

DRAFT ENVIRONMENTAL ASSESSMENT

DOCKET NO. FD 36575

Townline Rail Terminal, LLC – Proposed Construction and Operation of a Line of Railroad

in the Hamlet of Kings Park, Town of Smithtown, Suffolk County, NY.



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SURFACE TRANSPORTATION BOARD

Washington, DC 20423

Office of Environmental Analysis

January 5, 2024

Re: Docket No. FD 36575, Townline Rail Terminal, LLC Construction and Operation of a Line of Railroad; **Issuance of Draft Environmental Assessment and Notice of Public Comment Period**

Dear Reader:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is pleased to provide you with the Draft Environmental Assessment (EA) for the proposed construction and operation of a new 5,000-foot rail line in Suffolk County, New York. The Draft EA analyzes the potential environmental and historic impacts of Townline Rail Terminal's (Townline) request for Board authority to construct and operate the proposed rail line, which would provide common carrier rail service to industrial businesses in Smithtown, N.Y.

OEA has prepared this Draft EA pursuant to the National Environmental Policy Act (NEPA) (42 U.S.C. §§ 4321-4370m-11) and related environmental laws, including Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108). This Draft EA analyzes the potential environmental and historic impacts of the proposed rail line and the No-Action Alternative, which would occur if the Board were to deny authority for Townline to construct and operate the proposed line.

WHERE TO FIND THE DRAFT EA

The Draft EA is available for viewing and downloading on the Board's website at www.stb.gov. All information that has been filed with the Board can be found on the Board's website (Docket No. FD 36575).

HOW TO COMMENT ON THE DRAFT EA

OEA invites public comment on all aspects of the Draft EA. OEA is providing a 30-day comment period, which will begin on **January 5, 2024**, and end on **February 5, 2024**. During the comment period, members of the public may mail written comments or submit electronic comments through the environmental comment form on the Board's website at <https://www.stb.gov/proceedings-actions/e-filing/environmental-comments/>.

WHAT HAPPENS AFTER THE COMMENT PERIOD CLOSSES

Following the close of the comment period on the Draft EA, OEA will prepare a Final EA. The Final EA will address the comments received on the Draft EA, present OEA's final conclusions regarding the potential environmental and historic impacts of the proposed rail line,

and set forth OEA's final recommendations to the Board, including final recommended environmental mitigation measures. After the Final EA is issued, the Board will issue its final decision on whether to authorize the proposed rail line. In making its final decision, the Board will consider the entire record, including the information presented on the transportation merits, the Draft EA, Final EA, and all public and agency comments received. If the Board decides to authorize the proposed rail line, the Board may impose conditions on Townline as part of that decision, including environmental mitigation conditions.

OEA appreciates the efforts of all interested parties who have participated in this environmental review. We look forward to receiving your comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Gosselin". The signature is written in a cursive, flowing style.

Danielle Gosselin

Director

Office of Environmental Analysis

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Summary

Introduction

Proposed Action

On November 17, 2022, Townline Rail Terminal LLC (Townline) filed a petition in Docket No. FD 36575 under 49 U.S.C. § 10502 seeking authorization from the Surface Transportation Board (Board) to construct and operate approximately 5,000 feet of new, common carrier rail line and associated switching and sidetrack in the Hamlet of Kings Park, Town of Smithtown, N.Y. (Smithtown) (Proposed Action). CarlsonCorp, Inc. (Carlson) established Townline in 2021 to be a common carrier railroad. The proposed 5,000-foot line would connect and run parallel to the existing Long Island Railroad (LIRR) mainline.

The proposed line would add two daily New York and Atlantic Railway (NYA) trains (one roundtrip) to the LIRR system five days a week. NYA is a short line railroad that currently operates freight rail service on the LIRR mainline in conjunction with LIRR passenger operations in New York's Suffolk, Nassau, Kings, and Queens Counties. NYA operates over 270 miles throughout the LIRR network and maintains selected sidings and tracks designated exclusively for freight service. If the proposed rail line is authorized and implemented, Townline would interchange its rail traffic with NYA, which would then move the commodities off Long Island by rail.

Purpose and Need

According to Townline, the Proposed Action is needed to provide a rail option for transporting incinerator ash and construction and demolition (C&D) debris off Long Island for customers located on Carlson property and adjacent properties. Townline states that in 2024, Brookhaven landfill (the largest disposal option for incinerator ash and C&D debris on Long Island) will reach maximum capacity and close. Townline notes that the proposed line would offer an alternative to truck transportation off Long Island by providing efficient, direct rail transportation via the LIRR mainline to the interstate network. In addition to serving Carlson, Townline anticipates it would potentially serve Covanta Energy, a waste-to-energy facility located half a mile west of the Proposed Action that converts Smithtown's solid waste into incinerator ash, and other shippers in the area.

The proposed federal action is the Board's decision to authorize, with appropriate conditions, or deny construction and operation of the proposed rail line. The Proposed Action is not being proposed or sponsored by the federal government. Therefore, the purpose and need for the proposed line is informed by the goals of Townline as the project applicant in conjunction with the Board's enabling statutes, 49 U.S.C. 10901 and 10502.

Draft EA and Final EA Process

The Board is the lead agency for this environmental review. OEA is responsible for conducting the environmental review process, independently analyzing environmental data, and making environmental recommendations to the Board. OEA is issuing this Draft EA for public review and comment for 30 days. Comments are due by **February 5, 2024**. OEA will consider all timely comments received on this Draft EA and will respond to comments in the Final EA, which will include OEA's final recommended environmental mitigation. The Board will consider the entire record, including the Draft EA and Final EA, all comments received, OEA's recommendations, and the transportation merits in making its final decision on whether to authorize the proposed line.

Alternatives

The regulations implementing the National Environmental Policy Act (NEPA) require that federal agencies consider reasonable alternatives to the Proposed Action, including a No-Action Alternative. A reasonable alternative must meet the project's purpose and need and must be logistically feasible and practical to implement. Based upon the purpose and need, information provided by Townline, agency comments, and OEA's independent analysis, the Proposed Action is the only reasonable and feasible Build Alternative carried forward for detailed analysis in this Draft EA. Thus, the Draft EA addresses only the Proposed Action and the No-Action Alternative.

Summary of Impacts

No-Action Alternative

Under the No-Action Alternative, the Board would not authorize Townline's proposed construction and operation, and Townline would not construct and operate the proposed line. No rail carrier would operate on the subject site, as under current conditions; therefore, potential environmental impacts associated with the Proposed Action would not occur.

Proposed Action

Under the Proposed Action, the Board would authorize Townline's proposed rail construction and operation, and Townline would construct and operate the rail line, providing common carrier rail service to a planned truck-rail transloading facility, which it states would be subject to state and local regulation. Carlson would independently construct the transloading facility to handle the transportation of construction and demolition debris and incinerator ash from Long Island.

Townline would also hold itself out to serve other shippers. If the proposed rail line is authorized and implemented, Townline would interchange its rail traffic with NYA, which would then move the commodities off Long Island by rail.

Because the Proposed Action would be built in an existing industrial area, there would be fewer environmental and historic impacts than would be the case with construction on an entirely new right-of-way. As demonstrated in this Draft EA, the impacts of the Proposed Action range from no adverse effect to minimal impacts. OEA determined that construction of the Proposed Action may affect the northern long-eared bat (NLEB), a federally-listed endangered species, through the clearing of or disturbance to forested habitat, temporary construction noise and lighting, and operational lighting and noise. However, due to the habitat conditions in the project area in combination with mitigation measures, OEA concluded that the Proposed Action may affect but it is unlikely to adversely affect the NLEB.

Mitigation

Based on the analysis in this Draft EA, the Proposed Action, with the mitigation recommended in this Draft EA, would have no or negligible adverse impacts on all resources evaluated. These mitigation measures include certain voluntary mitigation proposed by Townline and additional measures developed by OEA. Townline submitted proposed voluntary mitigation measures to OEA in correspondence dated July 10, 2023, and October 17, 2023, prior to the completion of the environmental analysis. Upon completion of the environmental analysis, OEA incorporated the relevant proposed voluntary mitigation measures into the Draft EA. OEA is recommending that the Board impose all of this mitigation on any decision authorizing the proposed rail line. OEA will make its final recommendations on mitigation to the Board in the Final EA after considering all public comments on this Draft EA.

Conclusion

OEA concludes that the Proposed Action would have negligible impacts to all environmental resource areas, excluding biological resources. For biological resources, OEA concludes that the Proposed Action's impacts can be appropriately minimized with the mitigation recommended in this Draft EA.

This Draft EA is available for viewing and downloading on the Board's website (www.stb.gov) by clicking "Search STB Records" near the top of the home page and then searching for "Decisions" using Docket Number "FD 36575." In addition, a hard copy of the Draft EA is available at the local libraries identified in Table 1.7-1 of the Draft EA, which includes the address, telephone, website, and operating hours for each location.

OEA invites comments on all aspects of this Draft EA and will consider all timely comments received. All comments on this Draft EA must be submitted by the comment due date, within the comment period, which will close in 30 days on **February 5, 2024**. When submitting comments on this Draft EA, OEA encourages commenters to be as specific as possible and to

substantiate concerns and recommendations. Comments on this Draft EA may be submitted electronically through the Board’s website at www.stb.gov by clicking on the “E-Filing” link on the left side of the home page and then selecting “Environmental Comments.” Brief comments may be typed within the comment field provided or longer comments may be attached as a separate file. Alternatively, comments on this Draft EA can be mailed to:

Andrea Poole
Surface Transportation Board
Environmental Filing, Docket No. FD 36575
395 E Street SW
Washington, DC 20423

It is not necessary to mail written comments that have been filed electronically. Please refer to Docket No. FD 36575 in all correspondence addressed to the Board, including all comments submitted on the Draft EA.

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Purpose and Need

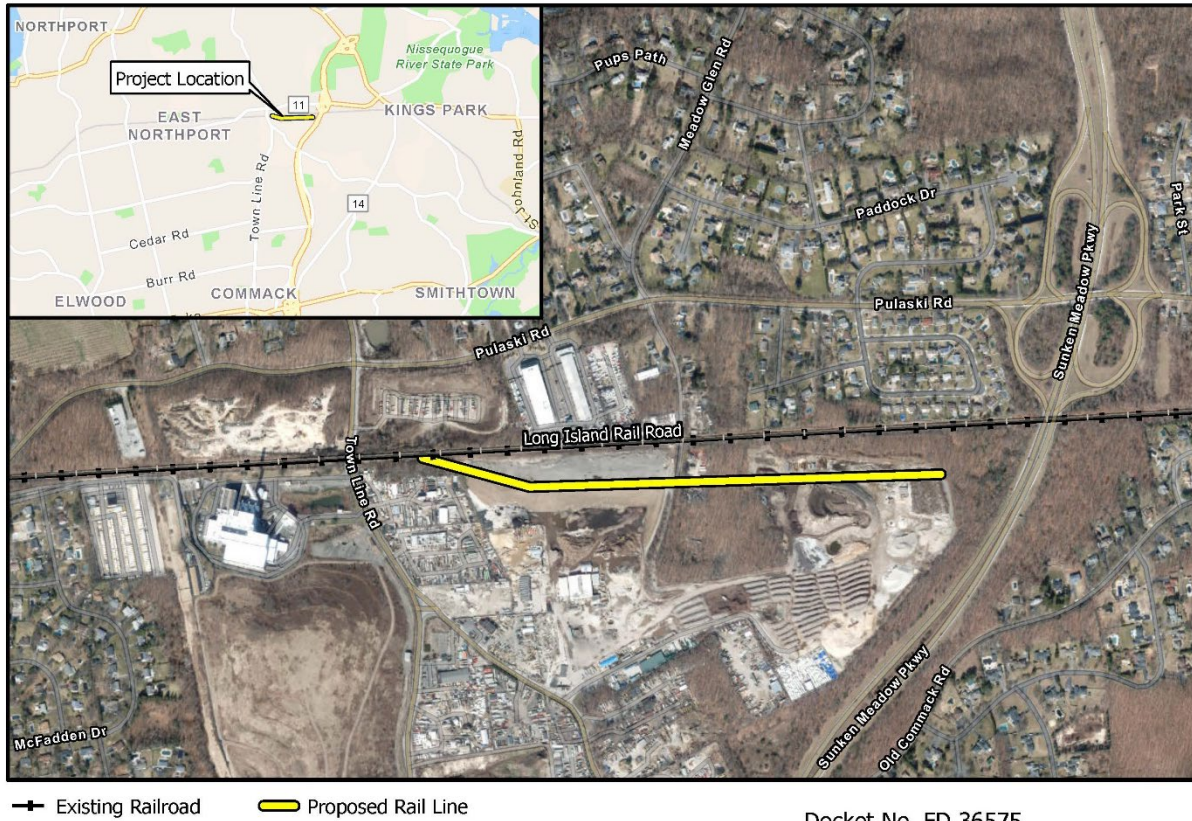
1.1 Introduction

On November 17, 2022, Townline Rail Terminal LLC (Townline) filed a petition in Docket No. FD 36575 under 49 U.S.C. § 10502 seeking authorization from the Surface Transportation Board (Board) to construct and operate approximately 5,000 feet of new, common carrier rail line and associated switching and sidetrack in the Hamlet of Kings Park, Town of Smithtown, N.Y. (Smithtown) (the Proposed Action) (see **Figure 1.1-1**).¹ CarlsonCorp, Inc. (Carlson) established Townline in 2021 to be a common carrier railroad.² The proposed 5,000-foot line would connect and run parallel to the existing LIRR mainline.

¹ Under 49 U.S.C. § 10906, Board authorization is not required for construction, acquisition, operation, abandonment, or discontinuance of ancillary switching or sidetrack. Railroads also have the right to increase efficiency by improving, reactivating, and rehabilitating their rail lines, and rerouting their traffic without authority from the Board. In this case, however, Townline asked for authority to construct and operate as a common carrier the 5,000 feet of new rail line. Moreover, the associated switching and sidetrack in the northern portion of Carlson’s 82-acre industrial property are related to Townline’s plans for the proposed construction, and OEA has the information needed to encompass that track in its environmental review at this time. Accordingly, the Draft EA considers both the potential environmental impacts of 5,000 feet of new railroad line and the planned switching and sidetrack as part of the Proposed Action.

² Railroads have a common carrier obligation to provide rail transportation or service subject to the jurisdiction of the Board to shippers that request it “on reasonable request.” 49 U.S.C. §11101(a).

Figure 1.1-1: Project Location



Docket No. FD 36575

Townline intends to serve a planned truck-rail transloading facility that its affiliated entity, Carlson, would build pursuant to state and local law. Carlson operates a New York State Department of Environmental Conservation (NYDEC) permitted waste transfer facility on a portion of its 82-acre industrial property in Smithtown, where it recycles and processes uncontaminated concrete, asphalt pavement, rock, brick, soil, unadulterated wood, yard waste, and horse manure.³ If the proposed rail line is authorized and built, Townline plans to transport incinerator ash, construction and demolition (C&D) debris, and aggregates using Carlson’s planned transloading facility.⁴ In addition to serving Carlson, Townline anticipates it would potentially serve Covanta Energy, a waste-to-energy facility located half a mile west of the Proposed Action that converts Smithtown’s solid waste into incinerator ash, and other shippers in the area. Townline’s trains would interchange with the New York & Atlantic Railway (NYA). NYA would operate one round-trip train per day, five days a week, in coordination with Townline. Townline explains that the planned rail service and transloading facility would provide more efficient waste disposal, which is needed because

³ A waste transfer facility is a facility where waste is received, consolidated, and then transported to a subsequent facility for processing, treatment, further transfer, or disposal. (<https://www.dec.ny.gov/chemical/23678.html>)

⁴ The C&D debris estimates include steel, wood products, drywall and plaster, brick and clay tile, asphalt shingles, concrete, and asphalt concrete. These materials are used in buildings, roads and bridges, and other sectors (<https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/construction-and-demolition-debris-material>).

the last remaining public landfill on Long Island to accept both incinerator ash and mixed C&D debris is scheduled to close in 2024.

Background

Long Island currently has five landfills to handle solid waste. Suffolk County defines solid waste as “municipal and private solid waste; clean C&D debris,⁵ yard waste; sewage; sludge; other waste by-products.”⁶ There are strict regulations on Long Island landfills (Nassau and Suffolk County regulations) due to the deep flow recharge areas (where water seeps into the ground to refill an aquifer), which provide drinking water on Long Island. The Long Island Landfill Law, ECL 27-0704, places restrictions on new landfills and expansions to existing landfills both in and out of the deep flow recharge areas.⁷ Due to these tighter State regulations, Long Island has no active municipal solid waste (MSW) landfills.⁸

The five active landfills on Long Island are:

- Brookhaven landfill, Suffolk County – the largest landfill on Long Island, collecting both ash and C&D debris but expected to reach maximum capacity and close in 2024.
- Babylon Ash Monofil, Babylon – only accepts incinerator ash.
- 1-A Hole Golf Course, Port Jefferson Country Club, Port Jefferson – less than 2-acre landfill exclusively used by the Village of Port Jefferson for brush, tree stumps and inert materials.
- 110 Sand Company Clean Fill Disposal Site, Melville – accepts only clean fill⁹ and C&D debris.
- Blydenburgh Road Landfill Complex, Hauppauge – accepts only clean fill.

Because the Blydenburgh Road Landfill and 110 Sand Clean-fill Disposal Site landfill are located within the deep-flow aquifer recharge area, they can only accept “clean” fill. Babylon’s Ash Monofil, the 1-A Hole Golf Course, and the Brookhaven landfill are located outside the deep-flow aquifer recharge area. The 1-A Hole Golf Course is exclusively used

⁵ According to the EPA, clean C&D debris includes materials that are not contaminated and are separated from different materials. C&D debris is not considered “clean” if it is a mixture of different types of materials (e.g., mixture of bricks, concrete, and wood).

⁶ *Suffolk County Solid Waste Management Report and Recommendations*. Suffolk County Solid Waste Commission.

⁷ <https://www.dec.ny.gov/chemical/23681.html>

⁸ MSW landfills accept garbage from households, institutions, and commercial establishments. C&D debris is not accepted at these landfills unless specifically noted in the facility permit.

⁹ Clean fill is free from contaminants and non-water-soluble, non-decomposable, inert solids. Clean fill can include soil, rock, stone, concrete, glass, brick, ceramics, and asphalt paving fragments. Clean fill does not include processed or unprocessed mixed construction and demolition debris.

by the Village of Port Jefferson for brush, tree stumps and inert materials; thus, it cannot be used for incinerator ash or C&D debris.

Brookhaven landfill is the only existing facility on Long Island that collects both ash and C&D debris. The Babylon Ash Monofil in the Town of Babylon (Babylon) only accepts incinerator ash.¹⁰ The Brookhaven landfill, located in Suffolk County, is the largest on Long Island, accepting approximately 500,000 tons of C&D debris a year. The Babylon facility receives 55,000 tons of incinerator ash per year.¹¹ Brookhaven’s landfill handles around 35 percent of Long Island’s solid waste. Operators expect it to reach maximum capacity in 2024 and then close. The Babylon Ash Monofil is also at risk of closing within 10 years.¹²

Researchers continue to study solutions to improve solid waste disposal for Long Island. The solutions that have been studied include increased truck transport, barging, and transporting solid waste off Long Island by rail. Currently, trucks carry approximately 65 percent of Long Island’s solid waste.¹³ Long-distance rail transportation would have a lower carbon footprint and solid waste disposal cost when compared to truck transportation.

Local Plans

As discussed below, state and local agencies have recently taken steps to further their efforts to solve the solid waste disposal problems on Long Island. Local planning units that operate MSW disposal facilities are required to have solid waste management plans for all local planning units.¹⁴

Town of Smithtown Comprehensive Master Plan

Smithtown is currently updating its Comprehensive Master Plan to guide future decisions on land use, development projects, and infrastructure investment. Smithtown has conducted extensive public engagement and prepared a generic Environmental Impact Statement as part of the New York State environmental review process for the Comprehensive Master Plan. The Comprehensive Master Plan sets forth the opportunity for a rail connection on Carlson’s existing industrial property by recommending changing a portion of the industrial property to a Heavy Industrial (HI) zoning district “in order to provide necessary and desired community services.”¹⁵ The recommendations further indicate that a rail siding in this

¹⁰ <https://www.brookhavenny.gov/DocumentCenter/View/24205/Brookhaven-Ash-Fill-Exploratory-Report>

¹¹ <https://www.wshu.org/long-island-news/2023-05-03/with-a-deadline-looming-long-island-towns-evaluate-how-they-collaborate-on-trash>

¹² <https://www.brookhavenny.gov/DocumentCenter/View/24205/Brookhaven-Ash-Fill-Exploratory-Report>

¹³ *Suffolk County Solid Waste Management Report and Recommendations*. Suffolk County Solid Waste Commission.

