation of contaminated sites. The USEPA and GEPD also regulate the generation, handling, and disposal of solid and hazardous materials and wastes.

The identification of potential contaminated sites or "due diligence" requirements are included in the USEPA's All Appropriate Inquiries (AAI) codified as 40 CFR Part 312, and by the American Society for Testing and Materials (ASTM) E1527-05 *Standard Practice for Environmental Site Assessments*.

The governing regulations on managing, investigating and handling hazardous materials include: the Resource Conservation and Recovery Act and CERCLA including the Superfund Amendments and Reauthorization Act; the Toxic Substances Control Act; and the Hazardous and Solid Waste Amendments of 1984, as codified in 40 CFR et al. Georgia's environmental rules are codified as 391, et al. The primary environmental rules dealing with hazardous or contaminated sites are the Hazardous Site Response, incorporated in 391-3-19. The remaining environmental rules contained in 391 help support Georgia's Hazardous Site Response Program.

This review of contaminated and hazardous material sites provides the necessary information for the Atlanta BeltLine Corridor project to fulfill the regulations set forth by NEPA.

Federal regulations dealing with asbestos containing building materials (ACM) are in part contained in 40 CFR, Part 763. The USEPA enforces the *Asbestos Hazard Emergency Response Act* (AHERA) and the *National Emission Standards for Hazardous Air Pollutants* (NESHAPS) and regulates ACM abatements in residences of more than four units, commercial buildings, and federal facilities and projects. ACM within the State of Georgia is governed by Environmental Rule 391-3-14 and the *Georgia Asbestos Safety Act*, which oversees the handling, management, transportation, and disposal of ACM.

Federal regulations that govern lead-based paint (LBP) are included in 40 CFR, Part 745 through enforcement by the USEPA. LBP within the State of Georgia is governed by

Environmental Rule 391-3-24 and the *Georgia Lead Poisoning Prevention Act of 1994*. The environmental rule contains the procedures, requirements, and standards for performing LBP abatement activities.

## 3.10.2 Affected Environment

### 3.10.2.1 Regulatory Database Reports

The regulatory database searches indicated an estimated total of 2,226 reports of potential hazardous sites were within the ¼-mile study area. Of this total, 1,102, or 49.5 percent, are in the northwest zone. The largest percentage of industrial and non-residential properties also occurs within the northwest zone. In general, areas that contain higher percentages of industrial or non-residential properties contain higher numbers of reports and potentially higher amounts of contaminated or hazardous material sites. Areas containing a greater percentage of residential properties, such as in the southwest zone, typically contain fewer database reports within the ¼-mile study area. In this case, the southwest zone contains 6.8 percent of the total, and potentially lesser numbers of contaminated or hazardous material sites.

A summary of the regulatory database reports for the study areas is included in Table 3-36. Note that individual sites can appear on multiple databases. For example, a site listed on the Underground Storage Tank (UST) database could also be listed on the Leaking Underground Storage Tank (LUST) database. Also of note is that Facility Index System / Facility Registry System (FINDS) reports are often redundant to selected federal or state databases in content and listing.

### 3.10.2.2 Recognized Environmental Conditions (REC) Sites

The database reports were also reviewed to determine the number of REC sites located within the 300-foot buffer area; preliminary findings identify approximately 828 REC sites. Table 3-37 details the estimated number by zone of REC sites within the 300-foot buffer area. A preliminary list of the REC and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (i.e., Superfund) sites located within or adjacent to each zone is included in Appendix D and shown on Figure 3-26. For the purposes of this FEIS/ 4(f) Technical Memorandum , the sites and their locations are approximate.

