



STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
CHUCK GIPP, DIRECTOR

September 15, 2016

Office of Environmental Analysis (OEA)
Surface Transportation Board (STB)
395 E Street SW
Washington, D.C. 20423

Re: STB Docket No. AB-337 (Sub No. 9X)

Dear Sir/Madam:

The Iowa Department of Natural Resources Air Quality Bureau (Iowa DNR AQB) received a letter dated August 29, 2016, sent by W. Karl Hansen of Stinson Leonard Street LLP, requesting comments on the planned filing to STB of a Verified Notice of Exemption seeking authority to abandon approximately 1.95 miles of rail line in Scott County, Iowa. The report enclosed with the letter indicates that Stinson Leonard Street LLP had sent an earlier letter to the Iowa DNR AQB dated July 22, 2016, and that no response had been received. On behalf of Iowa DNR AQB, I apologize for the lack of prior response, but I have not received a copy of the July 22, 2016, letter and have not been able to locate a copy sent to our office. I have prepared the following comments below in hopes that the comments will be timely and sufficient for the STB to complete its independent environmental assessment of this project.

Iowa DNR is the regulatory authority for the air quality programs described below. These programs may or may not apply to the proposed project described in your letter.

- **Construction Permitting Requirements**

DNR issues construction permits for new and modified sources of air pollutants. If the project should include any new air emission units, including portable equipment such as cement batch plants, asphalt plants, or limestone crushing plants, the project may be subject to these construction permitting requirements. Please visit our website at <http://www.iowadnr.gov/Environmental-Protection/Air-Quality/Construction-Permits> for more information or contact our permit hotline at 1-877-AIR-IOWA. You may also wish to review the rules for permitting contained in 567 Iowa Administrative Code (IAC) Chapter 22 (455B). The IAC is available on-line at <https://www.legis.iowa.gov/law/administrativeRules/agencies>.

- **Asbestos**

Building renovations, demolitions and training fires are potentially subject to the asbestos release prevention efforts under the National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos [40 Code of Federal Regulations (CFR) Part 61, Subpart M]. The DNR has been delegated the authority to administer and enforce this program.

The asbestos NESHAP rules apply **before** renovation or demolition begin, and often require a thorough inspection and lab analysis of suspect asbestos containing material, notification to the DNR and, in some cases, proper removal and disposal. For more information, please visit our website at <http://www.iowadnr.gov/Environmental-Protection/Air-Quality/Asbestos-Training-Fires>. You may also contact the Iowa DNR's Asbestos NESHAP Coordinator, Tom Wuehr, at 515-494-8212.

- **Open Burning**

The DNR regulates open burning. "Open burning" is the burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack. In general, open burning, including open burning of trade waste such as railroad ties and other waste associated with the trackage abandonment, is prohibited, except for the specific exemptions listed in the state open burning rules. Additionally, specific conditions apply if you wish to use burning during the clearing and grubbing of landscape waste. The open burning requirements are contained in 567 IAC rule 23.2(455B). The air quality rules for open burning and other information are available at <http://www.iowadnr.gov/Environmental-Protection/Air-Quality/Open-Burning>.

- **Fugitive Dust**

The DNR administers regulations that pertain to fugitive dust. In general, owners or operators must take reasonable precautions to prevent fugitive dust from becoming airborne and crossing the property line. These regulations, which may be applicable to this project, are contained in 567 IAC paragraph 23.3(2)"c", and can be found at the website indicated in the Construction Permitting Requirements section noted above.

- **Opacity**

The DNR administers regulations that pertain to opacity (visible emissions). In general, visible emissions in excess of 40 percent opacity are not allowed unless specifically exempted under rule. The rules for opacity, which may pertain to this project, are under paragraph 567 IAC 23.3(2)"d", and are available on-line at the link indicated in the Construction Permitting Requirements section noted above.

If you have any questions, please contact me by phone at (515) 725-9510 or by e-mail at christine.paulson@dnr.iowa.gov.

Sincerely,



Christine M. Paulson
Environmental Specialist Senior

cc: Mr. W. Karl Hansen, Stinson Leonard Street, 150 S. Fifth St., Suite 2300, Mpls., MN 55402