¹⁴ Environmental Conservation Law (ECL) Article 27-0107(1)(a).

¹⁵ Town of Smithtown Planning Advisory Report, June 2, 2021.

rezoned area would provide alternative access to Carlson’s property and would potentially reduce truck traffic on Old Northport Road. The recommended amendments to the draft Comprehensive Master Plan, presented in June 2021, included amendments stating that the HI zoning district “is an appropriate zone for this location because it is between existing HI-zoned land and the railroad and is more than 500 feet from Townline Road and all residential uses” and that the “railroad [mainline] provides alternate access to the site, and if a rail siding were to be built, access to the railroad could reduce truck traffic on Old Northport Road.”

Other Local Plans

There also has been extensive analysis of the solid waste challenges and possible solutions in Suffolk County, including:

- Smithtown, New York Local Solid Waste Management Plan, Department of Environment and Waterways, adoption update January 2020;
- Suffolk County Legislature’s Regional Solid Waste Management Commission (Commission); and
- Suffolk County Solid Waste Management Report and Recommendations.

These efforts describe the management, handling, and disposal of solid waste and recyclables, with the goal of implementing the most cost-effective solid waste operation. Currently, in Smithtown, C&D debris generated commercially or by residential contractors is disposed of privately. The Commission is tasked with exploring ways to reduce pollution, traffic congestion, and the financial impact of current solid waste disposal practices. The Commission found numerous benefits of transporting waste by rail when compared to trucks, including:

- Approximately half the cost of truck transport;
- Additional disposal options;
- Traffic congestion reduction;
- Safety (reduction in accidents and fatalities);
- More fuel efficient;
- Reduced reliance on trucks;
- Reduced nitrogen dioxide and particulates;
- Reduced transportation greenhouse gases;
- Additional capacity; and
- Fewer impacts to the roadway infrastructure (pavement, bridges).

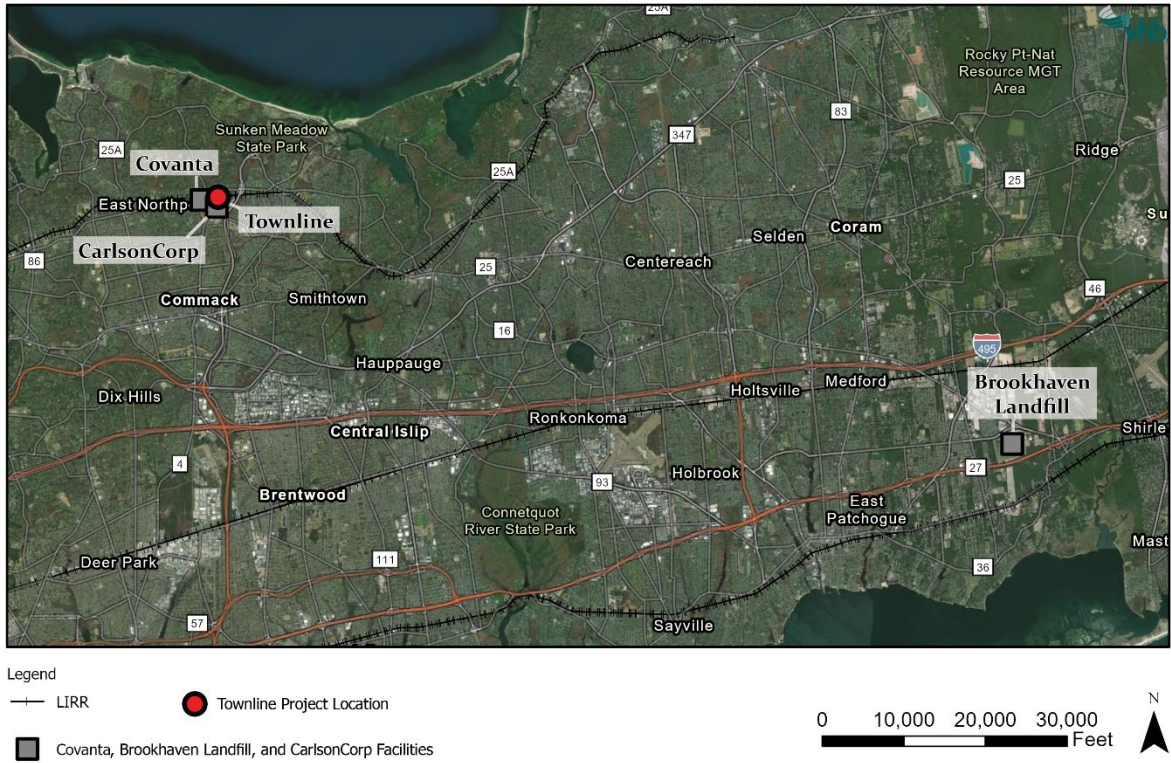
1.2 Purpose and Need

Under 49 U.S.C. § 10901, the “Board has exclusive licensing authority for the construction and operation of new railroad lines” and is required to authorize rail line construction and operation proposals unless the Board finds the project to be “inconsistent with the public convenience and necessity.” Further, 49 U.S.C. § 10502(a) directs the Board to exempt a transaction (including a construction proposal) from the prior approval requirements of § 10901 when it finds that (1) regulation is not necessary to carry out the rail transportation policy (RTP) of 49 U.S.C. § 10101; and (2) either (a) the transaction is of limited scope or (b) application of the statutory provision is not needed to protect shippers from the abuse of market power.¹⁶ The proposed construction and operation of the new rail line is not a federal government-proposed or sponsored project. The project’s purpose and need is informed by both Townline’s goals and the Board’s enabling statute—sections 10502 and 10901 of the Interstate Commerce Act as amended by the ICC Termination Act, Pub. L. No. 104-188, 109 Stat. 803 (1996). See Alaska Survival v. STB, 705 F.3d 1073, 1084-85 (9th Cir. 2013).

Townline’s purpose is to provide a rail option for transporting incinerator ash and clean C&D debris off Long Island by rail instead of by truck. Townline sees this need as time-sensitive because of the pending closure in 2024 of the Brookhaven Landfill. Once operational, Townline would immediately serve Carlson, and potentially Covanta Energy and other shippers in the area. Covanta Energy currently ships incinerator ash, a by-product of its local waste-to-energy facilities, via Carlson to the Brookhaven Landfill, the last remaining public landfill on Long Island to accept C&D debris. Covanta Energy produces 4,000 freight carloads or 12,000 truckloads of incinerator ash per year. As shown in **Figure 1.2-1**, Covanta Energy is located adjacent to Carlson and the LIRR mainline, with the Brookhaven Landfill located approximately 26 miles southeast of these facilities.

¹⁶ Lone Star R.R.—Track Constr. & Operation Exemption—in Howard Cnty., Tex., FD 35874, slip op. at 3 (STB served Mar. 3, 2016)

Figure 1.2-1: Project Location – Regional Context



Sources: Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA, Earthstar Geographics

Townline would also offer rail service for receiving materials to local customers such as Kings Park Ready Mix, Kings Park Materials (asphalt plant) and Pelkowski Precast Corporation (concrete plant), which are co-located with Carlson in the existing industrially zoned area of Kings Park. Based on information from Townline, Carlson, Kings Park Ready Mix, Kings Park Materials, and Pelkowski Precast Corporation estimate they currently receive 10,000 truckloads of materials per year that could be shifted over to rail service. Kings Park Ready Mix currently uses trucks to receive cement powder, sand, and gravel and to ship concrete to customers. Kings Park Materials receives aggregates by truck. Additional potential customers could be car dealerships, lumber yards, and concrete and asphalt plants that could use rail for delivery of aggregates needed for production.

1.3 Role of the Board

The Board is a nonpartisan, independent federal regulatory agency, composed of five presidentially appointed Members confirmed by the Senate. The Board has jurisdiction over certain rail transportation matters, including the construction and operation of new rail lines. The Board licenses railroads as common carriers, requiring them to accept goods and materials for transport from all customers upon reasonable request (49 U.S.C. § 11101(a)).

On April 4, 2023, Townline Association, Inc. (Association), an association of local residents and property owners, filed a motion to dismiss the petition for exemption, arguing that the Board lacks jurisdiction over the petition, or in the alternative, that the proposal is not appropriate for the exemption process. The Board denied this motion in a decision issued on November 15, 2023.¹⁷

1.4 NEPA and NHPA Process

The Board is required to examine the potential environmental and historic impacts of actions subject to its licensing authority under the National Environmental Policy Act (NEPA) (42 U.S.C. §§ 4321-4370m-11), Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. § 306108), and related environmental laws. The environmental and historic review process identifies and assesses the potential environmental and historic consequences of a proposed action before a decision on that proposal is made. The Board's Office of Environmental Analysis (OEA) is the office within the Board responsible for ensuring the agency's compliance with NEPA, NHPA, and related environmental laws.

In conducting its environmental and historic review, OEA considers the NEPA requirements and the Council on Environmental Quality (CEQ) implementing regulations; the NHPA and the regulations implementing it; the Board's environmental and historic preservation regulations at 49 C.F.R. Part 1105; and other related environmental laws and their implementing regulations.

As part of the environmental and historic review process, OEA makes recommendations to the Board including mitigation to address potential adverse environmental and historic impacts. OEA's recommended mitigation may include voluntary measures developed by railroad applicants and additional measures recommended by OEA. The Board encourages railroad applicants to propose voluntary mitigation. In some situations, voluntary mitigation can replace, supplement, or reach further than mitigation measures the Board might otherwise impose. In letters dated July 10, 2023, and October 17, 2023, Townline submitted voluntary mitigation measures that are discussed in more detail in Chapter 4. OEA will make final recommendations on mitigation in the Final EA that will be issued after the comment period on this Draft EA. In making its final decision in this case, the Board will consider OEA's conclusions regarding environmental and historic impacts and OEA's final recommendations for mitigation.

Request for Preparation of an Environmental Assessment

Based on the information provided by Townline and comments from the agencies and tribes discussed below, OEA determined that the preparation of an Environmental Assessment (EA), instead of a full Environmental Impact Statement (EIS), is appropriate in this case

¹⁷ Decision on Townline Rail Terminal, LLC— Construction and Operation Exemption, EB 51795, (STB served Nov. 15, 2023).

under 49 C.F.R. §1105.6(d).¹⁸ OEA granted Townline’s request for a waiver of the preparation of an EIS on September 29, 2022, for the following reasons:

- OEA conducted agency and tribal consultation and requested formal comments by July 22, 2022, during which minimal concerns regarding the Proposed Action were raised from relevant agencies and tribes.
- OEA visited the project area on August 1, 2022, to understand existing conditions in the project area. The project area is currently disturbed, and there is an existing NYDEC permitted waste transfer facility operating on site.
- Little wildlife habitat remains that could potentially be affected by the proposed rail line. Therefore, the potential for adverse impacts to wildlife species, including federally and state listed threatened and endangered species, is low.
- The proposed rail line would only extend approximately 5,000 feet and would not cross water or wetland areas.
- Due to the small volume of expected rail traffic, the potential for impacts related to air quality, safety, and noise during rail operations is low.
- The proposed rail line would not involve the addition of any new roadway/rail at-grade crossings and therefore would not result in any impacts related to vehicular or pedestrian safety and delay.
- Based on OEA’s site inspection and review of available satellite imagery, the presence of the existing operational LIRR mainline and intervening topography further reduce the likelihood that operation of the proposed rail line would result in adverse noise impacts on noise-sensitive receptors, such as residences, schools, nursing homes, hospitals, and places of worship.

1.5 Other Agency Roles and Reviews

Other Agency Roles and Reviews

Carlson is pursuing local review and approval of various improvements to its 82-acre industrial property in Smithtown, including a planned truck-rail transloading facility. Carlson intends for the transloading facility to handle the transfer of C&D debris and incinerator ash between trucks and rail cars. Carlson will be required to comply with the New York State Environmental Quality Review Act (SEQRA)¹⁹ and applicable local laws for the facility; however, the transloading facility is not subject to the Board’s jurisdiction because it is not part of Townline’s proposal to construct and operate this 5,000-foot rail line. The Board only has jurisdiction over “transportation by rail carrier,” 49 U.S.C.

¹⁸ While the Board’s regulations under 49 C.F.R. §1105.6(a) state that EISs will normally be prepared for rail construction projects, under 49 C.F.R. §1105.6(d), the Board may reclassify or modify these requirements for individual proceedings. In practice, and consistent with the CEQ regulations and 49 C.F.R. §1105.6(d), OEA prepares EAs for construction projects where it does not expect environmental impacts to be significant.

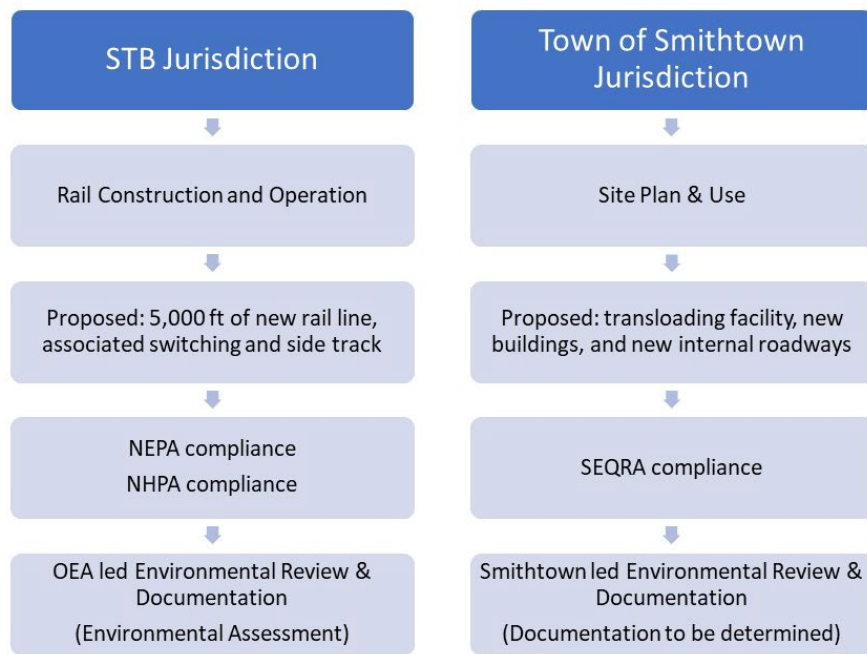
¹⁹ 6 NYCRR Part 617.

§ 10501(a), and thus is limited to Townline’s request for authority to construct and operate the proposed rail line, not the transloading facility.

Before Carlson’s planned transloading facility can be constructed, revisions to Smithtown ordinances, changes to the Town’s Comprehensive Master Plan, and rezoning of the Proposed Action property will be required. The site plan for the transloading facility will then be submitted to Smithtown, and site improvements will be reviewed under SEQRA, including New York State and local agency consultation and public involvement. This Draft EA includes an assessment of the transloading facility and associated improvements as a reasonably foreseeable cumulative impact of the Proposed Action (see Chapter 3), but it is not part of the Proposed Action.

As detailed below, there also will be separate environmental review processes under state and local law for the full build-out of Carlson’s 82-acre industrial property (see **Figure 1.5-1**).

Figure 1.5-1: Federal and State Review Process for the Carlson Site



1.6 Agency & Tribal Consultation

In June 2022, OEA consulted with relevant federal, state, local agencies, and tribes with jurisdiction or interest in potentially affected resources associated with the Proposed Action (see Agency Consultation List in Appendix A). OEA sent letters to 30 agency and tribal contacts providing background information on the Proposed Action and how to participate in the Board’s environmental and historic review process including participating as a cooperating agency or Section 106 consulting party. Agency comments were requested to

assist in identifying potential impacts and interest in serving as a cooperating agency. OEA received eight comment letters from agencies during this consultation. The comments received were primarily from local and state agencies requesting that the EA evaluate specific resources and providing input on zoning and land use (see Appendix A). This Draft EA incorporates the requested resource topics into the environmental and historic analysis in Chapter 3. There were no cooperating agency requests (see Appendix A).

Section 106 Consultation

OEA has assessed the potential effects of the Proposed Action on historic properties that are listed in or are eligible for listing in the National Register of Historic Places (National Register), as required by Section 106 of the NHPA. In a letter dated June 22, 2022, OEA initiated consultation with the New York State Historic Preservation Office (SHPO), Tribal Historic Preservation Officers (THPOs), and tribal governments with a possible interest in the Proposed Action. OEA consulted and coordinated with the Shinnecock Indian Nation, Unkechaug Indian Nation (Poospatuck Reservation), and Setalcott Indian Nation. In a letter dated July 15, 2022, OEA received a response from the New York SHPO concluding that the Proposed Action would have No Effect on historic properties located within the Area of Potential Effect for the Proposed Action. Appendix A provides detailed information on efforts to reach out to potential Section 106 consulting parties and their responses.

Section 7 Consultation

U.S. Fish and Wildlife Service (USFWS) is the federal agency with primary expertise in fish, wildlife, and natural resource issues. USFWS is responsible for implementing the Endangered Species Act (ESA) (16 U.S.C. §§ 1531-1544), and it is also responsible for implementing the Migratory Bird Treaty Act (16 U.S.C. §§ 703-712) and the Bald and Golden Eagle Protection Act (16 U.S.C. §§ 668-668d). Under Section 7 of the ESA, OEA initiated consultation with USFWS regarding the potential effects of the Proposed Action on ESA-listed species that may occur in the project area. OEA assessed the Proposed Action's potential effect on federally listed threatened and endangered species and determined the Proposed Action *may affect but is not likely to adversely affect* the endangered northern long-eared bat (NLEB). USFWS concurred with OEA's determination on November 7, 2023. OEA also determined that the Proposed Action would have *no effect* on the threatened piping plover and red knot. See Appendix A for OEA's Section 7 Consultation assessment and USFWS' concurrence correspondence.

1.7 Requests for Comments & Next Steps

The Draft EA examines the existing environmental conditions of the study area and potential environmental and historic impacts associated with the Proposed Action and the No-Action alternative, consistent with NEPA, Section 106 of the NHPA, and other relevant environmental laws. This Draft EA is being made available to the public for a 30-day comment period ending **February 5, 2024**. Interested agencies, tribes, individuals, and other stakeholders are encouraged to submit detailed and substantive comments on this Draft

EA during the 30-day comment period. A physical copy of the Draft EA is available for review at the locations identified in Table 1.7-1 below.

Table 1.7-1. Draft EA Hard Copy Locations

Town of Smithtown Town Hall 99 W. Main Street Smithtown, New York 11787
Smithtown Library – Kings Park Building 1 Church Street Kings Park, New York 11754

Interested parties are encouraged to file their written comments electronically through the Board’s website, www.stb.gov, by clicking on the “File an Environmental Comment” link. Please refer to Docket No. FD 36575 in all correspondence, including E-filings, addressed to the Board. Comments submitted by mail should be addressed to:

Andrea Poole
Surface Transportation Board
Environmental Filing, Docket No. FD 36575
395 E. Street SW
Washington, DC 20423

It is not necessary to mail written comments that have been filed electronically. Comments on this Draft EA must be received or postmarked by **February 5, 2024**. All comments received—written or electronically filed—will carry equal weight. If you require an accommodation under the Americans with Disabilities Act in order to submit comment, please call (202) 245-0245.

Following the close of the comment period on the Draft EA, OEA will issue a Final EA that will consider and respond to all comments received on the Draft EA and make any modifications necessary to the existing analysis. The Final EA will set forth OEA’s final recommended mitigation measures to the Board, including both Townline’s voluntary mitigation and the mitigation developed by OEA. The Board will then consider the record on the transportation merits, the Draft EA, the Final EA, all public comments received, and OEA’s final recommended mitigation measures in making its final decision in this proceeding. In its final decision, the Board will decide whether the Proposed Action should be authorized and, if so, what conditions, including environmental mitigation conditions, to impose.

2

Proposed Action and Alternatives

This chapter provides a detailed discussion of the Proposed Action (the proposed rail line and associated switching and sidetrack) and a No-Action Alternative. The NEPA implementing regulations (40 C.F.R. Parts 1500–1508) require that agencies critically evaluate alternatives to a proposed action, including a no-action alternative. Based on the purpose and need for the Proposed Action, information provided by Townline, comments received to date, and OEA’s independent analysis, OEA has carried forward the Proposed Action and the No-Action Alternative for detailed analysis in this Draft EA.

2.1 Overview of Existing Operations

Existing Operations

Carlson currently uses its 82-acre industrial property as an NYDEC-permitted waste transfer facility, which allows for outdoor recycling operations on over 66 acres of the property and limits the total processing capacity of the facility to 365,000 tons per year at a rate not to exceed 1,500 tons per day. Carlson is the main transporter of incinerator ash by truck for Covanta Energy to its final destination at the Brookhaven Landfill (approximately 26 miles away, as shown in **Figure 1.2-1**). **Table 2.1-1** summarizes the transport of materials associated with Carlson’s existing operations. There are no existing rail operations on the property.

