



Minnesota Pollution Control Agency

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ET-18022-1320

October 19, 2009

Mr. Thomas McFarland
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1112

Re: Minnesota Northern Railroad, Inc. Abandonment Exemption Draft Environmental and
Historic Report

Dear Mr. McFarland:

Thank you for the opportunity to review and comment on the Draft Environmental and Historic Report for the Minnesota Northern Railroad, Inc. Abandonment Exemption project (Project) in Roseau County, Minnesota. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, the MPCA staff has the following comments for your consideration.

Spills and Contaminated Properties

A review of the MPCA spills database and the *What's In My Neighborhood?* database did not identify any spills, hazardous waste sites or potentially contaminated properties at the location of the proposed Project. However, the MPCA recommends that a Contingency Plan be prepared in order to properly manage any unreported spills or contamination that may be discovered during rail line abandonment activities. If contamination is found, it must be reported immediately to the state duty officer at 651-649-5451 or 800-422-0798. Assistance is available from the MPCA's Petroleum Brownfields Program and/or the Voluntary Investigation and Cleanup (VIC) Program to receive necessary technical assistance in managing contamination. Information regarding the Petroleum Brownfields program can be found at:

http://www.pca.state.mn.us/programs/vpic_p.html#factsheets. Information regarding the VIC program can be found at: <http://www.pca.state.mn.us/cleanup/vic.html>.

Disposal of Railroad Ties

It is likely that the railroad ties that will be removed as part of the proposed Project have been treated with pentachlorophenol or creosote as a wood preservative. According to the U.S. Environmental Protection Agency's Web site, pentachlorophenol is a human carcinogen and creosote is a possible human carcinogen. The MPCA strongly recommends against giving the railroad ties to landowners as the wood frequently ends up being burned or inappropriately used, leading to exposure to harmful chemicals. Open burning of treated wood is prohibited by state law. Burning treated wood in anything but an industrial burner operating at high heat releases toxic chemicals into the air. Toxic chemicals may also be concentrated in the resulting ash. If treated ties are given to landowners or wood salvagers, the recipients must be made aware of the associated risks and use restrictions, including the law against open burning.

Mr. Thomas McFarland
October 19, 2009
Page 2

The MPCA published a fact sheet in 2009 (available on the MPCA's Web site at <http://www.pca.state.mn.us/publications/w-hw4-67.pdf>) that outlines some of the recommended guidelines for use of treated wood. The University of Rhode Island has also authored an informative fact sheet (available on their Web site at <http://www.uri.edu/ce/factsheets/prints/chemwood.html>) titled *Safe Use of Chemically Treated Wood*, which summarizes recommended precautions for handling, using, and disposing of treated wood. We recommend that you utilize the information in these fact sheets in developing your plan for reuse of any treated railroad ties from the project, including providing risk information to potential recipients of the ties.

If disposal is chosen as the option for managing the removed ties, or if wood salvagers need to dispose of portions of the ties, please be aware that Minnesota's hazardous waste rules require businesses to evaluate waste to determine whether or not it is hazardous. Treated wood waste such as railroad ties must be evaluated for toxicity, using the Toxicity Characteristic Leaching Procedure (TCLP). Industry studies have shown that wood treated with pentachlorophenol and creosote usually does not contain levels of toxic constituents that cause it to fail the TCLP analysis. If the waste is found to be hazardous (i.e., fails the TCLP analysis), it must be disposed of at a hazardous waste incinerator landfill. It must be transported using a licensed hazardous waste transporter per individual local county regulations. Non-hazardous treated wood waste (i.e., does not fail the TCLP analysis) may be disposed of in lined solid waste landfills or permitted waste incinerators. Please contact the MPCA's Bill Wilde at 651-757-2825, if you have any questions about managing or disposing of treated wood.

We appreciate the opportunity to review this project. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this document please contact me at 651-757-2508.

Sincerely,



Karen Kromar
Planner Principal
Environmental Review and Feedlot Section
Regional Division

KK:mbo

cc: Bill Wilde, MPCA, St. Paul
Craig Affeldt, MPCA, St. Paul