



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
NASHVILLE, TENNESSEE 37243-0435

DAVID W. SALYERS, P.E.
COMMISSIONER

BILL LEE
GOVERNOR

March 27, 2020

Via Electronic Mail to david.navecky@stb.gov

Attn: Dave Navecky, Office of Environmental Analysis
Surface Transportation Board
395 E Street SW
Washington, DC 20423

Dear Mr. Navecky:

The Tennessee Department of Environment and Conservation (TDEC) appreciates the opportunity to provide comments on the Surface Transportation Board (STB) *Draft Environmental Assessment* (EA) for the R.J. Corman Railroad Property, LLC abandonment and discontinuance in Scott, Campbell and Anderson Counties, Tennessee.¹ The R.J. Corman Railroad Property, LLC and R. J. Corman Railroad Company/Bardstown Line (RJCR) jointly filed a notice of exemption to abandon, and for RJCR to discontinue service over a line of railroad in Scott, Campbell and Anderson counties. The rail line proposed for abandonment is approximately 41.05 miles long and extends from Milepost 0.95 near Oneida, TN to Milepost 42.0 near Devonia, TN (the Line). TDEC has reviewed the Draft EA and provides the following comments:

Cultural and Natural Resources

TDEC believes the Draft EA adequately addresses potential impacts to cultural and natural resources within the proposed project area.²

¹ STB Docket No. AB 1296x. The docket is available for review on the STB's website at <https://prod.stb.gov/> by clicking "Search STB Records;" selecting "Filings" in the "Search for:" dropdown menu; entering "AB" "1296" "0" "X" sequentially in the four boxes for "Docket Number:," then selecting "Search." The Report was filed on February 18, 2020.

² This is a state-level review only and cannot be substituted for a federal agency Section 106 review/response. Additionally, a court order from Chancery Court must be obtained prior to the removal of any human graves. If human remains are encountered or accidentally uncovered by earthmoving activities, all activity within the immediate area must cease. The county coroner or medical examiner, a local law enforcement agency, and the state archaeologist's office should be notified at once (Tennessee Code Annotated 11-6-107d). If the project encounters unexpected cultural discoveries, please contact Daniel Brock, State Programs Archaeologist with Tennessee Division of Archaeology at (615)687-4778 or Daniel.Brock@tn.gov.

Air Resources

TDEC encourages the STB to include discussion relating to exhaust emissions from the salvage equipment and haul trucks employed for the project. An analysis of, at minimum; the type of equipment employed for salvaging work and the number and type of haul trucks with anticipated loads and total number of trips from the site would be beneficial in assessing any possible impacts to the air resources of the state.

TDEC encourages R.J. Corman to consider hiring contractors for the salvaging operations that can certify or demonstrate that the diesel engines powering the transport trucks are being properly maintained, have all emissions control equipment in good working order and where possible; are using their newer trucks for routine, long haul offsite transport to help mitigate offsite emissions during transit to the salvage processing or storage sites.

The Draft EA does not identify whether the project will include building demolition activities, and if so whether asbestos is present on-site. If asbestos removal or demolition is planned to occur additional consideration should be given to ensure that demolition related emissions are minimized, that any asbestos containing material (ACM) is identified and managed properly during demolition and that the appropriate notifications be provided prior to any demolition activity. TDEC encourages STB to include these considerations in the Final EA.

TDEC recommends that should open burning be considered for disposal of wood wastes generated from the proposed project, alternatives to open burning, including chipping, composting or grinding of wood waste, be evaluated first. If open burning is selected for wood waste disposal R.J. Corman should consider implementing a smoke management plan, not burning on air quality alert days, and coordinating burning with other agencies (local and State air pollution control agencies, forestry agencies and local fire departments). TDEC encourages the STB to include discussion relating to these considerations in the Final EA.

Solid Waste

TDEC strongly recommends that the project plans reflect that any wastes associated with the proposed abandonment activities (e.g. those that arise from planned salvage operations) be handled in accordance with the Solid and Hazardous Waste Rules and Regulations of the state. This includes all materials that would be classified as solid and/or hazardous wastes per TDEC DSWM Rule 0400 Chapters 11 and 12, respectively.³

Water Resources

Construction activities, including clearing, grading, filling and excavating, or other similar activities, including creation of staging areas, that result in the disturbance of one acre or more of total land area

³ Reference the TDEC Solid Waste Management Rule 0400 Chapter 11 for Solid Waste and Chapter 12 for Hazardous Waste. Please see <http://sos.tn.gov/effective-rules> for applicable Rules and Regulations of the State.

require coverage under a Construction Stormwater Permit. Based on review of the Draft EA the project does not appear to cause disturbance to one or more acres of land, as proposed. TDEC encourages appropriate erosion prevention and sediment controls be installed to prevent sediment runoff even if the disturbed area is less than one acre.

TDEC appreciates the opportunity to comment on this Draft EA. Please note that these comments are not indicative of approval or disapproval of the proposed action or its alternatives, nor should they be interpreted as an indication regarding future permitting decisions by TDEC. Please contact me should you have any questions regarding these comments.

Sincerely,



Matthew Taylor

Senior Policy Analyst, Office of Policy and Sustainable Practices

Tennessee Department of Environment and Conservation

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cc: Kendra Abkowitz, PhD, TDEC, OPSP
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