Table 2.1-1: Existing Site Operations and Transport (Annually)

Material	Amount (tons)	Origin/Destination	Distance (miles)	Trips (truck)	Lane Miles
Incinerator ash	80,000	Covanta Huntington/Brookhaven Landfill	26	4,444	231,000
C&D debris	60,000	Kings Park Industrial Area/Brookhaven Landfill	26	4,600	239,000
Residuals and byproducts from recycling operation	30,000	Carlson/Brookhaven Landfill	26	1,050	54,600

LIRR Operations

The Metropolitan Transportation Authority’s (MTA) LIRR is a 24-hour, seven-day a week commuter rail service provider connecting Manhattan with Long Island. The LIRR system includes over 700 miles of track on 11 different branches connecting New York Penn Station and Grand Central Terminal in Manhattan east throughout Long Island. NYA is a short line railroad that currently operates freight rail service on the LIRR mainline in conjunction with the LIRR passenger operations in New York’s Suffolk, Nassau, Kings, and Queens Counties. NYA was established 20 years ago as a collaborative approach between LIRR and Anacostia Rail holdings to privatize rail freight services operating over the LIRR. NYA operates over 270 miles throughout the LIRR network and maintains selected sidings and tracks designated exclusively for freight service. NYA operates approximately 14 freight trains per weekday and six freight trains per weekend day exclusively on Long Island on tracks owned by the LIRR.²⁰ If the proposed rail line is authorized and implemented, Townline would interchange its rail traffic with NYA, which would then move the commodities off Long Island by rail.

²⁰ <https://limba.net/wp-content/uploads/2022/01/NYA-Railway-LIMBA-010721.pdf>

2.2 Description of the Proposed Action

The Proposed Action includes the construction and operation of approximately 5,000 feet of new, common carrier rail line and associated ancillary switching and sidetrack in the northern portion of Carlson's 82-acre industrial property as shown in **Figure 2.2-1**. The conceptual layout (see Appendix B) illustrates the proposed rail line and associated switching and sidetrack offset from the existing LIRR mainline. OEA has included the ancillary track in this Draft EA.²¹

Townline would construct the Proposed Action on an embankment to be consistent with the elevation of the adjacent LIRR mainline. Based on plans provided by Townline, the current elevation of the LIRR mainline ranges from 150 feet to 170 feet moving from west to east. The elevation of the Proposed Action would follow a similar pattern, ranging from 150 feet in the western portion of the property to 155 feet in the eastern portion of the property. This configuration of the proposed rail line adjacent to the LIRR mainline would allow for efficient operations of trains moving into and out of the property. Townline evaluated several other site configurations but determined that they would not meet the operational objectives of NYA and Smithtown.

Carlson would construct and operate roads and buildings independently of the Proposed Action, all of which would be subject to state and local regulations and permitting. These roads and buildings include a planned indoor 200-foot (ft) x 400-ft truck-rail transloading facility and a semi-enclosed 100-ft x 200-ft material storage building. The buildings would be accessed by approximately 5,675 feet of new roads on the property to facilitate transloading between railcars and trucks. The construction and operation of these roads and buildings are not within the Board's jurisdiction but have been analyzed as cumulative impacts in this Draft EA.

²¹ Under 49 U.S.C. § 10906, Board authorization is not required for construction, acquisition, operation, abandonment, or discontinuance of ancillary switching or sidetrack. Railroads also have the right to increase efficiency by improving, reactivating, and rehabilitating their rail lines, and rerouting their traffic without authority from the Board. In this case, however, Townline asked for authority to construct and operate as a common carrier the 5,000 feet of new rail line. Moreover, the associated switching and sidetrack in the northern portion of Carlson's 82-acre industrial property are related to Townline's plans for the proposed construction, and OEA has the information needed to encompass that track in its environmental review at this time. Accordingly, the Draft EA considers both the potential environmental impacts of 5,000 feet of new railroad line and the planned switching and sidetrack as part of the Proposed Action.

Figure 2.2-1: Proposed Action



Note: Carlson would construct and operate access roads and facilities illustrated in this figure independently of the Proposed Action.

Construction

The Proposed Action would involve new rail construction within the project area illustrated in **Figure 2.2-1**. Townline anticipates that the temporary construction footprint would be approximately 25 feet on either side of each track roadbed.

Townline expects the duration of construction to be 12 months and states that construction would occur only during daytime hours. Construction materials would be delivered to the site by truck. Equipment needed for the construction of the Proposed Action includes dump trucks, excavators, backhoes, bulldozers, rollers/soil compactors, grapple/boom trucks, welding trucks, track surfacing equipment (tamper, ballast regulator, stabilizer), and truck-mounted cranes. Appropriate erosion and stormwater control measures would be installed for the duration of the construction period.

Operation and Maintenance

Once constructed, the Proposed Action would immediately serve Carlson and potentially Covanta Energy by transporting incinerator ash and clean C&D debris off Long Island by rail. Townline would also market its rail service to other potential customers for importing goods and commodities, such as aggregate and construction materials to supply local Huntington and Smithtown businesses (e.g., an asphalt plant, cement ready-mix plant, and

precast producer).²² Carlson is not planning to request an increase in the permitted capacity of its existing waste transfer facility under the NYSDEC permit (gross outbound volume of 365,000 tons per year at a maximum rate of 1,500 tons per day).²³ Gross inbound volumes of material are estimated to be 260,000 tons per year, or 1,000 tons per day. Actual volumes of outbound and inbound material would be variable based on market conditions.

NYA provides freight rail service on the LIRR mainline and has entered into an agreement for the installation of a new rail switch to access the Proposed Action.²⁴ NYA would operate one round-trip train per day, five days a week to the subject site, in addition to the existing NYA trains. Materials would be shipped in sealed containers or on open rail cars pursuant to industry standards for the commodity being transported.

NYA trains delivering and picking up cars under the Proposed Action would be an average of 1,900 feet long and would consist of two locomotives per train, with a maximum of 27 cars per train. The proposed 5,000 feet of new rail line would hold 54 rail cars at one time. Twenty-seven cars per train is the maximum the site could support for interchange with NYA without interfering with NYA and LIRR rail operations on the LIRR mainline. Townline expects that train length would average 16 cars but would not exceed 27 cars per train.

Daytime Operations

Townline anticipates conducting its daytime rail operations from 6:00 a.m. to 6:00 p.m., Monday through Saturday. These are the permissible hours of operation for Carlson under Carlson's existing NYSDEC facility permit. Daytime operations would include crews switching incoming trains to service various yard operations and building the outgoing train at the end of the day to interchange with the NYA. Internal switching would occur throughout the day as needed based on the makeup of the incoming trains. With respect to shipments involving Carlson, incoming aggregates and construction materials would be shipped via rail and stockpiled at the existing Carlson facility. During normal operation hours, Carlson would load the aggregates and construction materials and ship them locally using one tractor trailer.

Nighttime Operations

NYA would serve the Proposed Action at night during off-peak periods when adequate slots are available for freight movement along the LIRR mainline. Nighttime operations would be limited to inbound trains pulling in, dropping cars on one or more-yard tracks, picking up cars from other tracks, and departing. The Proposed Action would use lighting poles not to exceed 25 feet in height and would provide lighting with 2.0 footcandles at the east and west

²² Using estimates from Townline, these businesses use approximately 125,000 tons of aggregate and 10,000 tons of bulk portland cement per year.

²³ Pursuant to NYSDEC correspondence, a modification to the existing NYSDEC permit would be required due to the "physical space reduction and new waste streams proposed for the facility".

²⁴ The existing agreement with NYA and LIRR allows for a single right-hand No. 10 turnout at Milepost 41.7 on the LIRR mainline.

ends of the yard and along the pathway between the east and west end of the yard in accordance with AREMA recommendations for illumination of flat switching yards.

Townline states that NYA train idling would be minimal. Idling would be limited to waiting for a slot for NYA to operate on the LIRR mainline between scheduled passenger trains. NYA operations are estimated to last approximately two hours depending on the number of cars to be dropped off and picked up.

Switching Operations

Townline anticipates using a Trackmobile® locomotive to move railcars during rail operations (see details on equipment in Appendix C). Trackmobile is a manufacturer of bi-modal railcar movers that optimize railcar switching and reduce oil and fuel usage. Trackmobile is a diesel-powered engine capable of handling four to five car cuts at a time.²⁵ Daily carloads would vary depending on demand, but Townline anticipates moving approximately:

- Four to five incinerator ash cars, which would be switched from the planned truck-rail transloading facility.
 - Incinerator ash would be received at the planned truck-rail transloading facility by truck. The planned transloading facility would be equipped with dust suppression, a negative air system with filtration, and high-speed, roll-up doors.
 - Incinerator ash would be transferred indoors to railcars that have steel lids, which would then be moved onto the railcar storage tracks.
- Three to four C&D debris cars, which would switch and load within the future transloading facility.
 - C&D debris would be transported into the planned truck-rail transloading facility and transferred to railcars that are covered with a tarp.
- Four to five aggregate cars, which would be switched to the aggregate unloading track for unloading; and
- One to two material cars (including commodities such as equipment and lumber), which would be switched to the freight unloading track where material would be unloaded and stored in the enclosed material storage closure.

The Proposed Action would reduce the truck trips associated with incinerator ash transport to one truck with an approximate one-mile round trip from Covanta in Huntington to the existing Carlson facility for a total of 4,444 lane miles per year. Based on information provided by the Applicant, transporting incinerator ash by the Proposed Action would require approximately 800 railcars per year. If the C&D debris moves by rail, it would require approximately 1,250 railcars per year and would reduce truck trips to one truck traveling a five-mile round trip for a total of 23,000 lane miles per year.

²⁵ Refueling is anticipated to be direct-to-vehicle on site. Townline is open to using an electric Trackmobile vehicle dependent on market availability, which would be charged on site.

With the Proposed Action, truck trips associated with transporting residual materials from processing recyclables and other non-recyclable materials would be fully eliminated. This material would be moved onsite to the planned truck-rail transloading facility and loaded into a C&D debris railcar. Moving these residual materials by rail would require one railcar per day or a total of 50 railcars per year.

2.3 No-Action Alternative

Under the No-Action Alternative, the Board would not authorize the Proposed Action, and Townline would not construct or operate the proposed rail line. Potential environmental impacts associated with the Proposed Action would not occur, and freight rail traffic would remain the same on the LIRR mainline as under current conditions.

The No-Action Alternative would not provide a rail transportation option for the shipment of incinerator ash and clean C&D debris off of Long Island and therefore, would not meet Townline's purpose and need.

2.4 Alternatives Considered but not Carried Forward

For proposed licensing and permitting actions, CEQ guidance provides that the range of reasonable alternatives can focus on the “[p]rimary [o]bjectives of the permit applicant.”²⁶ Moreover, CEQ regulations require that an EA briefly discuss alternatives (40 C.F.R. §1501.5I(2)) and that agencies “[s]tudy, develop, and describe appropriate alternatives to recommended courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources as provided by section 102(2)(E) of NEPA” (40 C.F.R. § 1501.2(3)). OEA's preliminary review of the Proposed Action, agency consultation, and OEA's site visit did not identify any impacts that would warrant the consideration of additional build alternatives.²⁷ More specifically, no federal, state, and local agencies raised any concerns regarding potential environmental impacts. Nor did they suggest any rail alternatives during agency consultation. Therefore, OEA determined that the No-Action and Proposed Action constituted a reasonable range of alternatives to carry forward for detailed analysis.

²⁶ Guidance Regarding NEPA Regulations, Memorandum For: Heads of Federal Agencies, From: A. Alan Hill, Chairman, Council on Environmental Quality, 1983.

²⁷ As discussed earlier in this Chapter, Townline, NYA, and Smithtown coordinated on several track configurations prior to starting the environmental review process here. Those track configurations were submitted to OEA as EO No. 3785 as background information.

3

Affected Environment and Environmental Consequences

3.1 Introduction

This chapter describes the affected environment and analyzes the potential environmental consequences for each resource that the Proposed Action and the No-Action Alternative could affect. OEA determined the scope of its analysis based on the resources set forth in the Council on Environmental Quality (CEQ) regulations, the Board's environmental regulations at 49 C.F.R. Part 1105 and on agency, tribal, and stakeholder consultation and comment. OEA reviewed relevant regulations and guidance for each resource, defined a study area to evaluate for each resource, reviewed the existing conditions of the resource in the study area, and determined the level of potential impact that construction and operation of the proposed line could have on each resource. For cumulative impacts, OEA analyzed the impacts of the Proposed Action when combined with impacts of other past, present, and reasonably foreseeable future projects and actions.

OEA recommended preliminary mitigation based on the results of its environmental analysis and agency consultation. Because the proposed construction and operation of this 5,000-foot rail line in an industrial area would have minimal or negligible impacts to all environmental resource areas, a number of the mitigation conditions set forth in Chapter 4 of this Draft EA are best management practices. The mitigation includes relevant voluntary mitigation conditions proposed by Townline (identified by a prefix of VM followed by a number) and two additional mitigation measures developed by OEA (identified by a prefix of MM and a number). OEA will make its final recommendations to the Board on mitigation measures in the Final EA, after considering all comments received on the Draft EA. The Board will consider OEA's final recommended mitigation when deciding whether to approve Townline's request for construction and operation of the proposed rail line.

3.2 Transportation

This section addresses rail and vehicle transportation in the project area and the potential impacts of the Proposed Action and No-Action Alternative, particularly on truck-to-rail diversion. The Proposed Action could result in impacts on traffic and roadway systems by diverting the transportation of materials from truck to rail transportation, which would have certain environmental benefits by decreasing the number of trucks on the surrounding roadway network. Overall, based on the evaluation below, OEA anticipates the Proposed Action would not have adverse impacts on transportation.

Approach

Townline estimates that the Proposed Action would reduce truck transportation on the transportation network because waste and other commodities would be moved by rail instead of truck. Townline provided information on the trucks necessary for existing and proposed transportation of waste and other commodities and associated miles travelled. OEA qualitatively evaluated the impact of trucks associated with the Proposed Action and No-Action Alternative on the roadways around the Proposed Action property, particularly those that currently travel to and from the Brookhaven Landfill. This Draft EA did not analyze grade crossing safety and delay, as there are no roadway crossings within the study area (defined below). The existing at-grade LIRR mainline crossing of Meadow Glen Road into the Proposed Action property has been permanently closed.

Affected Environment

The study area for OEA's evaluation includes the transportation network of Townline Road / Old Northport Road, Greenwood Road, Meadow Glen Road, and Sunken Meadow Parkway, which can all be used to travel to other industrial properties in the area and the Brookhaven Landfill. Greenwood Road, off Old Northport Road, provides direct vehicular access to the Proposed Action site. There was an at-grade LIRR crossing at Meadow Glen Road that crossed the LIRR mainline into the Proposed Action site, but it has been permanently closed to vehicular traffic.

As detailed in Section 2.1 of this Draft EA, current operations on the Proposed Action property result in more than 10,000 tractor trailer trips per year to the Brookhaven Landfill on the surrounding roadway network. With the Brookhaven Landfill located approximately 26 miles from the Proposed Action site, these trips result in approximately 524,600 lane miles per year. Furthermore, the current operations on the Proposed Action site include additional trucks that service contracts across Long Island.

Environmental Consequences

Proposed Action

As detailed in Section 2.2 of this Draft EA, the Proposed Action would substantially reduce much of the existing truck traffic that travels to and from the Proposed Action site. It would also fully eliminate truck trips associated with transporting residual materials from processing recyclables and other non-recyclable materials.

OEA determined that the Proposed Action would have beneficial impacts to the local transportation network by diverting freight from trucks to rail. As detailed in Section 2.2 of this Draft EA, under the Proposed Action, freight would be carried by rail that otherwise would be carried by trucks.

During project-related construction, there could be an increase in local vehicle traffic to the project area transporting construction materials, equipment, and workers; these impacts would be temporary. Furthermore, as detailed in Section 3.3 below, most of the area around the project area is industrial in nature, and the transportation network is adequately connected and maintained for truck traffic.

If the proposed rail line is authorized and constructed, Carlson expects that it would continue operating the existing waste transfer facility within the capacity limits of its existing NYSDEC permit, and that some truck traffic would continue to occur supporting local waste transportation to the existing facility.

In total, once operational, Townline estimates that the Proposed Action has the potential to save a conservatively estimated 496,600 lane miles traveled per year on area roads, because the 10,094 truck trips currently to the Brookhaven landfill for incinerator ash, C&D debris, and recyclable by-products would be diverted to rail (detailed in Chapter 2 of this Draft EA).²⁸ Some truck trips would still occur but there would be fewer trips going shorter distances as outlined in Section 2.2. This diversion of trucks to rail would result in long-term beneficial impacts to area roads by reducing lane miles traveled on them, leading to less congestion related to truck traffic.

No-Action Alternative

Under the No-Action Alternative, short-term impacts to the surrounding roadways associated with moving construction equipment and workers by truck would not occur. However, the beneficial impacts of truck-to-rail diversion would also not occur under the No-Action Alternative. Therefore, the truck trips and associated lane miles under the No-Action Alternative would be similar to the current conditions.

Conclusion

The Proposed Action would result in short-term impacts to the roadways surrounding the Proposed Action site due to the construction equipment and workers that would travel to the project area by truck during the construction period. The diversion of trucks from the highway network system to rail as a result of the Proposed Action would result in long-term beneficial impacts to the highway system by reducing congestion on area roads. Because the Proposed Action would not result in any adverse impacts to traffic and roadway systems as a result of the anticipated truck-to-rail diversions, OEA is not recommending any mitigation related to traffic and roadway systems.

²⁸ Townline would also market rail service to other potential customers for importing goods and commodities, such as aggregate and construction materials to supply local Huntington and Smithtown businesses (e.g., an asphalt plant, cement ready-mix plant, and precast producer).

3.3 Land Use and Zoning

This section addresses land use, zoning, and special land use designations and the potential impacts of the Proposed Action and No-Action Alternative. Overall, based on the evaluation detailed below, OEA anticipates the Proposed Action would not create impacts associated with land use and zoning.

Approach

To evaluate the potential impacts related to land use and zoning associated with the Proposed Action and the No-Action Alternative, OEA reviewed the existing land use and zoning categories as well as local land use plans. The study area for land use and zoning includes the Proposed Action site, and the parcels located along the LIRR mainline in the project vicinity from Townline Road to Sunken Meadow State Parkway. OEA reviewed local zoning maps and documented existing land uses through field observations and land use maps.

Affected Environment

The Proposed Action would be located in a developed area of Kings Park (a hamlet within Smithtown) that is primarily industrial. The project area is zoned Light Industry (LI) with nearby zoning classifications of Heavy Industry (HI); Residential (R21); and Residential (R43). The project footprint is entirely contained in an area classified as LI by Smithtown (see **Figure 3.3-1**).²⁹

However, according to local planning documents, Smithtown's draft Comprehensive Plan update, which has yet to be adopted, recommends that the project area be rezoned as HI. The HI District is intended to accommodate locations for safe and efficient heavy industrial activities necessary to serve the needs of the community, per Smithtown's GS § 322-7 *Intent of Districts*. The HI District zoning would permit by special use a rail siding and rail connection on Carlson' property. The draft Comprehensive Plan states that there are few areas in the Town zoned as HI, with the majority of heavy industrial property located along Northport Road in Kings Park. The Plan states:

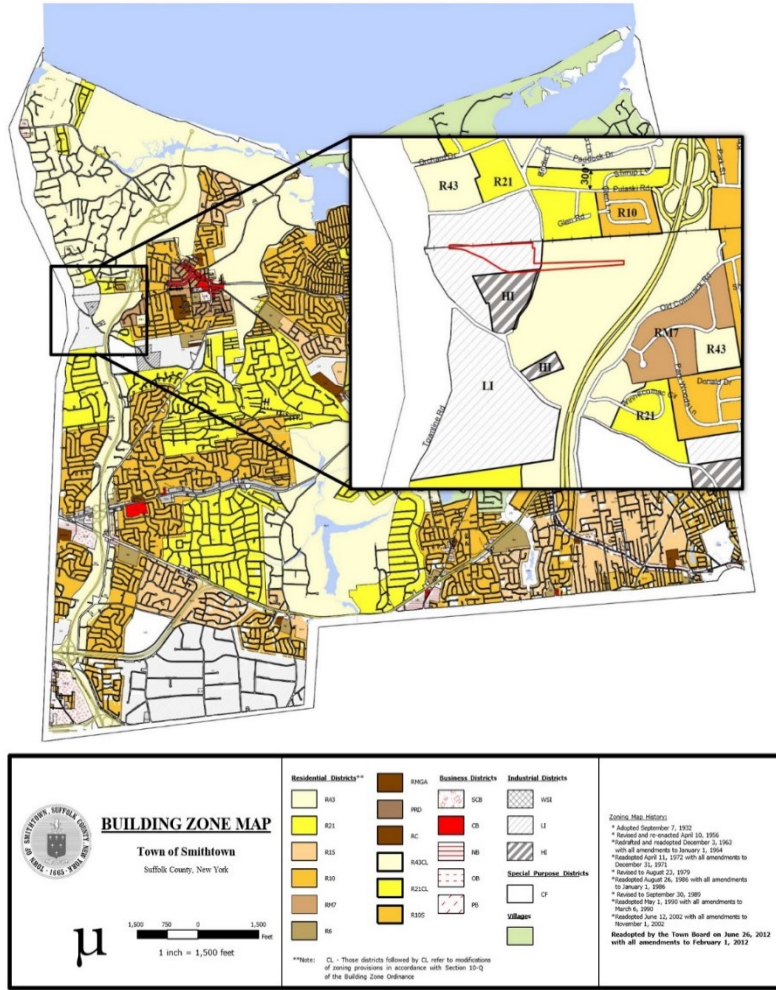
“This area of Town is well-suited for heavy industry since it is located south of the LIRR/Port Jefferson rail line, west of Sunken Meadow State Parkway, north of Old Northport Road and an adjacent Light Industrial zone and east of a former landfill in adjacent Huntington.”³⁰

²⁹ <https://www.smithtownny.gov/DocumentCenter/View/2209/zoning-map-color-for-web?bidId=>

³⁰ Town of Smithtown. 2020 Smithtown Comprehensive Plan (draft).

https://www.smithtownny.gov/DocumentCenter/View/4748/2020-1216_DRAFT-Plan_w_Appendices-1

Figure 3.3-1: Excerpt of Town of Smithtown Zoning Map



Source: Town of Smithtown, Building Zone Map, 2012.

