

To: Joshua A. Marx, Regulatory Project Manager, Kansas City Regulatory Office, U.S. Army Corps of Engineers ("Corps")
From: Kathleen M. Goodyear
Re: Proposed BNSF Intermodal Facility and Attendant Logistics Park in the Gardner, KS Area – Permit Application No. 2006-1014
Date: August 9, 2009 – submitted by e-mail

Dear Mr. Marx:

As a citizen of Jackson County, MO, and the Kansas City metropolitan area, I hereby object to the Corps' issuing of a Section 404 permit to the BNSF Railway for its proposed intermodal facility near Gardner, KS. At the very least, I demand that the Corps conduct a full Environmental Impact Study and Health Risk Assessment and hold public hearings on both.

It is unconscionable that the Corps issued a Finding of No Significant Impact in its Environmental Assessment regarding the project. Intermodal facilities have proven to be huge sources of diesel and other types of pollution, including from trains, trucks, and cargo-handling equipment. Because of the direction of prevailing air currents, it is obvious that airborne pollutants will be carried over and dumped into not only Gardner, but the entire Kansas City metropolitan area, which already has had significant difficulties meeting federal air quality standards. I have read that even the study submitted to the Corps by BNSF conducted by Environ Corp. estimates that 119 tons of NO_x, 16 tons of VOCs, and close to 6 tons of particulate matter will be released into the air at the site. How can that be considered "no significant impact"? The U.S. Environmental Protection Agency has clearly acknowledged diesel exhaust's impacts on human health in its 2008 Locomotive Rule, stating: "Recent studies are showing that populations living near large diesel emission sources such as major roadways, rail yards, and marine ports are likely to experience greater diesel exhaust exposure levels than the overall U.S. population, putting them at greater health risks" ("Control of Emissions of Air Pollution From Locomotive Engines and Marine Compression-Ignition Engines Less Than 30 Liters per Cylinder," *Federal Register*, May 6, 2008 (Vol. 73, No. 88)).

Exhaustive studies in the Commerce, CA area and other areas where there are intermodal facilities similar to the one proposed for Gardner have clearly shown that there have been significant increases in the rates of cancer, low birth weights, preterm births, and respiratory, cardiovascular, and central nervous system health problems in populations living close to the facilities. For example, within one mile of the BNSF Hobart Railyard in Commerce, CA, diesel cancer risk is now 100:1,000,000, and the overall cancer rate for those living near BNSF's San Bernardino, CA facility is now 2,500:1,000,000. Please note that Gardner's high school and middle school are less than a mile from the proposed BSNF intermodal and are also downwind from that property.

I understand that BNSF's proposed plan for treating polluted water running off the facility's roofs and asphalt surfaces is comprised of a few holding ponds, but that those ponds in all likelihood will not be sufficient to contain runoff from heavy rains of five inches or more – a recent downpour topped six inches in the Gardner area – and that the untreated overflow will be dumped into neighboring Milldale Park and then will flow into Big Bull Creek and then Hillsdale Lake, which is the source of drinking water for thousands of citizens. I understand that there are no plans for any type of water treatment at the accompanying logistics park. Such pollutants could very well kill all aquatic life in the watershed and increase the cancer risk among those whose drinking water is affected.

Washington, Montana, Idaho, North Dakota, and other states have had to sue BNSF for numerous diesel spills at fueling depots. The proposed facility will include such a fueling depot. In addition, there have been many instances of chemical spills from damaged cargo containers. Why should such a facility be allowed to be built in a watershed?

There is reason to believe that BNSF has grossly underestimated the facility's diesel emissions. Compare BNSF's figures with known emissions from similar intermodal facilities:

	Lifts/Year	Locomotive Emissions (Tons)	Cargo-handling Equipment Particulate Matter Emissions (Tons)	On-road Trucks Particulate Matter Emissions (Tons)	Particulate Matter Emissions from Other Sources (Tons)	Total Particulate Matter Emissions (Tons)
UP Commerce*	345,000	4.9	4.8	2.4	0.4	12.1
BNSF Gardner (est.)	413,000	1.58	3.2	0.27**	0.09	5.7
BNSF San Bernardino*	557,000	10.6	3.7	4.4	3.4	22.0

[Data from Andrea M. Hriko, M.P.H., Keck School of Medicine, University of Southern California, "Diesel Exposure from Railyards – How Do California Studies of Railroad Emissions and Cancer Risks Compare to What Is Predicted from the Gardner IMF?", presented at "Health and Community Impacts of Intermodal Railyards and Distribution Centers," Olathe, KS, Aug. 6, 2009. Citation added after submission of e-mail.]

* Per the California Air Resources Board – figures for 2005.

** BNSF's figure only includes on-site on-road trucks, ignoring the pollution emitted into the area by trucks coming and going from the facility.

It doesn't take a scientist to detect that something is wrong with BNSF's figures – granted that BNSF has agreed to some mitigation strategies for its Gardner facility, but the state of California has forced railyards there to adopt many more mitigation strategies than BNSF has agreed to for Gardner, and yet the UP Commerce and BNSF San Bernardino emissions still far outstrip BNSF's (woefully understated) Gardner estimates.

There are many other potential impacts from the establishment of such a facility next door to a residential suburb of a major metropolitan area, including noise and light pollution, increased truck traffic on I-35 and other area roadways, and adverse economic impacts such as the loss of property values, the demeaning of the Gardner-area job market to low-level temporary labor (as has happened in Commerce, CA), the diminishing of farming incomes due to pollution affecting crops, the wasting of the millions of dollars that have been invested in the recent creation of nearby Milldale Park, which may become nearly unusable, etc. But I understand that the Corps' responsibility here is to determine whether significant environmental and health risks would ensue from the building and operation of this facility. Given hard data stemming from California's and other areas' experiences with such facilities, it should be clear that there is a distinct possibility that this area will be similarly impacted. Therefore, I urge the Corps to conduct a full Environmental Impact Study and Health Risk Assessment to carefully assess such risks and to hold public hearings as part of those processes. By not doing so, I believe that the Corps will be in violation of the National Environmental Policy Act and that any permit issued by the Corps to BNSF will be illegal.

Thank you for your attention to this matter.

Sincerely,

Kathleen M. Goodyear
Kansas City, MO