



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

EI-17847
C9

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C.L. "Butch" Otter, Governor
Toni Hardesty, Director

July 7, 2009

Section of Environmental Analysis
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

RE: Comments Docket No. AB-570 (Sub-No.3X), Palouse & Coulee City Railroad,
Inc. – Abandonment Exemption – In Latah County, Idaho

Dear Sir/Madam:

The Lewiston Regional Office of the Department of Environmental Quality has received correspondence from Mr. Karl Morell of Ball Janik LLP, Attorneys for Palouse & Coulee City Railroad requesting assistance in identifying possible water quality issues that may be involved with the above mentioned project. We appreciate the opportunity to review this project, and offer the following comments regarding state water quality standards and state responsibility under the Clean Water Act as they apply.

Approximately 3 miles of the rail line located in Moscow, Idaho proposed to be abandoned is adjacent to Paradise Creek. Paradise Creek (WBID 7060108CL005), is listed in Idaho's 2008 Integrated Report as impaired with TMDL required pollutant load reductions for sediment, temperature, bacteria, and nutrients. Approximately 0.2 mile of the rail line proposed to be abandoned between 6th Street and MP 85.91 is adjacent to the remediated Sweet Avenue site on the south and the Jackson Silo Brownfield project site on the north.

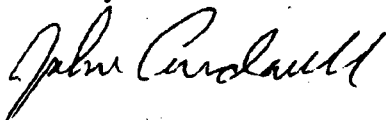
We have identified the following specific water quality and environmental project requirements and concerns. This letter does not constitute a 401 certification and additional or different conditions may be specified in connection with the Department's review of specific activities. In addition, in this letter we have only identified water quality concerns. The abandonment must also comply with all other state environmental laws, including without limitation, the Idaho Hazardous Waste Management Act:

1. Railroad abandonment activities, which include placing fill below the high water mark in waters or wetlands of the State will require a §401 water quality certification, or will be pre-certified under a nationwide §404 permit for the project.
2. A pollution prevention plan for sediment and erosion control should be developed to identify and prevent landslides and erosion resulting from the rail bed abandonment. A Clean Water Act Section 402 NPDES Construction Storm Water Permit may be required by the US Environmental Protection Agency.

3. Method(s) need to be employed to prevent leaching of wood preservatives from newly exposed treated wood surfaces during dismantling of rail line structures.
4. The creek's riparian canopy cover, channel configuration and sinuosity should be restored to remediate pollutant loads where the rail line easement has affected these attributes causing temperature and sediment pollutant load contributions to Paradise Creek.
5. Railroad tie piles, debris dumps, and contaminated areas should be identified and cleaned up.
6. Adjacent properties along the rail line between 6th Street and MP 85.91 have been shown to have contained hazardous materials or wastes in the past and have been remediated (Sweet Avenue project on the south), or currently contain hazardous materials or wastes and are being remediated (Jackson Street Silo Brownfield project on the north). Disturbance or excavation of contaminated materials during abandonment can result in the generation of hazardous wastes. A hazardous waste contingency plan needs to be developed to ensure that any hazardous wastes that are generated during abandonment are stored and disposed of in accordance with the Idaho Hazardous Waste Management Act, Idaho Code § 39-4401 et. seq. The contingency plan must include notification to DEQ if hazardous wastes or materials are encountered.

Thank you for the opportunity to provide comment on this project. If you would like to discuss these comments or have any questions please contact the DEQ Lewiston Regional Office at (208) 799-4370.

Sincerely,



John Cardwell,
Acting Regional Administrator

cc: Douglas Conde, AG/Boise
Karl Morell, Ball Janik