Other parcels just west of the Proposed Action site and north of the LIRR mainline are zoned and used for industrial purposes. There is a pocket of residential properties on Meadow Glen Road and a residential neighborhood situated just north of the LIRR mainline.

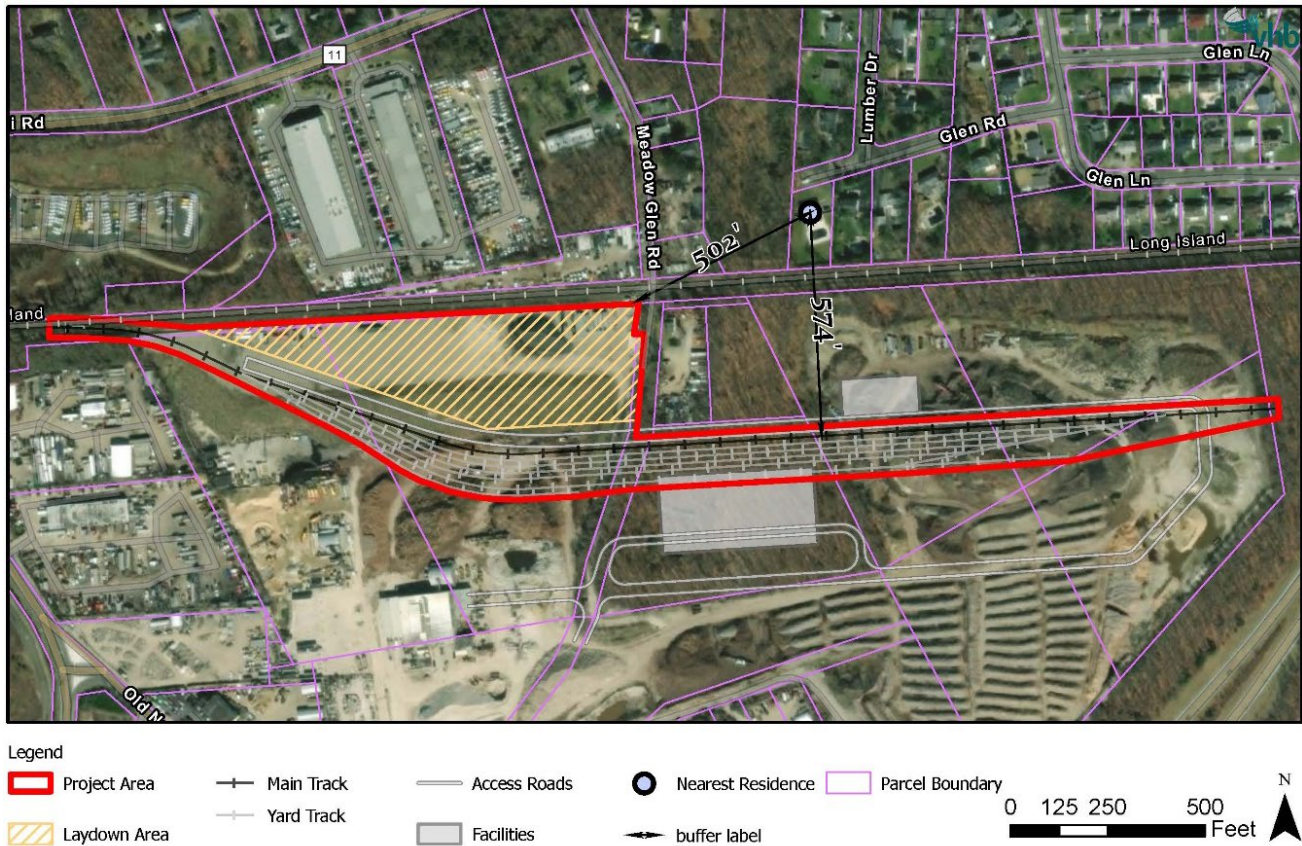
Environmental Consequences

Proposed Action

The Proposed Action would be located south of the existing LIRR mainline, fully contained on an industrial site. The nearest residence located on Meadow Glen Road is approximately 500 feet north of the Proposed Action site and is separated by the existing LIRR mainline corridor (see the 500-foot residential buffer on the Concept Plan in Appendix B). **Figure**

3.3-2 illustrates the nearest residential neighborhood.³¹ There are no at-grade crossings associated with the Proposed Action.³² The nearest recreation site, Memorial Park, is approximately 1 mile from the project area, separated from the Proposed Action site by the LIRR mainline corridor and the Sunken Meadow State Parkway.

Figure 3.3-2: Proximity to Nearest Neighborhood



There would be no residential or business displacements associated with construction and operation of the Proposed Action. Moreover, Townline has proposed voluntary mitigation requiring it and its contractor(s) to consult, as necessary, with directly abutting landowners for coordination of construction schedules and temporary access during project-related construction (VM-Land Use-01). The proposed rail use on the property would have to go through the rezoning process with Smithtown, as detailed in Chapter 1 of this Draft EA. The surrounding land uses are not anticipated to change due to the Proposed Action.

³¹ Townline plans to construct an approximately 16.4 acre of landscaped berm as part of a separate project. The berm would be 150 – 190 feet wide and 25’ high. Townline states that it would continue to coordinate with Smithtown on buffer needs for a heavy industrial use.

³² As noted above, the at-grade crossing of the LIRR mainline on Meadow Glen Road has been permanently closed.

No-Action Alternative

Under the No-Action Alternative, Townline would not construct and operate the Proposed Action. The land use in the area would continue as industrial. The local comprehensive planning process would continue, which includes the planned rezoning of Carlson's property to Heavy Industrial (HI).

Conclusion

OEA concludes that the Proposed Action would result in negligible impacts to zoning and land use because it is consistent with the Town's direction for growth in the area, located on industrial property, and would not change the character of the community. Therefore, OEA is not itself recommending any mitigation measures for land use and zoning. Nonetheless, to involve abutting landowners in the construction process, Townline proposed voluntary mitigation requiring it and its contractor(s) to consult, as necessary, with directly abutting landowners for coordination of construction schedules and temporary access during project-related construction (**VM-Land Use and Zoning-01**).

3.4 Energy

The Board's environmental regulations, 49 C.F.R. § 1105.7e(4), require environmental reviews to evaluate the potential impacts on transportation of energy resources, recyclable commodities, and the increase or decrease in energy efficiency. This section describes the existing conditions and environmental consequences for energy under the Proposed Action and the No-Action Alternative. Overall, based on the evaluation below, OEA anticipates the Proposed Action would have negligible impacts on energy.

Approach

OEA qualitatively evaluated proposed railroad operations and truck to rail diversions that could occur under the Proposed Action and the No-Action Alternative. Specifically, OEA evaluated changes in energy use due to the operation of the Proposed Action as well as its potential impact on energy efficiency. OEA did not analyze energy effects from construction, as CEQ regulations require that energy analyses address a proposed action's capacity to increase or decrease in energy efficiency, and this increase or decrease does not occur during construction. OEA defined the study area for energy similarly to the study area for the transportation analysis (Section 3.2). OEA does not expect the Proposed Action to result in the transport of energy resources by rail, so that was not evaluated. OEA does not expect the Proposed Action to result in a change in volume of recyclable commodities transported nor does OEA expect the Proposed Action to cause the diversion of freight from rail to trucks, so these actions were also not evaluated.

Affected Environment

The affected environment for energy includes the energy now used to move the incinerator ash and clean C&D debris off Long Island. This energy use is limited to primarily diesel fuel for trucks. As there is not currently freight rail service on the Proposed Action site, there is no energy use associated with rail operations.

Environmental Consequences

Proposed Action

The Proposed Action would require the consumption of diesel fuel for the operation of locomotives. Additionally, during rail operations, vehicle and system-wide equipment directly related to moving commodities via rail would consume energy. OEA estimates that fuel consumption would decrease under the Proposed Action compared to the No-Action Alternative. OEA expects that the Proposed Action would have an overall beneficial impact on energy efficiency due to the greater efficiency of rail, which is up to 4-5 times more energy efficient than the largest trucks for the movement of goods.³³

No-Action Alternative

Under the No-Action Alternative, Townline would not construct and operate the Proposed Action. Truck-to-rail diversion of incinerator ash and clean C&D debris and any associated reduction in fuel consumption would not occur. Instead, all of the rail traffic Townline might handle would continue to be moved by truck off Long Island.

Conclusion

OEA concludes that the Proposed Action, with the anticipated truck-to-rail diversions, would improve energy efficiency over the No-Action alternative and is therefore not recommending any mitigation related to energy.

3.5 Air Quality and Climate Change

This section describes the existing conditions and environmental consequences for air quality and greenhouse gas (GHG) emissions under the Proposed Action and the No-Action Alternative. Under the Proposed Action, increases in rail activity and construction could have potential impacts on air quality and greenhouse gas emissions. Air quality is an area of concern because air pollutants, such as emissions from locomotives, can affect human health and the environment. GHG emissions are also a concern because they contribute to climate change. Based on the analysis below, OEA concludes that the Proposed Action would have de minimis impacts on air quality and no impacts on climate change.

Approach

OEA reviewed the Clean Air Act (CAA), as amended, and the EPA guidelines. The air quality and GHG study area includes the county in which the increase in rail activity potentially generated by the Proposed Action exceeds the Board's thresholds for environmental analysis. EPA classifies each county in the U.S. as being in "attainment" or "nonattainment" for each criteria pollutant. A county is in attainment for a specific pollutant when the pollutant concentration is below the National Ambient Air Quality Standards (NAAQS). A county is in nonattainment for a specific pollutant when the pollutant

³³ <https://www.sciencedirect.com/science/article/abs/pii/S1361920913000898>

concentration exceeds the NAAQS. Some nonattainment pollutants are further classified by the degree to which they exceed the NAAQS. For ozone, these classifications rank in severity in the order of “Marginal,” “Moderate,” “Serious,” “Severe,” and “Extreme.” A county can be in attainment for some pollutants and in nonattainment for other pollutants. A third category, “maintenance area,” is an area that was formerly in nonattainment but has reduced pollutant concentrations to be in attainment of the NAAQS. EPA bases its attainment status designations on ongoing air monitoring studies and the number of times specific criteria pollutants exceed NAAQS. Appendix D contains further information on the NAAQS. EPA uses a fourth category, “unclassifiable,” for areas with insufficient data to make an attainment determination. EPA treats unclassifiable areas like attainment areas.

EPA uses the term *de minimis* across a variety of contexts to describe matters that are too small or trivial for regulating authority consideration. Air quality analyses compare the total estimated annual changes in these operational emissions of each pollutant with the *de minimis* emissions thresholds provided under 40 C.F.R. Part 93, Subpart B. The Board does not exercise continuing program control over rail operations and would not exercise such control over operation of the Proposed Action. Accordingly, the Proposed Action is not subject to the General Conformity Rule,³⁴ and no assessment of the *de minimis* thresholds is required. However, OEA used the *de minimis* emissions thresholds in its air quality analysis to provide context for the estimated operational emissions (presented in Appendix D). The Board would exercise control over the construction of the Proposed Action; thus, emissions during construction of the Proposed Action would be subject to a General Conformity Determination if emissions were estimated to exceed the *de minimis* thresholds. Because construction emissions are below *de minimis* thresholds here, there is no General Conformity Determination or mitigation required.

Pollutant Descriptions and Effects

OEA identified pollutants and summarized their effects on human health and the environment based on applicable regulations and EPA databases. Appendix D describes the various pollutants OEA analyzed and their potential effects on human health or the environment. These descriptions include criteria pollutants, hazardous air pollutants (HAPs), and GHGs.

Emissions Inventory Methodology

OEA evaluated the expected consequences of the Proposed Action, including both rail operations and construction, by comparing predicted air emissions against the No-Action Alternative. OEA estimated emissions for nitrogen oxides (NO_x), volatile organic compounds (VOC), particulate matter 10 microns or less in diameter (PM₁₀), particulate matter 2.5 microns or less in diameter (PM_{2.5}), Sulfur Dioxide (SO₂), Carbon Monoxide (CO), Carbon Dioxide Equivalent (CO_{2e}), Methane (CH₄), Nitrogen Dioxide (N₂O), and HAPs. OEA calculated CO_{2e} by deriving CO₂, CH₄, and N₂O emissions and applying

³⁴ Under the General Conformity rule, federal agencies must work with state, tribal and local governments in a nonattainment or maintenance areas to ensure that federal actions conform to the air quality plans established in the applicable state or tribal implementation plan.

global warming potentials (EPA 2021a). Appendix D presents additional information on the methodology used to estimate both operational and construction emissions.

To analyze the impacts of GHG emissions on climate change in the U.S. that would occur under the Proposed Action, OEA used CEQ's *Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews*, which provides direction on how to apply NEPA to the analysis of GHG emissions and climate change (2016). Per CEQ's guidance, OEA considered GHG emissions as a proxy for assessing the Proposed Action's impact on climate change.

Affected Environment

Potential impacts from the Proposed Action were assessed at the county level with regard to attainment status of previously described criteria pollutants. Suffolk County, where the Proposed Action is located, is designated as a severe nonattainment area for the 2008 8-hour ozone standard and a moderate nonattainment area for the 2015 8-hour ozone standard. Both designations are part of the larger New York-Northern New Jersey-Long Island, NY-NJ-CT nonattainment areas. Suffolk County was also designated as a maintenance area for the 2006 PM_{2.5} standard as of April 18, 2014. Suffolk County is in attainment for all other criteria pollutants (CO, lead [Pb], NO₂, PM₁₀, and SO₂).

Specific to climate conditions, the Northeast has already begun to experience the effects of climate change throughout the region. The U.S. Global Change Research Program's (USGCRP) *Fourth National Climate Assessment* (NCA4) projects that by 2035, the Northeast will warm more than 3.6 degrees Fahrenheit on average (with New York projected to increase 3.11 degrees) as compared to the pre-industrial era, which typically refers to the years 1850-1900 and is the greatest increase in the contiguous U.S. The Northeast is also particularly susceptible to threats from sea level rise and has experienced some of the highest rates of sea level rise and ocean warming in the country. Sea level rise, as well as storm surges, recurrent coastal flooding, and erosion threaten marshes, fisheries, ecosystems, and coastal infrastructure in the Northeast.

NCA4 also projects a continuation of the recent trend in intense precipitation throughout the Northeast. Projections expect increases in precipitation during the winter and spring and extending into the summer season, with New York anticipating +0.15 inches per month.

Environmental Consequences

The following section describes the potential environmental impacts of the Proposed Action and the No-Action Alternative.

Proposed Action

Construction Emissions

OEA anticipates some short-term air quality impacts for GHGs and HAPs associated with equipment necessary for construction of the Proposed Action. OEA compared emissions in nonattainment areas to the *de minimis* thresholds, as presented in **Table 3.5-1**, and determined that construction of the Proposed Action would result in criteria pollutant

emissions below the applicable *de minimis* thresholds. Therefore, OEA is not itself recommending any air quality mitigation. Nonetheless, Townline proposed voluntary mitigation requiring it to properly maintain construction equipment, and to ensure that mufflers and other required pollution-control devices are in working condition to limit construction-related air pollutant emissions (**VM-Air Quality-02**). OEA is including this voluntary best practice mitigation in the mitigation recommended in Chapter 4.

OEA’s analysis expects relatively larger emissions of PM from earthwork activity and fugitive dust emissions. The use of industry-standard control measures during construction would minimize emissions of PM from fugitive dust. OEA conservatively assumed in its analysis that the fugitive dust assessment used no control measures and estimated HAPs emissions from construction in Appendix D. Townline proposed voluntary mitigation requiring it to work with its contractors to implement appropriate dust control measures to reduce fugitive dust emissions created during project-related construction in accordance with Suffolk County, Smithtown, and New York State Department of Environmental Conservation dust control permitting requirements (**VM-Air Quality-01**). Also, Townline proposed voluntary mitigation requiring its construction contractor(s) to regularly operate water trucks on haul roads to reduce dust generation (**VM-Air Quality-01**). OEA has included this best practice voluntary mitigation in the mitigation recommended in Chapter 4.

Table 3.5-1: Summary of Construction Emission Estimates

Pollutant	Construction Activity	
	Estimated Emissions	<i>de minimis</i> ¹ Threshold
Criteria Pollutants (tons/year)		
NO _x	3.27	25
VOC	0.11	25
PM ₁₀	30.28	-
PM _{2.5}	3.10	100
SO ₂	0.00	-
CO	0.44	-
Greenhouse Gases (tons/year)		
CO ₂ e ²	1,364	-

Notes:

Values of zero indicate emissions were smaller than 0.05 or 0.005 tons per year, respective to the number of decimal places presented.

1. *de minimis* values are only shown for criteria pollutants for which Suffolk County is in nonattainment or maintenance.
2. CO₂e values were calculated using the 100-year potential global warming potential (GWP) values from the IPCC Fourth Assessment Report (IPCC 2007).

Operational Emissions

OEA analyzed air quality effects from forecasted rail operations under the Proposed Action. Operations would result in increased pollutant emissions from rail activity on the newly constructed rail line and associated yard activities. However, truck-to-rail diversions would partially offset emissions from increased rail activity associated with the Proposed Action. The Proposed Action would cause the total number of required trucks that service

neighboring facilities (as detailed in Section 2.1 of this Draft EA) to drop from 15 to three, therefore decreasing both emissions and traffic from trucks in the area.

Specifically, the Proposed Action would result in an increase of all criteria pollutant emissions (as shown in **Table 3.5-2**) due to the new locomotives on the rail line and car switching in the yard. These increases would occur across 5,000 feet of track in Kings Park, New York, and in the yard. However, OEA estimated the increases in criteria pollutant emissions to be below the respective *de minimis* thresholds for Suffolk County. Appendix D presents emissions estimates of HAPs.

GHG emissions have effects at the regional and global scale. OEA has provided an estimate of GHG emissions associated with the Proposed Action based on CEQ guidance in **Table 3.3-2**. OEA expects the Proposed Action to have locomotive GHG emissions of approximately 222 tons of CO₂e relative to the No-Action Alternative.

Table 3.5-2: Summary of Operational Emissions Estimated from Proposed Action

Pollutant	Operational Activity	
	Estimated Emissions	<i>de Minimis</i> ¹ Threshold
Criteria Pollutants (tons/year)		
NO _x	0.711	25
VOC	0.109	25
PM ₁₀	0.015	-
PM _{2.5}	0.015	100
SO ₂	0.000	-
CO	0.961	-
Greenhouse Gases (tons/year)		
CO ₂ e ²	221.91	-

Notes:

Values of zero indicate emissions were smaller than 0.05 or 0.005 tons per year, respective to the number of decimal places presented.

1. *de minimis* values are only shown for criteria pollutants for which Suffolk County is in nonattainment or maintenance.
2. CO₂e values were calculated using the 100-year potential global warming potential (GWP) values from the IPCC Fourth Assessment Report (IPCC 2007).

