



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

AUG 10 2010

Mr. Troy Brady
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

RE: Docket No. FD 35141

Dear Mr. Brady:

The Environmental Protection Agency (EPA) has reviewed the Surface Transportation Board's (STB) Environmental Assessment dated July 26, 2010, for the construction and operation of 18,000 feet (3.4 miles) of a new rail line at a site to be called the Brookhaven Rail Terminal (BRT), located in the Town of Brookhaven, Suffolk County, NY. The applicant, U.S. Rail Corporation, proposes to construct and operate both the new rail line and certain facilities on the 28-acre BRT site. The facilities include a rail switch connecting to the Long Island Rail Road (LIRR), 134 feet of track within the turnout, 200 feet of lead track on LIRR property, 100 feet of lead track on BRT property, and crushed stone aggregate handling and storage facilities consisting of an aggregate storage area, a freight storage area and a transload area with truck scales. The purpose of the facility is to provide a terminal to receive rock and aggregate via rail and transload the material to trucks.

EPA concurs with the STB's Finding of no Significant Impacts for the BRT. However, we offer the following comments:

- While EPA understands that the STB's authority through the Interstate Commerce Act is only to license the new rail line, a General Conformity Applicability Analysis must be completed (40 CFR 93.153) as Suffolk County is in non-attainment for the PM_{2.5} and ozone National Ambient Air Quality Standards. All emissions related to the construction of the new rail line must be included, such as soil excavation, preparation of track beds and tracklaying.
- In order to safeguard the Nassau-Suffolk Aquifer, any fuel storage in an above-ground, on-site tank should have secondary containment of a capacity equal to that of the tank plus possible rainwater that might accumulate in the containment enclosure.

- If wooden railroad ties are to be used, the applicant should avoid toxic compounds that could leach over time into ground water. For a discussion of wood preservatives see the EPA site: <http://www.epa.gov/oppad001/reregistration/cca/>

EPA would also like to use this opportunity to encourage U.S. Rail Corporation to implement green practices and techniques during design and construction. Additionally, EPA's Clean Construction USA website at <http://www.epa.gov/cleandiesel/construction/index.htm> provides more information about diesel emission reductions.

Thank you for the opportunity to comment. If you have any questions, please call Lingard Knutson of my staff at (212) 637-3747.

Sincerely,



Grace Musumeci, Chief
Environmental Review Section