



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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IDAHO PUBLIC
UTILITIES COMMISSION

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

October 21, 2010

Idaho Public Utilities Commission
PO Box 83720
Boise, ID 83720

RE: Comments Case No. UPR-R-10-01, Notice of Intent to Abandon a Rail Line
Milepost 0.9 to 1.75 of the Stoddard Industrial Lead, Nampa, Idaho

Dear Sir/Madam,

The Boise Regional Office of the Department of Environmental Quality (DEQ) has received a Notice of Intent that the Union Pacific Railroad (UPRR) intends to abandon and discontinue service from milepost 0.9 to 1.75 of the Stoddard Industrial Lead in Nampa, Idaho. UPRR is required to consult with State environmental program agencies prior to development of an Environmental Report. The Environmental Report will analyze the potential environmental impacts caused by the proposed abandonment. We appreciate the opportunity to provide these preliminary comments on this project. However, we anticipate UPRR will initiate communication with DEQ for more in-depth discussions regarding the abandonment plan for the identified rail line segment and the potential environmental concerns for this project as part of the development of the Environmental Report.

1. **Air Quality.** Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), permits to construct (58.01.01.201), and odor control plans (58.01.01.776).
2. **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of wastes generated, determine whether or not each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
3. **Solid Waste.** No trash or other solid waste should be buried, burned, or otherwise disposed at the site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.
4. **Water Quality.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of State waters, and the clean up and reporting of oil filled electrical equipment, hazardous materials, used oil, and petroleum releases.

5. **Water Quality.** A pollution prevention plan for sediment and erosion control should be developed to identify and prevent sediment 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.
6. **Ground Water.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11) which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching or disposal of a contaminant into the environment in a manner that causes a groundwater quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."
7. **Surface Water.** If this project is near surface water, DEQ requests that projects incorporate construction best management practices to assist in the protection of Idaho's water resources. Total Maximum Daily Load storm water permit conditions may apply. A National Pollution Discharge Elimination System (NPDES) Permit may be required for this project.
8. **Surface Water.** If the project will involve de-watering of ground water during excavation and discharge back into surface water, a short term activity exemption (from this office) will be needed which describes treatment of the water from this process to prevent excessive sediment and turbidity from entering surface water.
9. **General.** Railroad ties, debris dumps, and contaminated areas should be identified, assessed and properly remediated. Abandonment methods need to prevent leaching of wood preservatives from treated wood surfaces during dismantling of rail line structures.
10. **General.** Adjacent properties along the proposed abandonment segment should be evaluated for potential underground storage tanks, leaking underground storage tanks, hazardous waste sites, and remediation sites that may impact proposed abandonment activities.

Thank you for the opportunity to provide preliminary comments on this project. Additional comments may be necessary after receiving more information regarding specific abandonment plans. If you would like to discuss these comments or have any questions, please contact the DEQ Boise Regional Office at (208) 373-0550.

Sincerely,



Pete Wagner
Regional Administrator
Boise Regional Office

- c: Michael McCurdy, DEQ-BRO Ground Water and Remediation Manager
Natalie Clough, DEQ-SO Hazardous Waste Compliance Manager
Douglas Conde, Deputy Attorney General