While locomotive emissions would increase on the newly proposed rail line, a reduction in truck traffic would partially (or wholly) offset regional emissions. Under the Proposed Action, rail would carry the same freight that moves by truck under the No-Action Alternative. These truck-to-rail diversions would result in reduced truck vehicle miles travelled (VMT) under the Proposed Action. The estimates used by OEA show that rail transportation is approximately four times more fuel efficient on average compared to truck. Thus, the resulting reduction in truck travel and fuel use would consequentially result in a decrease of truck-related emissions.³⁵ According to Townline, the proposed rail line has the potential to save a conservatively estimated 496,600 lane miles traveled per year for incinerator ash, construction and demolition debris, and recyclable byproducts; 488,600 lane miles traveled for aggregate and construction materials; and 23,000 lane miles traveled for

³⁵ Association of American Railroads, 2021, <https://www.aar.org/facts-figures#2-fuel-efficiency>

cement. This totals an estimated 1,008,200 lane miles eliminated per year if the proposed rail line is authorized and implemented.

Table 3.5-3 summarizes the truck-to-rail diversion analysis results for criteria pollutants and GHGs. Appendix D contains rail diversions for HAPs. The reductions in truck emissions are a benefit of the Proposed Action and could provide a nine ton per year reduction in NO_x emissions, a 0.4 ton per year reduction in VOC emissions, and a 0.4 ton per year reduction in PM_{2.5} emissions, pollutants of particular concern due to their nonattainment or maintenance status. The corresponding reduction in truck VMT would result in an 1,880 ton per year reduction in CO_{2e} emissions. It should be noted that the truck-to-rail diversion emissions in **Table 3.5-3** are not directly comparable to the locomotive emissions presented in **Table 3.5-2** as the truck emissions are representative of a regional reduction in VMT, while the locomotive emissions are limited to emissions from the new rail line.

Table 3.5-3: Summary of Regional Estimated Emissions Reductions due to Truck to Rail Diversions

Criteria Emissions (tons/year)	
NO _x	-9.25
VOC	-0.42
PM ₁₀	-0.60
PM _{2.5}	-0.36
SO ₂	-0.01
CO	-3.61
Greenhouse Gas Emissions (tons/year)	
CO _{2e} ²	-1,880.23

Notes:

Values of zero indicate emissions were smaller than 0.05 or 0.005 tons per year, respective to the number of decimal places presented.

1. *de minimis* values are only shown for criteria pollutants for which Suffolk County is in nonattainment or maintenance.
2. CO_{2e} values were calculated using the 100-year potential global warming potential (GWP) values from the IPCC Fourth Assessment Report (IPCC 2007).

No-Action Alternative

Under the No-Action Alternative, the Board would not authorize the proposed rail line, and Townline would not construct the new rail line and associated switching and sidetrack. Potential environmental impacts associated with the Proposed Action would not occur, and rail traffic would remain the same on the LIRR mainline as under current conditions. The No-Action Alternative would not result in providing for rail transportation for solid waste disposal and other commodities off Long Island. Incinerator ash, C&D debris, recyclable byproducts, aggregate and construction materials, cement and other commodities that might move by rail under the Proposed Action would likely continue to be transported off Long Island by truck.

Compared to the Proposed Action, the No-Action Alternative would likely result in an increased amount of pollutant emissions as rail would not be used for transport under this alternative. Instead, the waste would be transported with the 15 trucks currently in use, which have less carrying capacity. Truck-to-rail diversion of waste and any associated

reduction in fuel consumption would also not occur. Given that the amount of waste and other commodities needed to be transported is the same between the No-Action Alternative and Proposed Action and that freight transport by rail is generally four times more fuel efficient than truck transport, the emissions under the No-Action Alternative would be larger than under the Proposed Action.³⁶ Under the No-Action alternative, the emissions reductions quantified in **Table 3.5-3** associated with truck-to-rail diversions would be emitted into the atmosphere. However, the changes to the affected environment resulting from climate change would occur under both the Proposed Action and the No-Action Alternative.

Climate Change and Adaptation

Climate models predict that New York will experience increases in precipitation, including more intense and frequent heavy rain events in the future due to climate change. Increased precipitation tends to increase the potential for soil erosion. Erosion can wash away sediment around piers and abutments during storm events, compromising the structural integrity of features. The erosion of supporting systems (such as ballast and other nearby ground) can threaten track stability. Loss of embankment support due to gradual or sudden inundation-related erosion is also a risk.³⁷ Erosion rates vary greatly but tracks on gravel ballast are less likely to erode nearby substrate since the gravel itself is a permeable surface and allows water and other liquids to pass through it.

Proposed Action

Based on climate models, OEA anticipates an increased risk of flooding as a result of climate change on Long Island where the Proposed Action would be constructed. However, the Proposed Action would not be located in low-lying or flood-prone areas. The area would also experience increased temperatures and heat events, potentially impacting the proposed rail line. Heat index values at or greater than 105 degrees Fahrenheit and ambient temperatures above 90 degrees Fahrenheit exacerbate the risk of rail expansion and increase the risk for derailment. The best practice for rail operations is typically to reduce speeds when ambient temperatures exceed the normal limits for that particular track, resulting in decreased efficiency. Under current climate modeling scenarios, changes to the affected environment resulting from climate change would be the same under both the Proposed Action and the No-Action Alternative.

Conclusions

OEA expects unavoidable pollutant emissions to occur as a result of the construction of the Proposed Action. However, because pollutant emissions would be concentrated at the Proposed Action construction site, emissions from construction activities would be temporary. Emissions associated with construction also would be well below any applicable *de minimis* thresholds. Therefore, OEA concludes that construction of the Proposed Action would have a temporary impact on air quality, but it would be well below *de minimis* thresholds. OEA also concludes that construction of the Proposed Action would not

³⁶ Association of American Railroads, 2021, <https://www.aar.org/facts-figures#2-fuel-efficiency>

³⁷ Rossetti, M.A., Potential Impacts of Climate Change on Railroads

adversely affect climate change. Nonetheless, Townline proposed voluntary mitigation measures (**VM-Air Quality-01**) and (**VM-Air Quality-02**), related to construction and operational air quality.

During rail operations, the primary sources of air emissions would be from locomotives traveling along the proposed rail line and rail cars switching in the rail yard. The Proposed Action would result in minor increases of criteria pollutants, HAP, and GHG emissions, but truck-to-rail diversions would substantially offset emissions from increased rail activity associated with the Proposed Action. OEA expects operations under the Proposed Action to have emissions below the *de minimis* thresholds, where applicable.

3.6 Noise and Vibration

This section describes the existing conditions and environmental consequences for noise and vibration under the Proposed Action and the No-Action Alternative. Overall, based on the evaluation below, OEA anticipates the Proposed Action would create negligible impacts on noise and vibration.

Approach

OEA used well-established noise and vibration methods to analyze noise and vibration impacts. See Appendix E, which sets forth OEA's noise and vibration methodology and equations. OEA defined the study area for the noise and vibration analysis to be the area within approximately one mile to either side of the centerline of the proposed rail line. OEA determined that this study area distance, based on prior OEA experience, is sufficient to properly identify potential noise and vibration impacts from the construction and operation of the Proposed Action. Regulations, statutes, and guidelines that specify requirements and provide guidance on the noise and vibration analysis and impact assessment for the Proposed Action include:

- The Board’s environmental regulations at 49 C.F.R. §1105.7
- Noise Control Act of 1972 (42 United States Code [USC] 4910)
- National Environmental Policy Act (42 USC 4321-4370m-11)
- Federal Railroad Administration (FRA) Guidelines (Report Number 293630-1, December 1998)
- Occupational Safety and Health Administration (OSHA) Occupational Noise Exposure; Hearing Conversation Amendment (Federal Register [FR] 48 (46), 9738—9785)
- EPA Railroad Noise Emission Standards (40 C.F.R. Part 201)
- FRA Railroad Noise Emission Compliance Regulations (49 C.F.R. Part 210)
- FRA Final Rule on the Use of Locomotive Horns at Highway-Rail Grade Crossings (49 C.F.R. Parts 222 and 229)
- Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment (FTA-VA-90-1003-06, May 2006)

Day-night average noise level (DNL): The energy average of A-weighted decibels (dBA) sound level over a 24-hour period; includes a 10-decibel adjustment factor for noise between 10 p.m. and 7 a.m. to account for the greater sensitivity of most people to noise during the night. The effect of nighttime adjustment is that one nighttime event, such as a train passing by between 10 p.m. and 7 a.m., is equivalent to 10 similar events during the daytime.

A-weighted decibels (dBA): A measure of noise level used to compare noise from various sources.

A-weighting approximates the frequency response of human hearing.

The Board’s environmental regulations for noise analysis (49 C.F.R. §1105.7e(6)) have the following criteria:

- An increase in noise exposure as measured by a day-night average noise level (DNL) of 3 A-weighted decibels (dBA) or more.
- An increase to a noise level of 65 DNL or greater.

If the estimated noise level increase at a location exceeds either of these criteria, OEA estimates the number of affected receptors (e.g., schools, libraries, residences, retirement communities, nursing homes) and quantifies the noise increase. The two components (3 dBA increase, 65 DNL) of the Board’s criteria are implemented separately to determine an upper bound of the area of potential noise impact. However, noise research indicates that both criteria components must be met to cause an adverse noise impact (Coate, 1999,³⁸ STB 1998b³⁹).⁴⁰ That is, noise levels would have to be greater than or equal to 65 DNL and increase by 3 dBA or more for an adverse noise impact to occur.

Ambient noise: The sum of all noise (from human and naturally occurring sources) at a specific location over a specific time is called ambient noise.

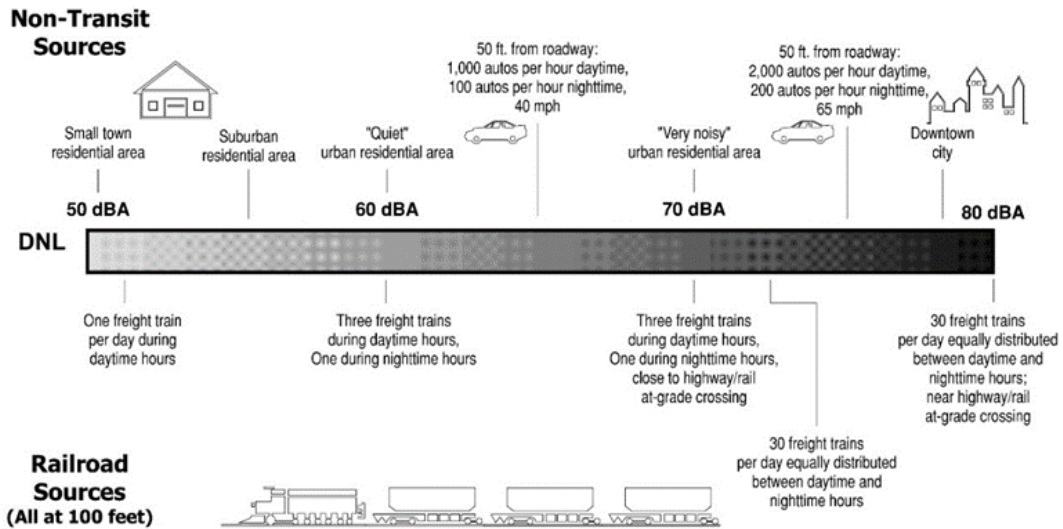
For this analysis, “Noise” is considered unwanted sound. Human perception of and response to a new noise source is based in part on how loud it is compared to existing/ambient noise levels. **Figure 3.6-1** shows typical community noise levels expressed in terms of DNL.

³⁸ Coate, D. 1999. Annoyance Due to Locomotive Warning Horns. Transportation Research Board Noise and Vibration Subcommittee A1FO4. August 1–4. San Diego, CA.

³⁹ Surface Transportation Board (Board). 1998a. Final Environmental Impact Statement No. 980194, Conrail Acquisition (Finance Docket No. 33388) by CSX Corporation and CSX Transportation, Inc., and Norfolk Southern Corporation and Norfolk Southern Railway Company (NS).

⁴⁰ Although the Board’s regulations at 49 C.F.R. § 1105.7(e)(6) indicate that either an increase of 3 dBA or an increase to an Ldn of 65 dBA would be an adverse impact, research indicates that both of these conditions must be met or exceeded for an adverse noise impact from rail operations to occur.

Figure 3.6-1: Typical day-night average noise levels (DNL) for Residential Areas



Source: EPA, 1974.

Affected Environment

The study area, as demonstrated in **Figure 3.6-2**, has a relatively high concentration of existing noise sources including the LIRR mainline, highways, and an industrial area. Industrial uses and roadways exist on all sides of the Proposed Action property. There is a residential neighborhood to the northeast of the property on the northern side of the LIRR mainline. Existing LIRR passenger rail traffic volumes are high and dominate the noise exposure in this area. Accordingly, OEA's noise analysis used long-term average railroad data to compute train noise levels.

Using Computer Aided Noise Abatement (CADNA), the leading environmental noise software application, OEA computed existing noise levels in the study area. OEA inputted site-specific data, such as one-meter elevation contours, into the model. OEA also incorporated LIRR mainline source noise data input into the model, assuming 37 existing trains per day with average train lengths of 415 feet, consisting of a locomotive (75 feet), four passenger cars (85 feet), and average speed of 65 mph. The equations used to calculate LIRR mainline rail noise levels are shown in Appendix E.

Figure 3.6-2 below shows the results of the existing noise level computations along the LIRR mainline. The outer red contour lines are at 65 DNL. This noise contour map understates existing noise levels to some extent because traffic noise from highways, ancillary roadways, and other noise sources in the area were not included in the model. Based on this data, existing noise levels in the residential area to the northeast range from approximately 69 to 72 DNL depending on proximity to the existing rail line. Based on EPA standards shown in **Figure 3.6-1**, this range results in this area being classified as a "very noisy urban residential area."

Figure 3.6-2: Existing 65 DNL Contour Levels in Red along the LIRR Mainline



Environmental Consequences

The following section describes the environmental impacts of the Proposed Action and the No-Action Alternative. As a result of the analysis, OEA concludes that noise generated during construction or operation of the Proposed Action would have minimal, if any, impacts to adjacent land uses.

Proposed Action

During construction of the Proposed Action, noise levels along the study area would increase temporarily as a result of increased truck traffic and use of heavy equipment to construct the proposed line and other project-related improvements. Noise generated during construction of the Proposed Action would have minimal, if any, impacts to adjacent land uses because of the relatively high concentration of existing noise sources including the rail LIRR mainline, highways, and industrial land uses. Nonetheless, Townline proposed voluntary mitigation that would require its contractor(s) to make sure that project-related construction vehicles are maintained in good working order with properly functioning mufflers to control the noise that is generated (**VM-Noise-02**).

OEA also employed CADNA to calculate 65 DNL noise contours for rail operations. This modeling software calculates train noise effects for moving trains (after trains are assembled) as they move from the siding to the LIRR mainline. Operational assumptions about train movements from siding to the LIRR mainline made by OEA include average train length of one mile, 15 mph train speed, and two trains (one-roundtrip) per day. OEA also modeled the noise associated with assembling the trains in the siding area, including car coupling noise and Trackmobile (a small rail car mover) noise.

The analysis logarithmically combined moving train, car coupling, and Trackmobile noise. **Figure 3.6-3** shows the results of this analysis with the outer red contours at 65 DNL.

Primarily because of the low number of trains per day, car coupling, and Trackmobile activity, the 65 DNL contour is contained within the project area, south of the LIRR mainline and, therefore, does not affect any residences.

Figure 3.6-3: Proposed Action 65 DNL Noise Contours in Red



Comparing the data from **Figure 3.6-2** to **Figure 3.6-3** shows the 65 DNL noise contour from the Proposed Action is contained within the Proposed Action property, south of the noise contours associated with the existing LIRR operations, and therefore would imperceptibly increase existing noise levels at the closest residential locations to the north. These increases would range from 0.03 to 0.07 dBA, so existing noise levels in terms of DNL would essentially be unchanged as a result of the Proposed Action. Nevertheless, Townline proposed a voluntary mitigation measure that would require Townline to comply with Federal Railroad Administration regulations (49 C.F.R. Part 210) establishing decibel limits for train operation (**VM-Noise-01**).

Because the Proposed Action 65 DNL contours do not touch noise sensitive receptors (residences), and increases in existing noise levels are negligible, OEA does not expect adverse noise effects. Additionally, the at-grade crossing at Meadow Glen has been permanently closed and therefore, locomotive horn sounding was not modeled.

Train operation vibration levels, due to wheel/rail interaction, increase as a function of train speed. FTA guidance for assessing annoyance due to infrequent trains per day is 80 vibration decibels (VdB). Assuming 15 mph trains, the 80 VdB vibration contour line would be 25 feet from the tracks.

Residential areas to the north are much farther away (approximately 400 feet) than this distance, and therefore increased annoyance due to vibration from siding train passbys is not expected.

No-Action Alternative

Figure 3.6-2 represents the noise environment associated with the No-Action Alternative. If the Proposed Action does not occur, noise levels in the area would remain unchanged, i.e., it would remain a “very noisy urban residential area.”

Conclusions

OEA concludes that noise generated during construction or operation of the Proposed Action would have minimal, if any, impacts to adjacent land uses. Relatively high existing noise levels caused by the existing LIRR mainline operations, nearby highways, and existing industrial land uses are anticipated to overwhelm construction and operation noise related to the Proposed Action. Nonetheless, Townline proposed voluntary mitigation measures that consist of best practices for limiting noise related to construction operations (**VM-Noise-01** and **VM-Noise-02**).

OEA does not anticipate increased annoyance associated with ground-borne vibration from train movements associated with the Proposed Action.

3.7 Biological Resources

This section describes the affected environment and the potential environmental consequences to biological resources that would result from the Proposed Action and the No-Action Alternative. The subsections that follow also describe the biological resource study areas for the Proposed Action, data sources, and the approach that OEA used to analyze potential impacts. The biological resource categories discussed in this section include vegetation, wildlife habitat, threatened and endangered species (including critical habitats, candidate species; bald and golden eagles; and sensitive species listed by New York State), and natural areas. Overall, based on the evaluation below, OEA anticipates the Proposed Action would create minor adverse impacts to biological resources.

Approach

The study area for biological resources includes the Proposed Action site and the proposed construction laydown area, as shown in **Figure 2.2-1** in Chapter 2 of this Draft EA. OEA consulted with federal and New York State agencies regarding biological resources within the study area. In addition, to determine the biological resources known to exist or expected to occur within the study area, OEA performed affected environment evaluations of vegetation, wildlife habitat, threatened and endangered species, and natural areas. The evaluations included desktop reviews of aerial imagery and publicly available natural resource databases and maps, including the U.S. Geological Survey (USGS) topographic maps, U.S. Fish and Wildlife Service (USFWS) Threatened and Endangered Species Active Critical Habitat Report GIS files, USFWS Information for Planning and Consultation (IPaC) database, USFWS National Wetland Inventory (NWI) Maps, and New York State

Department of Environmental Conservation (NYSDEC) databases. OEA also submitted a records request to the NYSEC’s New York Natural Heritage Program (NYNHP).

OEA also performed field surveys on August 1, 2022, and July 14, 2023, to identify and assess existing vegetative communities, wildlife habitat potential, and to assess the potential for threatened and endangered species or species habitat to occur within the study area. Finally, OEA evaluated the potential environmental consequences of the Proposed Action and the No-Action Alternative on each of the biological resources categories identified below.

Vegetation

Vegetation is a general term that encompasses the plant life or total plant cover of an area, including trees, shrubs, woody vines, and herbaceous plants. Vegetation provides habitat and food sources for wildlife, improves air quality, filters stormwater, contributes to flood control, and provides many other ecological functions.

Affected Environment

The project area is predominantly disturbed, with most of the area cleared for industrial use. Over 80 percent of the subject property is used for the current industrial operations, including operation of the existing waste transfer facility. The study area for the Proposed Action is approximately 14.40 acres, as detailed in **Figure 3.7-1** and **Table 3.7-1**.