## Table 3-36: Preliminary Federal and State Reports and Database Reports

| Regulatory Database | Number of Sites Within the ¼-Mile Study Area | Number of Sites Within 300 Foot Buffer Area[1] |
|---|---|---|
| **Federal Records** | | |
| Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) | 12 | 4 |
| CERCLIS No Further Remedial Action Planned (CERCLIS-NFRAP) | 20 | 11 |
| Corrective Action Report (CORRACTS) | 4 | 2 |
| Emergency Response Notification System (ERNS) | 52 | 13 |
| Facility Index System/Facility Registry System (FINDS)[2] | 552 | 208 |
| FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA Tracking System (FTTS) | 15 | 5 |
| FIFRA/TSCA Tracking System Administrative Case Listing (HIST FTTS) | 16 | 6 |
| Hazardous Materials Information Reporting System (HMIRS) | 21 | 8 |
| Integrated Compliance Information System (ICIS) | 10 | 6 |
| CERCLA Lien Information (LIENS) | 1 | 1 |
| PCB Activity Database System (PADS) | 2 | 0 |
| Conditionally Exempt Small Quantity Generators (RCRA-CESQG) | 42 | 17 |
| Non Generators (RCRA-NonGen) | 209 | 84 |
| Large Quantity Generators (RCRA-LQG) | 4 | 1 |
| Small Quantity Generators (RCRA-SQG) | 29 | 14 |
| Resource Conservation Recovery Act - Transporters, Storage and Disposal (RCRA-TSDF) | 3 | 1 |
| Section 7 Tracking Systems (SSTS) | 5 | 0 |
| Toxic Chemical Release Inventory System (TRIS) | 4 | 1 |
| Toxic Substances Control Act (TSCA) | 6 | 4 |
| US BROWNFIELDS | 1 | 1 |
| Engineering Controls Sites List (US ENG CONTROLS) | 1 | 0 |
| Sites with Institutional Controls (US INST CONTROL) | 1 | 0 |
| **State Records** | | |
| Permitted Facility & Emissions Listing (AIRS) | 67 | 33 |
| Above Ground Storage Tanks (AST) | 5 | 1 |
| Drycleaner Database A listing of drycleaners in Georgia (DRYCLEANERS) | 27 | 6 |
| GA BROWNFIELDS | 35 | 14 |
| Non-Hazardous Site Inventory (GA NON HIS) | 140 | 56 |
| List of Leaking Underground Storage Tanks (LUST) | 206 | 80 |
| Hazardous Site Inventory (SHWS) | 10 | 5 |
| Delisted Hazardous Site Inventory Listing (DEL SHWS) | 1 | 1 |
| Spills Information Oil or Hazardous Material Spills or Releases (SPILLS) | 343 | 93 |
| Solid Waste Disposal Facilities (SWF/LF) | 1 | 1 |
| A listing of facilities which store or manufacture hazardous materials and submit a chemical inventory report (TIER 2) | 55 | 30 |
| Underground Storage Tank Database (UST) | 326 | 121 |

Source: Environmental Data Resources, Inc. (EDR) DataMap™ Corridor Study, Inquiry Numbers: 02244958.3r, dated June 17, 2008, 02517938.1r, dated June 15, 2009, 02517938.2r, dated June 16, 2009, and 02558078.1r dated August 10, 2009. Sites and properties may be listed in more than one database reports.

[1] Information is preliminary and locations should be considered approximate. Addresses of the sites were reviewed and verified using a geo-referencing program. However, field verification, except where noted, of all sites is required for a more accurate location.

[2] FINDS reports are often redundant in content and listing to the other reports provided.

**Table 3-37: Preliminary Recognized Environmental Condition (REC) Sites**

| Zone | REC Sites within the 300-foot Buffer Area |
|---|---|
| Northeast Zone | 73 |
| Southeast Zone | 112 |
| Southwest Zone | 20 |
| Northwest Zone | 107 |
| Total RECs within 300-foot APE | 312 |

Source: EDR DataMap™ Corridor Study, Inquiry Numbers: 02244958.3r, dated June 17, 2008, 02517938.1r, dated June 15, 2009, 02517938.2r, dated June 16, 2009, and 02558078.1r dated August 10, 2009.
Note: Information is preliminary and locations should be considered approximate. All sites were reviewed and verified using Google Earth® or similar geo-referencing program. However, field verification, except where noted, of all sites should be completed for the Tier 2 analysis or subsequent investigations.

