

THE MAIN ISSUE

- The 404-permit being evaluated by the US Army Corps of Engineers is for **less than half** of the proposed 1100-acre facility.
- In addition to the 500-acre intermodal rail yard in the permit application, there is 600 acres of warehousing fully planned as part of the facility that was excluded from the permit application.
- The partial permitting for this facility artificially reduces the numbers for all impacts.

AIR POLLUTION ISSUES

- The number of lifts determines the number of trucks and thus the air quality modeling.
- Based on lift numbers presented by BNSF at public presentations 2006-2009, there would be 2400 to 2800 trucks accessing the intermodal rail yard each day.
- With the first phase of warehousing fully occupied, there would be **5000 to 6000** trucks accessing the facility each day (per lift numbers, BNSF public presentations, 2006-2009).
- The lift numbers that BNSF submitted and had assessed for this permit are significantly less than what has been publicly presented by BNSF from 2006 through 2009.
- The environmental assessment did not take into account that the air quality in Johnson County and Kansas City is already crossing ozone non-attainment levels.
- Johnson County and the greater Kansas City metro area would be in the path of prevailing winds from this facility over 240 days per year.
- KDOT estimates that I-35 will carry 80% of the truck traffic and that 75% of the trucks leaving the facility will travel north on I-35. (That's through Johnson County and the KC Metro area.)
- The partial permitting of this facility (only 500 acres) significantly reduces the number of diesel-powered vehicles used in determining air quality data and impacts for what would actually be an 1100-acre facility.
- The air quality modeling also relies heavily on an assumption of newer technologies being in place to reduce pollution clearly ignoring the longevity of the currently operating diesel engines.

WATER POLLUTION ISSUES

- The location is in direct endangerment of the Hillsdale Watershed.
- Hillsdale Reservoir provides drinking water for 30,000 people in five cities and rural Johnson and Miami Counties.
- A stream that is part of this watershed would be destroyed and replaced with a concrete drainage system that would run directly through the rail yard into Bull Creek, one of the main tributaries for Hillsdale Reservoir.
- The newly created "stream" should be treated as a "point-source" of pollution requiring NPDES permitting. (The National Pollutant Discharge Elimination System permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States under the Clean Water Act.)

- According to the BNSF Draft EA (page 35): “Stormwater runoff from other impervious areas at the facility would flow into the receiving waters...(it) could contain contaminants such as oil and grease, petroleum hydrocarbons, total dissolved solids and metals.”
- Bull Creek runs along the western corner of the 1100-acre facility only four miles north of its entry into Hillsdale Lake. That four-mile course includes Mildale Farm and the future Bull Creek Park.
- An 1100-acre industrial development would impact the watershed and both Johnson County Parks. “An increase in impervious surfaces are the main cause of water quality degradation (and can lead to increased amounts of water flowing in the stream, less ground water flowing through the soil, and more erosion of the stream bed...resulting in flooding, habitat loss, erosion....and physical changes in how the stream looks and functions.” (BNSF Draft Environmental Assessment page 41)
- There are just six holding ponds to deal with surface runoff for the 500 acres of the 404-permit application leaving 600 acres of industrial development unaddressed in runoff treatment.
- There is no plan for a water treatment plant or a boom to stop water flow if necessary.
- A 1-inch rain during a hot summer day on just 500 paved acres can produce over 1 million gallons of super-heated water that could discharge directly into the system devastating aquatic life.
- The 600-acres not being assessed in the 404-permit includes tributaries to Bull Creek and plans for a fuel depot sited alongside one of them.
- Five states have recently sued BNSF for fouling their water systems.
- According to the Draft Environmental Assessment, BNSF exempts itself from liability for spills or pollution created by refueling crews working at the intermodal. (“Locomotives and rubber-tired gantry cranes would be refueled using a mobile fuel truck, which would preclude refueling in a hydraulically separate area. The crew performing the refueling activity would have to bring their own spill containment and cleanup equipment to minimize potential effects to surface water quality.” Page 34)

FINAL POINTS & HEALTH ISSUES

- The facility is less than a mile from two schools and brand new housing subdivisions in Gardner on agricultural land that had been planned for residential and light commercial development, not industrialization.
- There would be 24/7 noise and light pollution affecting residents and Johnson County parklands.
- Just the intermodal would produce 18 metric tons per year of diesel soot (per Environ assessment). That number would double with the first phase of warehousing fully occupied. A five-mile radius would be significantly affected by Volatile Organic Compounds (VOCs).
- The health of everyone, especially children and the elderly, who are living, working and going to school in close proximity to this facility would be adversely impacted reducing the quality of life for thousands of people.
- This 404-permit needs a full Environmental Impact Statement and Health Risk Assessment for the intermodal and the development directly planned and related to it.