Figure 3.7-1: Project Area Vegetation

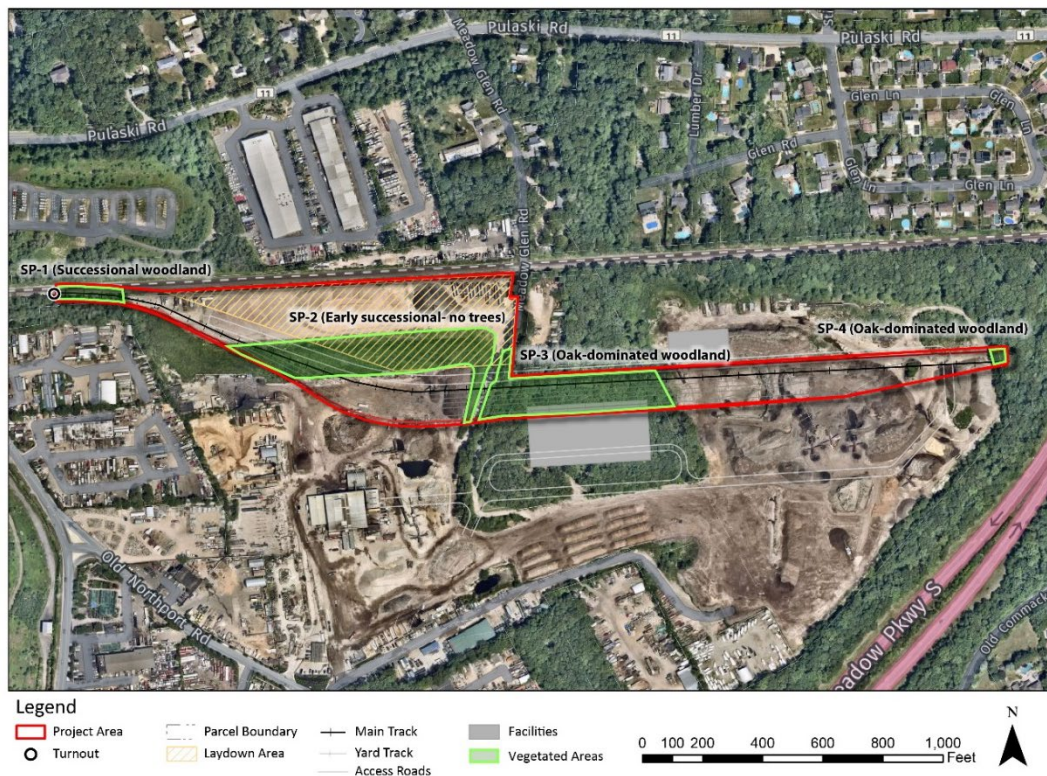


Table 3.7-1: Vegetation Summary

Project Area	Acres
Unvegetated, existing site operations	9.05
Early successional – no trees	3.13
Forested	2.22
Total	14.40

As shown in **Figure 3.7-1** and quantified in **Table 3.7-1**, the majority of the study area is comprised of unvegetated land associated with existing site operations (9.05 acres). Vegetated habitat is limited to four habitat areas consisting of 3.13 acres of early successional habitat (see Area “SP-2” in **Figure 3.7-1**) in a single area and 2.22 acres of forested habitat occurring within three separate areas (Areas “SP-1,” “SP-3,” and “SP-4”). Early successional habitats are treeless habitats dominated by pioneering herbaceous plants and shrubs that represent the initial stage in ecological succession, which is the process by which areas that have been cleared or otherwise disturbed progress through stages over time from unvegetated conditions to a mature forest.

The forested habitat within the study area includes a successional woodland, as well as two forested habitats dominated by mature oaks. As compared to the early successional habitat described above, the successional woodland represents a later stage in the process of ecological succession, where opportunistic tree species colonize and outcompete the pioneering herbaceous vegetation to form a woodland habitat. As illustrated in the representative photo below, the two oak-dominated forested habitats support a canopy of mature trees and understory vegetation that are common within the general surrounding area of the study area and in Suffolk County. As observed during OEA’s field surveys, all the vegetated habitats within the study area exhibit substantial evidence of historical and ongoing disturbance, including clearing, grading, and storage of materials and equipment.

Environmental Consequences

The Proposed Action would require clearing, excavating, filling, and other disturbance to the existing vegetated habitats for construction of the proposed rail line, which would result in temporary and permanent loss or alteration of vegetation. While some natural vegetation regrowth would occur, project-related construction would remove vegetative cover, and regrowth would likely be sparse in areas that would be continually disturbed by railroad operation and maintenance. In addition, the movement of heavy equipment and supplies during construction could compact the soil, affecting vegetation growth. OEA's recommended mitigation measure (**MM-Biological-01**) regarding BMPs for soil compaction would reduce and minimize soil compaction.

OEA anticipates that approximately 5.35 acres of existing vegetated areas would be subject to clearing or disturbance, including 2.22 acres of forested habitat.



Source: VHB, August 2022.

Wildlife Habitat

Affected Environment

Land uses and habitat types within the study area include 9.05 acres of cleared, industrial area and 5.35 acres of vegetated habitat, including early successional, successional woodland, and oak-dominated forest. As noted previously, all the vegetated habitats within the study area exhibit substantial evidence of historical and ongoing disturbance, including clearing, grading, and storage of materials and equipment. Moreover, due to ongoing industrial site operations in the areas adjacent to the vegetated habitats, including operation of an existing waste transfer facility, the vegetated habitats are subject to high levels of human presence, activity, and noise, including constant operation of industrial machinery and equipment. Based on these factors, the overall wildlife habitat quality of the vegetated areas is substantially degraded. The observed and expected wildlife of these areas is restricted to a limited number of local species adapted to disturbed conditions and elevated levels of human activity.

Environmental Consequences

Clearing and other disturbance to existing wildlife habitat during project-related construction would result in permanent and temporary displacement of existing wildlife species that may be in the project area, resulting in increases in species population densities within surrounding habitats. Subsequently, it is anticipated that inter- and intra-specific competition for available resources within these surrounding habitats would result in minor

net decreases in local population sizes for most species, until equilibrium between wildlife populations and available resources is achieved. Considering the substantial areas of vegetated habitat beyond the study area that would remain unaltered, OEA expects minimal effects on habitats and decreases in individual species densities within the general surrounding area. As noted previously, the observed and expected wildlife within the study area is restricted to a limited number of local species adapted to disturbed conditions and elevated levels of human activity. Following project-related construction, similar conditions would exist within the study area. Therefore, OEA expects that most existing resident wildlife species would reoccupy the study area, though at reduced individual species population densities, due to the overall decrease in available vegetated habitat. To avoid and minimize impacts on migratory birds and to comply with the Migratory Bird Treaty Act, Townline has proposed voluntary mitigation (**VM-Biological-05**) that OEA recommends be imposed in Chapter 4.

In conclusion, OEA expects that the Proposed Action, in combination with OEA mitigation and Townline's voluntary mitigation, would result in minor adverse impacts to wildlife.

Threatened & Endangered Species

Endangered Species Act (ESA) Section 7(a)(2) requires federal agencies to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat. According to the USFWS, critical habitat is defined as “the specific areas within a geographic area, occupied by the species at the time it was listed, that contain the physical or biological features that are essential to the conservation of endangered and threatened species and that may need special management or protection”.⁴¹

Affected Environment

ESA-Listed Species

To identify federally listed threatened and endangered species potentially present in the study area, OEA obtained an Official Species List from the USFWS IPaC database on July 24, 2023 (see Attachment B of OEA's Section 7 Consultation assessment in Appendix A). The species list generated included three federally listed species and one candidate species with potential to occur in the study area, including the threatened piping plover and red knot, endangered northern long-eared bat (NLEB), and candidate monarch butterfly.⁴² No designated critical habitat is mapped in the study area. Based on the 2023 field survey, piping plover and red knot habitat is not present in the project area and the species are not anticipated to be present. The monarch butterfly was not observed within the project area nor were its milkweed genus host plants; other flowering plants represent potential habitat for monarch butterfly adults. OEA performed NLEB habitat assessments of the study area and documented potential NLEB habitat. More detailed and supporting information on federally listed species in study area, including details on NLEB habitat, can be found in OEA's ESA Section 7 Consultation assessment in Appendix A.

⁴¹ <https://www.fws.gov/sites/default/files/documents/critical-habitat-fact-sheet.pdf>

⁴² Note that candidate species are provided no statutory protection under the ESA.

State-Listed and Sensitive Species

In correspondence dated August 25, 2022, and July 17, 2023, the NYNHP indicated that there are currently no records of rare or state-listed animals or plants, or significant natural communities for the project area or in its immediate vicinity.

Environmental Consequences

ESA-Listed Species

The effects of the Proposed Action on federally listed threatened and endangered species is detailed in OEA's Section 7 Consultation assessment in Appendix A. In summary, the Proposed Action would have *no effect* on piping plover and red knot due to lack of habitat in or around the study area. The monarch butterfly, as a candidate species, is provided no statutory protection under the ESA; thus, no determination of effect was made.

Because OEA identified potential NLEB habitat in and around the study area, the Proposed Action could potentially affect NLEB through permanent habitat removal, temporary construction noise, temporary construction lighting, and operational noise and lighting. However, OEA anticipates NLEB presence in and around the study area to be low due to degraded habitat conditions, fragmented habitat conditions in the surrounding area, and the developed nature of the surrounding area (i.e., residential and industrial). Townline proposed four voluntary mitigation measures to avoid and minimize any potential NLEB impacts (**VM-Biological-01, -02, -03, -04**). If the voluntary mitigation is imposed and implemented, OEA determined that, the Proposed Action *may affect, but is not likely to adversely affect* NLEB, and in correspondence dated November 7, 2023, UFSWS concurred with OEA's determination (see Appendix A). Additional details and supporting information on OEA's NLEB determination can be found in OEA's Section 7 Consultation assessment in Appendix A.

Bald and Golden Eagles

Bald eagles tend to avoid areas with human activities and are typically found near large bodies of water, (i.e., bays, rivers, and lakes) that support healthy populations of fish and waterfowl, which are their primary food sources. The species will perch in either deciduous or coniferous trees and build large, heavy nests near water in tall pine, spruce, fir, cottonwood, oak, poplar, or beech trees.⁴³ The study area is not located on or proximate to any large water body, and, as detailed previously, is subject to high levels of human activity and noise associated with industrial site operations. Based on these factors, the study area does not represent suitable foraging, perching, or nesting habitat for bald eagle. Moreover, based on correspondence from the NYNHP, dated August 25, 2022, and July 17, 2023, there are currently no records of bald eagle at or in the vicinity of the study area. Accordingly, the Proposed Action would not occur within 660 feet of any bald eagle nests, which is the USFWS' distance threshold for determining if proposed activities might impact species nesting locations or behavior. Therefore, OEA anticipates the Proposed Action would have no impact on bald eagles.

⁴³ New York Natural Heritage Program. Bald Eagle Conservation Guide. Available at: <https://guides.nynhp.org/bald-eagle/#range>. Accessed September 2023.

Habitat for golden eagle is characterized by wild, remote mountainous areas with open areas where small game is abundant, and cliffs are available for nesting. The known range of golden eagle in New York State is restricted to the Adirondack Mountains and other upstate locations.⁴⁴ Accordingly, the study area does not provide suitable golden eagle habitat and is located well beyond the known range of this species. Moreover, based on correspondence from the NYNHP, dated August 25, 2022, and July 17, 2023, there are currently no records for golden eagle at or in the vicinity of the study area. Therefore, OEA anticipates the Proposed Action would have no impact on golden eagles.

No-Action Alternative

Under the No-Action Alternative, the study area would continue to be characterized by largely unvegetated conditions and industrial site operations, including the operation of an existing waste transfer facility. As such, the existing vegetated habitats within the study area would continue to be subject to physical disturbance and high levels of human presence, activity, and noise. As a consequence, wildlife in the study area would continue to be restricted to a limited number of local species adapted to the disturbed conditions and elevated levels of human activity. The possibility exists that the remaining vegetated habitat within the study area would be cleared as part of ongoing site operations of other potential development that is not related to the Proposed Action under the No-Action Alternative.

Conclusions

Following construction, OEA expects that most existing resident wildlife species would reoccupy the study area, though at reduced individual species population densities, due to the overall decrease in available vegetated habitat. Similar to existing conditions, the expected wildlife within the study area would be restricted to a limited number of local species adapted to disturbed conditions and elevated levels of human activity. Therefore, OEA expects that the Proposed Action would result in minor adverse impacts to vegetation or wildlife.

With respect to federally listed species, OEA has determined that the Proposed Action would have *No Effect* on the threatened piping plover and red knot because habitat for these species does not exist within the study area. Given the lack of larval host plants, the study area does not represent a significant habitat area for the candidate species monarch butterfly. Forested habitat removal and noise and lighting related to construction and operations may affect the threatened NLEB, but the degraded habitat conditions of the project area, OEA's recommended mitigation measures, and Townline's voluntary measures would avoid potential adverse impacts. Therefore, OEA determined the Proposed Action *may affect, but is not likely to adversely affect* the NLEB, and the USFWS concurred with OEA's determination (see OEA's Section 7 Consultation assessment and USFWS' concurrence letter in Appendix A for more detail on federally listed species). Finally, OEA does not anticipate the Proposed Action would impact bald eagles or golden eagles due to lack of habitat in the study area.

⁴⁴ New York Natural Heritage Program. Golden Eagle Conservation Guide. Available at: <https://guides.nynhp.org/golden-eagle/#range>. Accessed September 2023.

3.8 Water Resources

This section describes the affected environment and the environmental consequences to water resources (surface waters and wetlands, floodplains, and groundwater) from the Proposed Action and the No-Action Alternative. The subsections that follow describe the study area, data sources, and approach used to analyze potential impacts. Overall, based on the analysis below, OEA anticipates the Proposed Action will have little to no impacts on water resources.

Approach

The study area for water resources includes the Proposed Action site and the proposed construction laydown area, as shown in **Figure 2.2-1** in Chapter 2 of this Draft EA. OEA consulted with local, regional, state, and federal agencies regarding water resources in the project area, as detailed in Section 1.6 and included in Appendix A of this Draft EA and performed both desktop analysis and field review. OEA reviewed both the USFWS National Wetlands Inventory (NWI) and NYSDEC's Environmental Resource Mapper and conducted a site visit to identify the presence of wetlands.

Surface Water and Wetlands

Surface waters and wetlands are important features in a landscape that provide numerous beneficial services for people, fish, and wildlife. Some of these services or functions include protecting and improving water quality, providing fish and wildlife habitats, storing floodwaters, providing aesthetic value, ensuring biological productivity, filtering pollutant loads, and maintaining surface water flow during dry periods.

The U.S. Army Corps of Engineers (USACE) administers Clean Water Act (CWA) Section 404, 33 U.S.C. §1344, which regulates discharge of fill into waters of the United States, including wetlands. State environmental departments administer CWA Section 401, 33 U.S.C. § 1341, which requires a water quality certification prior to discharging fill in waters of the United States to ensure water quality standards are not exceeded. Wetlands are defined at 33 C.F.R. § 328.3(c) as “those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.” Executive Order (EO) 11990, “Protection of Wetlands,” discourages direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative.

Affected Environment

Based on review of the USFWS NWI and NYSDEC's Environmental Resource Mapper, there are no surface waters or wetlands located in or adjacent to the study area, and no such features were observed during the field surveys of the study area.

Environmental Consequences

Because there are no surface waters or wetlands located within or adjacent to the project area, the Proposed Action would not result in impacts to these resources. Thus, OEA does not anticipate the need for permitting under CWA Sections 401 and 404. However, Townline would need to obtain a State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity from New York Department of Environmental Conservation. This permit is required for any project involving one or more acres of soil disturbance.⁴⁵

Floodplains

Floodplains are any land area susceptible to being inundated by water from any source (44 C.F.R. § 59.1) and are often associated with surface waters and wetlands. Floodplains are valued for their contribution to natural flood and erosion control, enhancement of biological productivity, and socioeconomic benefits and functions.

Affected Environment

Based on review of the FEMA Flood Maps, the study area is not located within any designated floodplains.

Environmental Consequences

Because the study area is not located within a designated floodplain, authorization and implementation of the Proposed Action would not result in any impacts to floodplains.

Groundwater

Groundwater is the subsurface water that saturates the pores and cracks in soil and rock and is transmitted via geologic layers called aquifers. The infiltration of precipitation or surface water directly recharges an unconfined aquifer. Confined aquifers are overlain by low-permeability material (e.g., clay or rock) that limits the vertical flow of water into or out of the aquifer. Landowners, municipalities, and industries access groundwater from wells that tap into an aquifer. The primary objective in protecting the quality of groundwater is to maintain the regional water supply.⁴⁶

Affected Environment

Long Island is a sole-source aquifer region, which means that groundwater is the single supply source for potable water. According to NYSDEC, “the aquifers underlying Long

⁴⁵ The SPDES permit program addresses water pollution by regulating point sources that could discharge pollutants to waters of the United States. Presence of surface waters and wetlands on a project area is not necessary to trigger the SPDES General Permit for Stormwater Discharges from Construction Activity but is based on the area of ground disturbance proposed (i.e., must be one acre or more). The SPDES permit program is authorized under CWA Section 402, 33 U.S.C. §1342, and delegated by EPA to state governments for implementation.

⁴⁶ The Long Island Comprehensive Waste Treatment Management Plan (208 Study), 1978.

Island are among the most prolific in the country. Almost all Long Island’s drinking water is from groundwater with surface water an insignificant contributor. The three most important Long Island aquifers are the Upper Glacial Aquifer, the Lloyd Aquifer, and the Magothy Aquifer.⁴⁷ According to the USGS Groundwater Conditions on Long Island, there are no aquifer wells located in the project area.

The groundwater flow on Long Island is characterized by a groundwater divide, extending east-west along its length. To the north of the groundwater divide, horizontal groundwater flow is generally to the north; in areas south of the divide, groundwater flow is toward the south. A review of the United States Geological Survey’s publication, “Water-Table and Potentiometric-Surface Altitudes in the Upper Glacial, Magothy, and Lloyd Aquifers beneath Long Island, New York, April-May 2016” indicates that the regional groundwater flow direction beneath the Proposed Action site is generally to the north, as the property is located north of the groundwater divide and proximate to the Smithtown Bay.

As indicated in the Long Island Comprehensive Groundwater Protection Area Plan (hereinafter SGPA Plan), dated July 27, 1992, Special Groundwater Protection Areas (SGPAs) are significant, largely undeveloped or sparsely developed geographic areas of Long Island that provide recharge to portions of the deep flow aquifer system. SGPAs represent a unique final opportunity for comprehensive, preventative management to preclude or minimize land use activities that can have a deleterious impact on groundwater. Nine SGPAs are located on Long Island: North Hills; Oyster Bay; West Hills/Melville; Oak Brush Plains; South Setauket Woods; Central Suffolk; Southold; South Fork; and Hither Hills. The Proposed Action site is not located within a SGPA.

Environmental Consequences

No drinking water intakes or wellheads are located within the study area of the Proposed Action. Impacts to groundwater typically occur from water withdrawals, changes in aquifer recharge areas, or excavation of the landscape, which may draw down the surficial water table. OEA expects that construction activities related to the Proposed Action would include removing ground surface vegetation and adding ballasts and track.⁴⁸ These activities would not involve water withdrawals, changes in aquifer recharge areas, or excavation. Therefore, OEA concludes that the Proposed Action would have no impacts on groundwater.

No-Action Alternative

Under the No-Action Alternative, Townline would not construct and operate the Proposed Action. Therefore, no impacts on surface water, wetlands, floodplains, and groundwater would occur under the No-Action Alternative.

Conclusion

OEA concludes that the Proposed Action would not result in impacts on surface water, wetlands, floodplains, or groundwater, and thus, no mitigation measures are necessary.

⁴⁷ https://www.nswcawater.org/water_facts/our-long-island-aquifers-the-basics/

⁴⁸ See footnote 34.

3.9 Cultural Resources

This section describes OEA’s analysis of potential impacts on cultural resources that could result from the Proposed Action and the No-Action Alternative. The Board’s decision whether to approve the Proposed Action is a federal action under NEPA and a federal undertaking under Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. § 306108). The Section 106 regulations at 36 C.F.R. Part 800 require federal agencies to consider the effects of their undertakings on historic properties that are listed in, or eligible for listing in, the National Register of Historic Places (National Register). Other relevant federal and state statutes, regulations, and guidance on protecting cultural resources, include:

- Protection of Historic and Cultural Properties (36 C.F.R. Part 800).
- New York State Historic Preservation Act of 1980 (Section 14.09).
- New York State Parks, Recreation and Historic Preservation (PAR) Chapter 36-B, Title C, §§ 14.01-14.12.
- National Register Criteria for Evaluation (36 C.F.R. Part 60).
- Section 106 Regulations Users Guide, Advisory Council on Historic Preservation - Step-by-step guidance from Advisory Council on Historic Preservation.
- American Indian Religious Freedom Act of 1978 (42 U.S.C § 1996).
- Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 (25 U.S.C. Ch 32).
- Archeological Resources Protection Act (ARPA) of 1979 (16 U.S.C. §§ 470aa through 470mm).

Historic properties can include buildings, precontact and historic archaeological sites, districts, objects, and structures, as well as traditional cultural properties and landscapes. The term “historic property” also includes properties of religious or cultural significance to Indian Tribes. For the Proposed Action, OEA is coordinating the environmental review process under NEPA with the Section 106 process, and the NEPA term “cultural resources” as used in this section is interchangeable with the Section 106 term “historic properties.” Based on the evaluation detailed in this section, OEA expect the Proposed Action to impact cultural resources.