In the northeast zone, a cluster of industrial/non-commercial use properties are present in and around the Armour Drive/Ottley Drive area. These sites have had reported spills and USTs and were reported to generate hazardous waste. In addition, one former CERCLA site is present in this industrial park. Hulsey Yard is also considered an REC given ongoing railroad-related operations.

In the southeast zone, the areas along Memorial Drive and near the Inman Park/Reynoldstown MARTA rail station contain numerous sites that have had reported spills, USTs, and had generated hazardous waste including one CERCLA-related site. REC sites are also prevalent at the areas of Milton Avenue and Hank Aaron Drive, including one former CERCLA site. Two former CERCLA sites are present immediately east of the West End area.

In the southwest zone, the industrial and non-residential areas near the West End MARTA rail station have a high occurrence of reported spills, USTs, and sites that have generated hazardous waste.

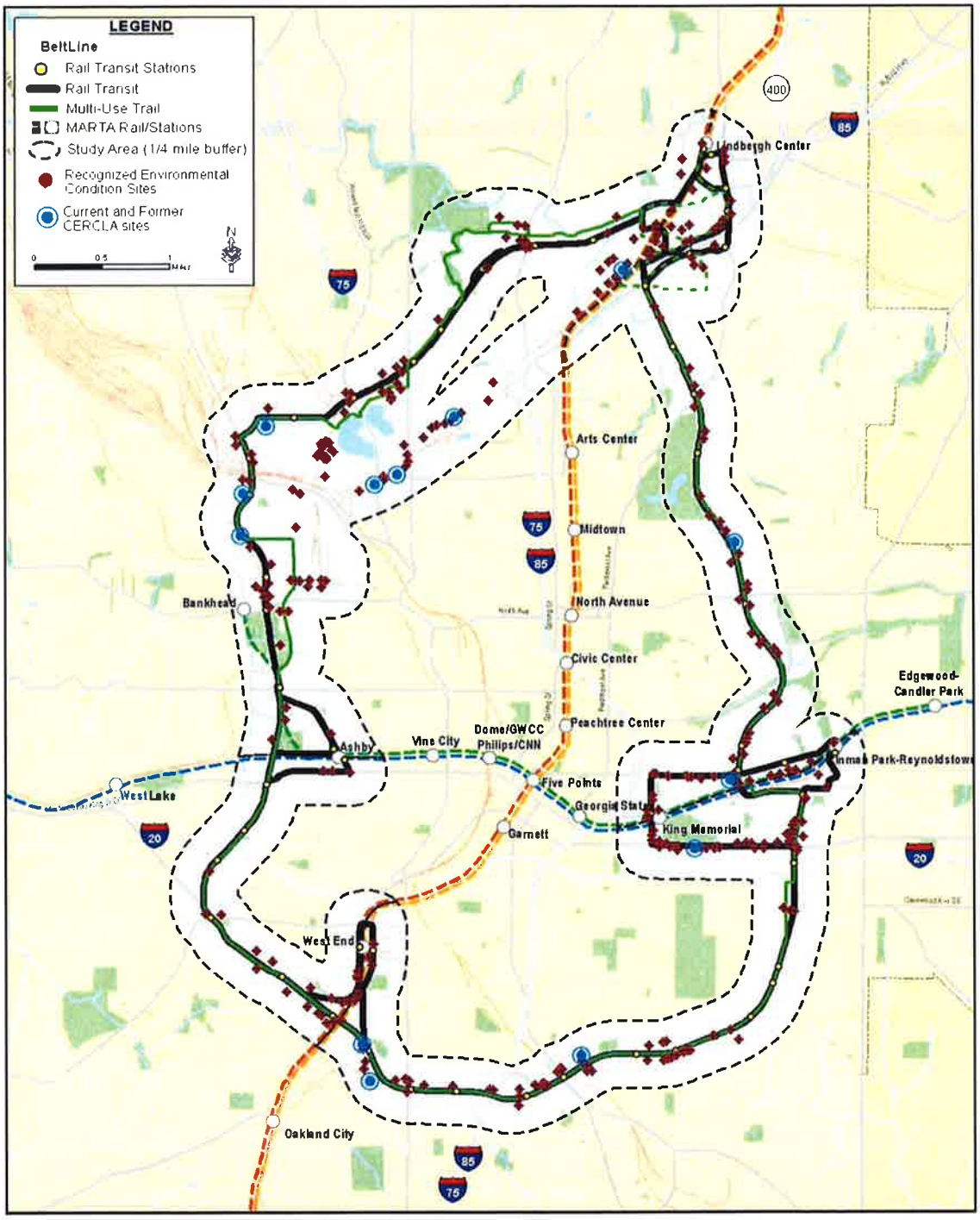
In the northwest zone, many of the REC sites in the northwest zone contain USTs, leaking USTs, spills, or handle/generate hazardous waste, and are current and/or former CERCLA-related sites.