Approach

To evaluate the potential for the Proposed Action to affect cultural resources, OEA first developed a study area, known as an Area of Potential Effects (APE), for the undertaking. The APE, as defined in 36 C.F.R. § 800.16(d), is the geographic area or areas within which a federal undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist. For this undertaking, the APE consists of two components: an Archaeological APE, defined as the footprint of ground disturbance, and an Above-Ground APE, defined as the existing historical built environment of the design footprint and its viewshed. Each component of the APE extends at least the 5,000-ft length of the undertaking and extends to the width of the proposed rail right-of-way to encompass the entire area within which ground disturbing activities would occur under the

Proposed Action. To account for potential effects to existing and unrecorded built historic properties, OEA established a 500-ft viewshed to be included in the Above-Ground APE (250 feet on either side of the required right-of-way centerline and 250 feet at each end) to account for potential setting, visual, noise, or other impacts from construction activities.

OEA then conducted historical background research of the APE. The purpose of this research was to find information regarding the past land use and occupation of the APE. Background research included a review of data from a variety of digital and archival repositories for relevant information, including publicly available sources, archaeological site forms, archaeological and cultural surveys conducted within and near the APE, National Register files, historic topographic maps, and historic aerial imagery of the APE. A review of the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) Cultural Resources Information System (CRIS) provided records related to existing cultural resource data. OEA obtained records related to historic topographic maps and historic aerial imagery through the U.S. Library of Congress and the United States Geologic Survey (USGS) topoView and earthexplorer web applications. OEA obtained parcel information through the Suffolk County property appraiser website.

In a letter dated June 22, 2022, OEA initiated consultation with the New York State Historic Preservation Office (SHPO), Tribal Historic Preservation Officers (THPOs), and tribal governments with a possible interest in the APE. OEA coordinated with the Shinnecock Indian Nation, Unkechaug Indian Nation (Poospatuck Reservation), and Setalcott Indian Nation. Appendix A provides detailed information on efforts to reach out to potential consulting parties.

Affected Environment

There are no existing buildings or structures located within the proposed limits of ground disturbance for the undertaking. The LIRR mainline is adjacent to the Proposed Action, and there was one at-grade crossing located at Meadow Glen Road that has been permanently closed. Due to the existing development that has taken place within and surrounding the proposed limits of ground disturbance for the Proposed Action, the APE and immediate environment is believed to have a low potential to contain intact and significant archaeological features and deposits. Furthermore, no portion of the proposed disturbance footprint is located within an area of archaeological potential as defined by the New York State OPRHP.

Pursuant to Section 106, OEA conducted record searches of the National Register and New York CRIS databases to identify cultural resources that are listed in or eligible for listing in the National Register. Based on the results of those searches, OEA concluded that while two resources previously determined not eligible are located within the APE, no previously recorded eligible cultural resources are located within the APE (see **Figure 3.9-1** and detailed information in Appendix A).

Figure 3.9-1: New York Cultural Resource Information System (CRIS) Summary



In a letter dated July 15, 2022, OEA received a response from the State of New York Parks and Recreation and Historic Preservation Division (SHPO) noting that there was one historic property in the project vicinity (Long Island Railroad Trestle, located outside of the APE) and concluded that the Proposed Action would have No Adverse Effect on historic properties.

Environmental Consequences

Accordingly, pursuant to Section 106 of the NHPA, OEA finds that the Proposed Action would have no effect on historic properties because there are no historic properties present within the APE. Further, the area has not been identified by the New York SHPO as a location of archaeological potential because the area already has been highly disturbed by modern industrial activities, and the potential for intact archaeological deposits is extremely low.

Conclusion

For the reason discussed above, OEA has determined that the Proposed Action would have no effect on historic properties and New York SHPO concurs. Thus, no mitigation measures are recommended for Cultural Resources.

3.10 Hazardous Materials Release Sites

This section describes the existing conditions and potential environmental impacts associated with hazardous material release sites during construction of the Proposed Action and the No-Action Alternative. Construction of the Proposed Action has the potential to encounter contaminated soils that have been impacted by past releases (such as spills or leaks) of petroleum and/or hazardous substances. Overall, based on the evaluation below, OEA expects the Proposed Action to minimally impact existing hazardous material release sites.

Approach

The Proposed Action would be located on an active industrial site adjacent to the LIRR mainline, which carries both passengers and freight. Soils located within railroad rights-of-way can often be impacted with contaminants associated with prior spills and releases associated with typical railroad operations. In many locations, rail lines are also surrounded by industrial operations where releases of petroleum and/or hazardous substances may have occurred. Therefore, it is possible that petroleum and/or hazardous substances may have migrated into the railroad right-of-way or on surrounding lands from historic rail or industrial operations.

OEA defined the study area for hazardous material release sites as the area within a 500-foot buffer around the Proposed Action site. EPA defines hazardous waste as waste with properties that make it dangerous or potentially harmful to human health or the environment. For purposes of this analysis, a hazardous material release site is an area that has been affected by a documented release of petroleum and/or hazardous substances into soil, groundwater, surface water, sediments, and/or air. Hazardous materials are hazardous substances as defined by the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. §103), including hazardous wastes.

OEA used multiple resources to identify documented hazardous materials release sites in the study area. OEA obtained an Environmental Database Report (EDR) to identify known hazardous material releases within the study area.⁴⁹ This report includes information from the New York State Hazardous Waste Site (SHWS), SPILLS (Spills Information Database), and/or Voluntary Cleanup Program (VCP) databases, as well as the Federal Sustainable Environment Management System (SEMS) database, each used to identify hazardous waste releases in this evaluation. After identifying hazardous material release sites in the study area, OEA evaluated whether construction of the Proposed Action would potentially be

⁴⁹ EDR is a third-party database report used in the environmental due diligence process that searches relevant state and federal environmental databases.

impacted by those hazardous materials release sites based on their proximity to the study area.

Additionally, OEA identified the proximity of nearby Solid Waste Landfills (SWLs) and hazardous waste generators to determine potential impacts.

Affected Environment

Based on a review of the EDR Report, SHWS, SPILLS, VCP databases and/or the SEMS database, 17 hazardous materials release sites were identified within OEA's study area for this resource evaluation (see **Table F-1 – Hazardous Materials Release Sites within the Study Area** in Appendix F).

At least seven former or active Solid Waste Landfills (SWLs) are located near Carlson's 82-acre industrial site. In addition, the active Town of Huntington Landfill Transfer Station, at 99 Townline Road, which has been active since at least July 2021, abuts the project area. While the remaining SWLs are listed as inactive, SWLs can have documented soil and/or groundwater contamination.

A search on EPA's website revealed 42 properties designated as hazardous waste generators under the Resource Conservation and Recovery Act (RCRA) program in Kings Park, New York.⁵⁰ Three of the designated properties are located adjacent to the study area for this resource evaluation, including Bobby's Auto Refinishing Inc., Dejana Truck & Utility Equipment, and Twins Auto Body Inc. (see **Table F-2 - Hazardous Waste Generators Within the Study Area** in Appendix F).

Environmental Consequences

The following section describes the potential environmental impacts of construction of the Proposed Action and the No-Action Alternative.

Proposed Action

While there were several hazardous materials sites identified within the study area, there were no hazardous waste release sites identified within the Proposed Action site. Given the hazardous waste release sites and generators found in the study area, and the existing industrial use of the 82-acre property and the surrounding area, there is potential for residual contamination in soil and/or groundwater to be encountered during construction of the Proposed Action. Therefore, OEA developed mitigation requiring that Townline follow Standard Practice for Environmental Site Assessments to avoid impacts related to soil or groundwater contamination (**MM-Hazardous Materials Sites-01**). In addition, Townline's voluntary mitigation includes a measure requiring its construction contractor(s) to implement measures to protect workers' health and safety and the environment in the event that undocumented hazardous materials, if any, are encountered during construction (**VM-Hazardous Materials Sites-01**). If the proposed rail line is authorized and both of these mitigation measures are imposed and implemented, construction impacts related to hazardous waste release sites would be minimal.

⁵⁰ <https://www.epa.gov/fedfacts/resource-conservation-and-recovery-act-rcra>

No-Action Alternative

Under the No-Action Alternative, the Board would not authorize the Proposed Action. OEA does not expect potential impacts to hazardous material release sites under the No-Action Alternative.

Conclusion

OEA concludes that there would be minimal impacts to existing hazardous waste material sites from construction of the Proposed Action. Townline has proposed mitigation requiring that it protect workers and the environment if contaminated soils are uncovered. In addition, to ensure proper documentation and handling of any hazardous waste discovered during construction of the Proposed Action, OEA is recommending mitigation that would require Townline to follow Standard Practice for Environmental Site Assessments (**MM-Hazardous Materials Sites-01**).

3.11 Environmental Justice

EPA defines Environmental Justice (EJ) as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies” (EPA 2021a).

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (February 11, 1994), requires agencies to make environmental justice part of the agency’s mission by identifying and addressing disproportionately adverse human health and environmental effects of programs, policies, and projects on minority populations and low-income populations. Collectively, EPA refers to these populations as EJ populations. In April 2023, the President signed An Executive Order 14096, to Revitalize Our Nation’s Commitment to Environmental Justice for All, which requires all executive branch agencies to consider environmental justice in their decision making.

This section summarizes OEA’s analysis on the extent to which minority and low-income communities exist in the project area and the potential for adverse impacts of the Proposed Action and No-Action Alternative on EJ communities. Overall, based on the evaluation below, OEA anticipates the Proposed Action would create no adverse impacts to Environmental Justice populations.

Approach

OEA applied the following steps to evaluate the potential for the Proposed Action to cause disproportionately adverse impacts on EJ populations:

- OEA identified all potentially adverse impacts of the Proposed Action.
- OEA determined the impacts of the Proposed Action range from no impacts to negligible impacts. Therefore, there would be no adverse impacts to Environmental Justice populations. Nevertheless, to fully inform the reader, OEA defined a study area the study area as Kings Park, NY for this resource evaluation.

- OEA identified potential EJ populations (low-income and minority populations, including American Indians) in the study area using the best available demographic data managed by the U.S. Census Bureau and the U.S. Department of Housing and Urban Development (HUD). OEA considered populations with high rates of limited English-speaking households to inform the public outreach process.

As noted above, OEA defined the study area for analysis as Kings Park, which includes the project area, and used American Community Survey (ACS) data and the New York State Climate Justice Working Group’s list of disadvantaged communities on Long Island to identify potential EJ populations. The analysis primarily considered income and the share of the population that falls within a minority group. Consistent with EPA’s definition of low-income, OEA defined low-income to mean individuals earning an income less than 200 percent of the federal poverty level. The minority population consisted of all individuals who identify as non-White. A potential EJ population would have to meet the following thresholds:

- At least 50 percent of the people in the block group self-identify as being of minority status;
- The percentage of the population of minority status in the block group is at least 10 percentage points higher than for the entire county in which the population is located; or
- An individual earning an income less than 200 percent of the federal poverty level.

Affected Environment

According to the 2020 American Community Survey (ACS) 5-Year Estimates, the Hamlet of Kings Park has a total population of 16,153 and is classified as 94.9 percent white, 1.5 percent black, and 3.4 percent Asian (see **Table 3.11-1** below). Approximately 6.5 percent of King Park’s population is classified as Hispanic. The median household income in Kings Park for 2020 was \$98,031 and the median family income was \$137,687, both of which are higher than the values for New York as a whole.

Table 3.11-1: Race of Study Area and Surrounding Populations

Label	New York		Suffolk County		Smithtown		Kings Park	
	Pop.	%	Pop.	%	Pop.	%	Pop.	%
Total population	19,514,849		1,481,364		116,428		16,153	
One race	18,593,296	95.3%	1,419,415	95.8%	113,688	97.6%	15,836	98.0%
White	12,160,045	62.3%	1,161,861	78.4%	105,973	91.0%	15,014	92.9%
Black or African American	3,002,401	15.4%	113,699	7.7%	1,382	1.2%	163	1.0%
American Indian and Alaska Native	76,535	0.4%	4,172	0.3%	63	0.1%	0	0.0%
Asian	1,674,216	8.6%	60,873	4.1%	5,108	4.4%	459	2.8%
Native Hawaiian and Other Pacific Islander	9,376	0.0%	526	0.0%	0	0.0%	0	0.0%
Some other race	1,670,723	8.6%	78,284	5.3%	1,162	1.0%	200	1.2%
Two or more races	921,553	4.7%	61,949	4.2%	2,740	2.4%	317	2.0%

Source: 2020 American Community Survey (ACS) 5-Year Estimates

Based on this analysis, Kings Park does not meet the EJ criteria for minority or low-income populations. OEA also considered the recently published (March 2023) list of disadvantaged communities on Long Island by the New York State Climate Justice Working Group. The study area was not included on the Group’s list of disadvantaged communities. Therefore, OEA determined that no census tracts in Kings Park are designated as Historically Disadvantaged Communities.⁵¹

Environmental Consequences

OEA did not identify any adverse impacts that could affect minority or low-income populations, nor did it identify any minority or low-income populations in the study area; therefore, no further EJ analysis is warranted for the Proposed Action or No-Action Alternative.

Conclusion

No adverse effects and no EJ populations were identified within the study area. Accordingly, OEA concluded there would be no adverse impacts to EJ communities (i.e.,

⁵¹ U.S Department of Transportation, Transportation Disadvantaged Census Tracts (Historically Disadvantaged Communities)
<https://usdot.maps.arcgis.com/apps/dashboards/d6f90dfcc8b44525b04c7ce748a3674a>

minority and low-income populations), and therefore there is no need for mitigation measures.

3.12 Cumulative and Other Impacts

Cumulative effects are defined as “the impact on the environment, which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions” (40 C.F.R. § 1508.1(g)(3)).

This section describes the cumulative impacts of the Proposed Action and other past, present, and reasonably foreseeable future projects and actions. The sections that follow describe the approach, affected environment, and environmental consequences for OEA’s cumulative impacts analysis. Overall, based on the analysis below, OEA does not anticipate cumulative impacts associated with the Proposed Action and any other reasonably foreseeable projects in the study area.

Approach

CEQ developed the handbook, *Considering Cumulative Effects under the National Environmental Policy Act* (1997), to assist federal agencies in assessing cumulative impacts. OEA has followed these guidelines in its evaluation of whether cumulative impacts could result from impacts of the Proposed Action and impacts of past, present, and reasonably foreseeable future projects and actions in the study area. OEA defined the study area and analysis period for cumulative impacts to include reasonably foreseeable projects and actions that could affect the same resource areas as the Proposed Action. For the cumulative impact analysis, OEA considered reasonably foreseeable projects and actions that would likely be constructed within Kings Park, New York within the foreseeable future, which are discussed below.

Past, Present, and Reasonably Foreseeable Future Projects and Actions

As described in Chapters 1 and 2 of this Draft EA, Carlson is pursuing state and local review and approval of a proposed truck to rail transload facility that would not be part of Townline’s proposed rail transportation. The planned facility would include:

- An indoor 200-foot(ft) x 400-ft rail transloading facility;
- A semi-enclosed 100-ft x 200-ft material storage building; and
- Approximately 5,675 ft of new roads on the property site to facilitate transloading between railcars and trucks.

During consultation with various appropriate local, state, and federal agencies during the preparation of this Draft EA, OEA did not learn of any other recent, ongoing, or planned activities within Kings Park that could result in cumulative effects to any of the resource areas that the construction and operation of the Proposed Action would also affect. Based on review of publicly available resources, there is one multifamily residential development

that is proposed in Kings Park southeast of the project area named Country Pointe Estates at Kings Park. The application for this development includes 391 residential units and accessory facilities. However, the development site is located more than 1.3 miles from the Proposed Action property, and pursuant to a March 2023 Town Planning Commission meeting, this development would require rezoning prior to site plan approval. OEA did not identify any additional past, present, and reasonably foreseeable future projects or actions that could result in impacts that would coincide in time and space with impacts from the Proposed Action. Therefore, the cumulative impacts analysis only analyzes the impacts of the Proposed Action combined with the planned transloading facility proposed by Carlson.

Cumulative Impacts

As discussed above, impacts from the Proposed Action range from no adverse effect to minimal impacts. However, with respect to biological resources, OEA determined that construction of the Proposed Action *may affect but is not likely to adversely affect* the northern long-eared bat (NLEB) through the clearing of or disturbance to forested habitat, temporary construction noise and lighting, and operational lighting and noise. Therefore, OEA reviewed whether there would be impacts to biological resources from the future planned transloading facility (including the future planned transloading facility, storage building, and new roads) that could be combined with the impacts associated with the Proposed Action. Carlson's planned transloading facility and associated roadways could remove additional forested habitat that is suitable for the NLEB. These additional forested impacts were addressed in OEA's Section 7 Consultation assessment under ESA regulations at 50 C.F.R. § 402.02 (see Appendix A for more detail). The inclusion of these additional forested impacts with the Proposed Action's impacts does not change OEA's determination of *may affect, not likely to adversely affect* for the NLEB because Townline's proposed voluntary mitigation requires that it not conduct tree removal during the NLEB active season, and that any lighting be directed downward and away from NLEB habitat. USFWS concurred with OEA's conclusions.

Conclusion

As direct impacts from the Proposed Action would be minimal, OEA does not anticipate cumulative impacts associated with the Proposed Action or any other reasonably foreseeable actions in the study area.

4

Mitigation

The regulations for implementing NEPA require that agencies consider mitigation measures that could reduce the environmental impacts of their actions, but NEPA does not mandate the form or adoption of any mitigation measures (40 C.F.R. § 1508.1(s)). This chapter sets forth OEA’s recommended preliminary mitigation measures based on the results of OEA’s environmental analysis and public and agency consultation. This chapter describes mitigation measures that, if imposed by the Board, would avoid, minimize, or mitigate these environmental impacts. The mitigation includes voluntary mitigation proposed by Townline and additional measures developed by OEA.

Townline submitted extensive proposed voluntary mitigation measures to OEA in correspondence dated July 10, 2023, and October 17, 2023, prior to the completion of the environmental analysis. As discussed in Chapter 3, however, the proposed construction and operation of this 5,000-foot rail line in an industrial area would have negligible impacts to all environmental resource areas, excluding biological resources. Therefore, OEA deleted the proposed voluntary mitigation measures that it deemed unnecessary and irrelevant upon completion of the environmental analysis. OEA incorporated the remaining proposed voluntary mitigation measures (a number of which would require Townline to comply with best management practices during the construction and operation of the proposed rail line) with minor editorial changes (designated as VMs below). The two mitigation measures developed by OEA are designated as MMs below.

If the Board decides to grant Townline’s request for authority to construct and operate the proposed rail line, the mitigation measures set out in this chapter could become conditions of the Board’s decision.

Conditioning Power of the Board

The Board has the authority to impose conditions to mitigate environmental impacts, but that authority is not limitless. Any mitigation measure the Board imposes must relate directly to the proposed action before the Board, must be reasonable, and must be supported by the

record before the Board. OEA's consistent practice has been to recommend mitigation only for those environmental impacts that would result directly from a proposed action. The Board typically does not require mitigation for pre-existing environmental conditions.

Preliminary Nature of Mitigation

OEA's preliminary recommended mitigation measures are based on information available to date, consultation with appropriate agencies, and the environmental analysis presented in this Draft EA. OEA invites public and agency comments on the mitigation proposed below and any other mitigation that might be needed. For OEA to assess the comments effectively, it is critical that the public be specific regarding any desired mitigation and the reasons why the suggested mitigation would be appropriate.

After OEA issues the Draft EA for public comment and the public comment period closes, OEA will prepare a Final EA. The Final EA will respond to the comments, may conduct additional analyses if appropriate, and will make final recommendations to the Board on mitigation to impose. After the conclusion of the EA process, the Board will make its final decision considering both the transportation merits of the proceeding and the full environmental record—this Draft EA, the Final EA, all public and agency comments received, and OEA's final recommended mitigation.

4.1 Mitigation Measures

The following sections include OEA's preliminary recommended mitigation measures (MM) and the relevant proposed Voluntary Mitigation (VM) offered by Townline. OEA recommends that, if the Board grants Townline authority to construct and operate the proposed rail line, such authority should be subject to the mitigation measures identified below. If a resource area is not listed below, OEA did not identify any adverse impacts that warrant mitigation and has therefore not proposed mitigation measures for this resource area.

Land Use and Zoning

Townline's Proposed Voluntary Mitigation Measures

VM-Land Use and Zoning-01. Townline and its contractor(s) will consult, as necessary, with directly abutting landowners for coordination of construction schedules and temporary access during project-related construction.