## 3.10.3 Preliminary Environmental Consequences

### 3.10.3.1 No-Build Alternative

Proposed projects included in the No-Build Alternative (e.g., BRT and Atlanta Streetcar) that may overlap or intersect the Atlanta BeltLine Corridor have the potential to encounter identified REC sites within their respective study areas. The No-Build projects are subject to the requirements as the Atlanta BeltLine Corridor Preferred Alternatives for identifying and managing any contaminated or hazardous material sites.

**Figure 3-26: Preliminary REC and Current and Former CERCLA Sites within the 300-Foot Buffer Area**




Source: EDR DataMap™ Corridor Study, Inquiry Numbers: 02244958.3r, dated June 17, 2008, 02517938.1r, dated June 15, 2009, 02517938.2r, dated June 16, 2009, and *02558078.1r* dated August 10, 2009.
Note: Information is preliminary and locations should be considered approximate. All sites were reviewed and verified using Google Earth® or similar geo-referencing program. However, field verification, except where noted, of all sites should be completed for the Tier 2 analysis or subsequent investigations.

### 3.10.3.2 Preferred Alternatives

The Preferred Alternatives have the potential to encounter RECs within the 300-foot buffer area. Table 3-38 summarizes the numbers of REC sites located within the 300-foot buffer area of each study area zone.

**Table 3-38: Preliminary Number of REC and CERCLA-Related Sites**

| Zone | Alternative | Number of REC Sites within the 300-Foot Buffer Area* | Number of Former/Current CERCLA-Related Sites within the 300-Foot Buffer Area* |
|---|---|---|---|
| Northeast | Preferred Alternatives | 43 | 3 |
| Southeast | Preferred Alternatives | 80 | 4 |
| Southwest | Preferred Alternatives | 14 | 0 |
| Northwest | Preferred Transit Alternative | 50 | 3 |
| | Preferred Trail Alternative | 29 | 3 |

Source: EDR DataMap™ Corridor Study, Inquiry Numbers: 02244958.3r, dated June 17, 2008, 02517938.1r, dated June 15, 2009, 02517938.2r, dated June 16, 2009, and 02558078.1r dated August 10, 2009.
Note: Information is preliminary and locations should be considered approximate. All sites were reviewed and verified using Google Earth® or similar geo-referencing program. However, field verification, except where noted, of all sites should be completed for the Tier 2 analysis or subsequent investigations.
* Includes the maximum number of REC sites present along a given MARTA Station Connectivity and Infill Station Alternatives.

The Preferred Transit Alternative has the potential to encounter 187 RECs and 10 CERCLA-related sites within the 300-foot buffer area, while the Preferred Trail Alternative has the potential to encounter 166 RECs and 10 CERCLA-related sites.

Potential direct impacts to properties of concern were evaluated for the Preferred Alternatives located in the northwest zone where the alignments differ. As shown by Table 3-39, the Preferred Transit Alternative has the potential to affect up to 13 REC sites, 2 former or current CERCLA-related sites, and possibly affect 22 buildings. The Preferred Trail Alternative has the potential to affect the same number of REC and CERCLA-related sites, and possibly affect three buildings.

**Table 3-39: Preliminary Number of Potential Direct Impacts to REC Sites, CERCLA-Related Sites and Buildings**

| Zone | Alternative | Number of Potential Direct Impacts | | |
|---|---|---|---|---|
| | | REC Sites | Former/Current CERCLA-Related Sites | Building Impacts |
| Northwest | Preferred Transit Alternative | 13 | 2 | 22 |
| | Preferred Trail Alternative | 13 | 2 | 3 |

Source: EDR DataMap™ Corridor Study, Inquiry Numbers: 02244958.3r, dated June 17, 2008, 02517938.1r, dated June 15, 2009, 02517938.2r, dated June 16, 2009, and 02558078.1r dated August 10, 2009.
Note: Information is preliminary and locations should be considered approximate. All sites were reviewed and verified using Google Earth® or similar geo-referencing program. However, field verification, except where noted, of all sites should be completed for the Tier 2 analysis or subsequent investigations.

Affecting a known REC site or previously unidentified contaminated site will require coordination with the respective property owner and regulators, and potentially require

soil and groundwater sampling investigations, as well as the possible remediation of contaminated or hazardous materials within the ROW. Additionally, impacts to buildings will require the identification and/or abatement of ACM and LBP prior to the full or partial demolition of the structures. Wherever possible, impacts to REC sites, CERCLA-related sites, and buildings should be avoided or minimized to limit impacts to hazardous and contaminated materials.

### 3.10.4 Potential Avoidance, Minimization, and Mitigation Measures

The Preferred Alternatives have the potential to encounter contaminated or hazardous materials. As project design advances, the project sponsors will strive to avoid impacts to and from contaminated sites and hazardous materials. Where impacts are unavoidable, minimization of the impacts will occur. Minimization strategies could include designing project components at- or near-grade, or elevating the system using fill material or structure. These strategies can greatly avoid or reduce the impacts to and from contaminated materials.

Properties acquired for the development of the Preferred Alternatives could include buildings, facilities, or structures that require demolition. ACM and/or LBP could be present in these buildings. In addition, ACM and/or LBP may be present in both older and active facilities and equipment still present on the railroad and roadway ROW to be used by the Preferred Alternatives. In accord with federal, state, and local requirements, a survey would be conducted for ACM and LBP and assured completion of abatement prior to the demolition or renovation of a building or structure.

During operations and maintenance, the project sponsors will be subject to compliance with applicable federal, state, and local regulations governing the storage, handling, and disposal of hazardous and contaminated materials.

### 3.10.5 Subsequent Analysis

Subsequent analysis for contaminated and hazardous materials sites will include additional investigations along the ROW of the Preferred Alternatives, at a potential area of concern, or for properties considered for acquisition during the development of the project. Additional investigations could include the following:

- Phase I Environmental Site Assessments for properties considered for acquisition, inclusive of reviews of the historical land use and Freedom of Information Act (FOIA) file searches;
- Phase II Environmental Site Assessments of the proposed ROW, specific areas of concern, or for properties considered for acquisition;
- ACM and/or LBP investigations of facilities, structures, and/or equipment present along the proposed alignment; or at properties considered for acquisition;
- Identification of likely removals of relic and/or active underground storage tanks;
- If applicable, development of remedial strategies, for the proposed alignment, area of concern, or properties considered for acquisition; and
- Coordination and prioritization of all investigations and remediation activities with property owners, the EPA, and GEPD.