Air Quality and Climate Change

Townline's Proposed Voluntary Mitigation Measures

VM-Air Quality-01. Townline's contractor(s) will comply with the dust control permitting requirements of Suffolk County, Smithtown, and New York State Department of Environmental Conservation to the maximum extent practicable to reduce fugitive dust emissions created during project-related construction. Townline will also require its construction contractor(s) to regularly operate water trucks on haul roads to reduce dust generation.

VM-Air Quality-02. Townline will work with its contractor(s) to ensure project-related construction equipment is properly maintained, and that mufflers and other required pollution-control devices are in working condition in order to limit construction-related air pollutant emissions.

Noise and Vibration

Townline's Proposed Voluntary Mitigation Measures

VM-Noise-01. Townline will comply with Federal Railroad Administration regulations (49 C.F.R. Part 210) establishing decibel limits for train operation.

VM-Noise-02. Townline will work with its contractor(s) to make sure that project-related construction and maintenance vehicles are maintained in good working order with properly functioning mufflers to control noise.

Biological Resources

Townline's Proposed Voluntary Mitigation Measures

VM-Biological-01. Townline will not conduct construction-related tree removal for the Proposed Action during the Northern Long-eared Bat (NLEB) active season (March 1 to November 30) consistent with New York State Department of Environmental Conservation's NLEB active season for Suffolk County.

VM-Biological-02. During project-related construction, Townline will take steps to reduce the unnecessary removal of bat habitat by limiting tree removal to only the areas necessary to safely construct and operate the rail line, marking the limits of tree clearing through the use of flagging or fencing, and ensuring that construction contractors understand clearing limits and how they are marked in the field.

VM-Biological-03. During project-related construction, Townline will direct any temporary lighting away from suitable NLEB habitat during the active season for this species (March 1 to November 30). Townline will use downward-facing, full cut-off lens lights for any temporary lighting used during construction of the rail line.

VM-Biological-04. During project-related rail operations, Townline will use downward-facing, full cut-off lens lights (with the same intensity or less for replacement lighting) for the proposed permanent lights.

VM-Biological-05. Townline will require its contractor(s) to comply with the requirements of the Migratory Bird Treaty Act as applicable. The following measures will be taken by Townline and/or its contractor(s):

Where practical, any ground-disturbing, ground-clearing activities or vegetation treatments will be performed before migratory birds begin nesting or after all young have fledged.

If such activities must be scheduled to start during the migratory bird breeding season, Townline will not take steps to prevent migratory birds from establishing nests in the potential impact area. Townline or its agents will not haze or exclude nest access for migratory birds and other sensitive avian species.

If such activities must be scheduled during the migratory bird breeding season, a qualified biologist will perform a site-specific survey for nesting birds starting no more than seven days prior to ground-disturbing activities or vegetation treatments. Birds with eggs or young will not be hazed, and nests with eggs or young will not be moved until the young are no longer dependent on the nest.

If nesting birds are found during the survey, Townline will establish appropriate seasonal or spatial buffers around nests. Vegetation treatments or ground-disturbing activities within the buffer areas will be postponed, where feasible, until the birds have left the nest. A qualified biologist will confirm that all young have fledged.

OEA's Preliminary Mitigation Measures

MM-Biological-01. During project-related construction, Townline will minimize, to the extent practicable, soil compaction in temporarily disturbed areas, provide surface treatments (e.g., break up compacted soil) for any compacted soils, and take actions to promote vegetation regrowth.

Hazardous Materials Release Sites

Townline's Proposed Voluntary Mitigation Measures

VM-Hazardous Materials Sites-01. Townline will require its construction contractor(s) to implement measures to protect workers' health and safety and the environment in the event that undocumented hazardous materials, if any, are encountered during project-related construction. Townline will document all activities associated with hazardous material spill sites and hazardous waste sites, if any, and will notify the appropriate state and local agencies according to applicable regulations. The goal of these measures is to ensure the proper handling and disposal of contaminated materials, including contaminated soil, groundwater, and stormwater, if such materials are encountered. Townline will use disposal methods that comply with applicable solid and hazardous water regulations.

OEA's Preliminary Recommended Mitigation

MM-Hazardous Materials Sites-01. Townline shall follow American Society of Testing and Materials E1527-05, Standard Practice for Environmental Site Assessments: Phase 1 Environmental Site Assessment Process in areas where potential contamination could be encountered. If Townline encounters contamination (or signs of potential contamination) during these activities, Townline shall promptly perform a Phase 2 environmental investigation. Should findings of a Phase 2 environmental investigation identify contamination in soil and/or groundwater, Townline shall coordinate with relevant New York state agencies on regulatory obligations and comply with those agencies' reasonable requirements for avoiding impacts related to soil and/or groundwater contamination.

5

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Appendices

Appendix A

Agency and Tribal Consultation

A.1 Introduction

This appendix discusses consultation on the development of this Draft Environmental Assessment (EA). Consultation is described per the following four categories:

- Agency Consultation
- Government-to-Government Tribal Consultation
- Section 106 Consultation
- Section 7 Informal Consultation

Copies of relevant consultation correspondence are provided in Attachments 1, 2, 3, and 4. Other correspondence not included in this appendix can be found on the Surface Transportation Board (Board) website under environmental correspondence.

A.2 Agency Consultation

Agency Consultation describes the Board's Office of Environmental Analysis (OEA) written correspondence with federal, state, and local agencies. OEA sent initial agency consultation letters to 18 federal, state, and local agencies on June 22, 2022. These letters informed agencies of the project and requested preliminary information and comments from the agencies about resources to consider in the environmental review. Eight agencies or elected officials responded to these initial consultation letters (see **Table A.2-1**).

Attachment A-1 contains an example of OEA's written correspondence with federal, state, and local agencies and agency responses.

Table A.2-1. Agencies Consulted and Dates of Written Correspondence

Agency	Response Received
Federal Agencies	
National Oceanic and Atmospheric Administration (NOAA)	Yes – 06/29/22
U.S. Fish and Wildlife Service (USFWS)	Yes – see Attachment 4
Federal Emergency Management Agency (FEMA)	No
National Park Service (NPS)	No
U.S. Army Corps of Engineers (Corps)	No
U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)	No
U.S. Environmental Protection Agency (EPA)	No
U.S. Housing and Urban Development (HUD)	No
State Agencies	
New York State Department of Environmental Conservation	Yes – 07/21/22
New York State Natural Heritage Program	Yes – 08/25/22
New York State Department of Transportation (NYSDOT)	Yes – 07/22/22
New York State Historic Preservation Office (New York SHPO)	Yes – see Attachment 3
New York State Department of Health	No
Local Agencies	
Town of Smithtown Supervisor	Yes – 07/19/22
Town of Smithtown Planning Director	No
Town of Smithtown Environmental Protection Director	No
Suffolk County Commissioner	No
Suffolk County Economic Development & Planning	No
Suffolk County Department of Public Works	No
Suffolk County Department of Health Services	Yes – 07/22/22
Suffolk County Soil & Water Conservation District	No

A.3

Government-to-Government Tribal Consultation

OEA consulted with federally recognized tribes pursuant to the National Environmental Policy Act (NEPA) and Executive Order 13175 (see **Table A.3-1**). Executive Order 13175 requires that federal agencies conduct government-to-government consultations with federally recognized Indian tribes in the development of federal policies (including

regulations, legislative comments or proposed legislation, and other policy statements or actions) that have tribal implications. Tribes may have concerns about natural resources and other potential impacts that would not be brought up during the Section 106 process under the National Historic Preservation Act (NHPA), which is described below, and these concerns can be voiced during government-to-government consultation if Tribes choose to consult.

Attachment A-2 contains OEA’s written correspondence with federally recognized tribes listed below. To date, no response letters have been received.

Table A.3-1. Government-to-Government Consultation Dates of Written Correspondence

Tribes	Dates of Written Correspondence
Setalcott Indian Nation	From OEA 06/22/22 & 07/07/22
Shinnecock Indian Nation and THPO	From OEA 06/22/22
Unkechaug Indian Nation	From OEA 06/22/22

A.4 Section 106 Consultation under the National Historic Preservation Act

The Section 106 regulations at 36 Code of Federal Regulations (C.F.R.) Part 800 require federal agencies to consider the impact of their “undertakings” on “historic properties” listed or eligible for listing in the National Register of Historic Places prior to licensing or providing funds for a project. In considering project impacts, federal agencies are required to consult with their applicant (Townline), the state historic preservation officer (SHPO), tribes, and other consulting parties, including representatives of local government and certain persons or groups with a demonstrated interest in the undertaking.

Attachment A-3 contains OEA’s consultation and New York SHPO’s concurrence correspondence.

A.5 Section 7 Consultation under the Endangered Species Act

U.S. Fish and Wildlife Service (USFWS) is the federal agency with primary expertise in fish, wildlife, and natural resource issues. USFWS is responsible for implementing the Endangered Species Act (ESA) (16 U.S.C. §§ 1531-1544), and it is also responsible for implementing the Migratory Bird Treaty Act (16 U.S.C. §§ 703-712) and the Bald and Golden Eagle Protection Act (16 U.S.C. §§ 668-668d). Under Section 7 of the ESA, OEA initiated consultation with USFWS regarding the potential effects of the Proposed Action on ESA-listed species that may occur in the project area.

Attachment A-4 contains OEA’s consultation assessment and USFWS’ concurrence correspondence.

Attachment A-1

Agency Consultation and Responses



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

June 22, 2022

Alicka Ampry-Samuel
Regional Administrator
US Housing and Development
New York Regional Office
26 Federal Plaza, Suite 3541
New York, NY, 10278

By email at RegionalAdministratorNewYork@hud.gov

RE: Docket No. FD 36575, Townline Rail Terminal, LLC –Construction and Operation Exemption – Hamlet of Kings Park, Town of Smithtown, Suffolk County, NY; Preliminary Consultation

Dear Alicka Ampry-Samuel:

Townline Rail Terminal, LLC (Townline) is seeking authority from the Surface Transportation Board (Board) to construct and operate a new common carrier line. As part of its licensing process, the Board will conduct an environmental review under the National Environmental Policy Act (NEPA). Pursuant to NEPA and the Board's environmental rules at 49 C.F.R. Part 1105, the Board's Office of Environmental Analysis (OEA) will prepare an environmental document that evaluates the potential environmental impacts of the proposed rail construction project.

OEA is beginning the process of gathering information on the project area and project-related issues and concerns. We are writing to you to ask you for information on any environmental resources that may be affected by the proposed project and request your comments. Information collected will assist us in preparing the appropriate NEPA document for the proposed project.

Project Background

Townline intends to seek authority from the Board to construct and operate approximately 5,000 feet of new common carrier rail line in the Hamlet of Kings Park, Town of Smithtown, Suffolk County, NY (the Proposed Line), shown in the attached Figure 1. Townline was established in 2021 to be a common carrier railroad. Townline is affiliated with CarlsonCorp, Inc. (Carlson) which operates a New York State Department of Environmental

Conservation (NYSDEC) permitted waste transfer facility on a portion of an 82-acre site in Kings Park. Carlson recycles and processes uncontaminated concrete, asphalt pavement, rock, brick, and soil, woody yard waste, un-adulterated wood, yard waste, and horse manure.

Townline intends to construct the Proposed Line at the northern end of the 82-acre tract, adjacent to and parallel with the Long Island Rail Road's (LIRR) Port Jefferson rail line (Port Jefferson Line). New York & Atlantic Railway operates freight services on the Port Jefferson Line and has entered into an agreement with Carlson to install a new switch connecting the Proposed Line to the interstate rail network.

Townline would initially move incinerator ash, a by-product from Covanta Energy's (Covanta) waste-to-energy facility, and construction and demolition debris (C&D debris) for Carlson. Townline also plans to offer rail service to adjacent properties, potentially including Kings Park Ready Mix, Kings Park Materials (asphalt plant), and Pelkowski Precast Concrete. Townline anticipates an increased need for the Proposed Line because the Town of Brookhaven waste management facility (ash-monofill/landfill), which currently accepts incinerator ash from Covanta and C&D debris, is scheduled to close in 2024. Townline believes that the Proposed Line would offer an alternative to truck transport off Long Island by providing efficient, direct rail transportation via the Port Jefferson Line to the interstate rail network.

Request for Comments

OEA would like to hear from you regarding whether this proposal would require permitting, should additional fieldwork be needed, or any other requirements or concerns from your agency. Please submit your response by July 22, 2022, so that we may begin the process of identifying the potential impacts of the proposed project.

All filings and other submissions can be submitted electronically through the Board's website at <https://stb.gov>. To submit a comment, select "File an Environmental Comment" (below the "Need Assistance?" button) on the Board's home page. Please make sure to refer to Docket No. FD 36575 in all correspondence, including e-filings, addressed to the Board. Brief comments can be typed in the comment field provided, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

As of May 24, 2022, you may also send your written comments to Andrea Poole, OEA's Project Manager for the environmental review by mail to:

Andrea Poole
Surface Transportation Board
Docket No. FD 36575
395 E Street SW
Washington, DC 20423

While paper filings are once again being accepted in accordance with the Board's regulations, stakeholders are strongly encouraged to continue to submit filings via the Board's e-filing system and to consent to e-service of decisions.

We look forward to your participation in the environmental review process. If you have any questions or would like to arrange a call, please feel free to contact Andrea Poole of my staff at 202-245-0305 or by email at Andrea.Poole@stb.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Gosselin". The signature is fluid and cursive, with the first name "Danielle" written in a larger, more prominent script than the last name "Gosselin".

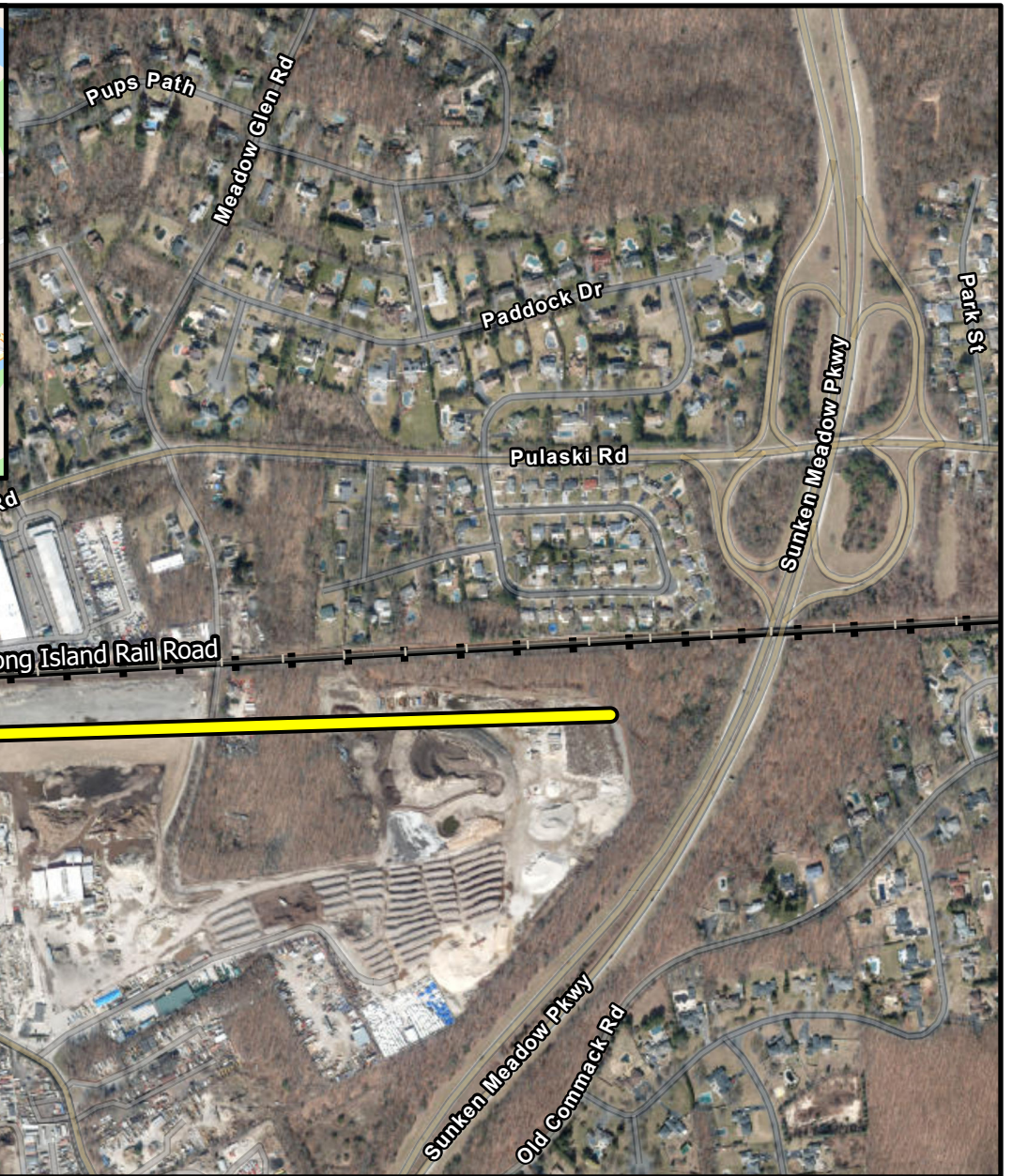
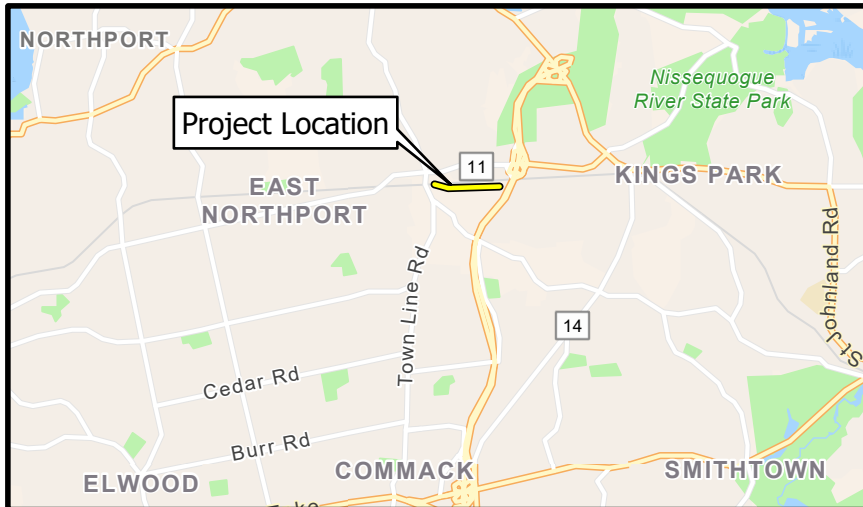
Danielle Gosselin

Director

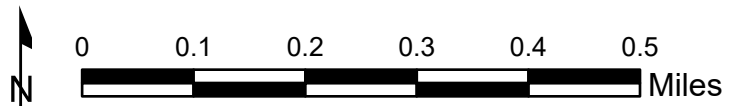
Office of Environmental Analysis

Enclosure:

Figure 1. Proposed Rail Line Location Map



Existing Railroad
 Proposed Rail Line



Docket No. FD 36575
 Townline Rail Terminal, LLC—
 Construction and Operation Exemption
 Suffolk County, NY

From: [Candice Andre](#)
To: [Allison McAuliffe](#)
Subject: FW: [External] [JIRA] (IMOV-9392) Townline Rail Terminal, LLC, STB Docket No. FD 36575 - Consultation Letter
Date: Tuesday, July 19, 2022 2:08:01 PM

Did you get this?

Candice Andre, AICP (She, Her, Hers)
Senior Project Planner
Planning & Project Development Manager

P [919.741.5346](tel:919.741.5346)
www.vhb.com

From: deborah.brooks <ngs.infocenter@noaa.gov>
Sent: Wednesday, June 29, 2022 7:14 PM
To: Candice Andre <candre@VHB.com>
Subject: [External] [JIRA] (IMOV-9392) Townline Rail Terminal, LLC, STB Docket No. FD 36575 - Consultation Letter

A comment is added on your issue:

Re: Townline Rail Terminal, LLC, STB Docket No. FD 36575 - Consultation Letter

Thank you for informing the National Geodetic Survey (NGS) of Townline Rail Terminal, LLC (Townline)'s intention to construct approximately 5000 feet of new rail line at the northern end of a 82-acre tract, adjacent to and parallel with the Long Island Rail Road's (LIRR) Port Jefferson rail line (Port Jefferson Line) in Hamlet of Kings Park, Town of Smithtown, Suffolk County, NY.

There could be geodetic survey marks located in the proposed project area, and any marks still present could be disturbed by the construction. While it is illegal to disturb or destroy a mark, sometimes disturbing or destroying a mark is unavoidable. In such cases, the mark can often be preserved or reset with advanced planning. NGS provides the public with tools to search for and locate survey marks, see the NGS Data Explorer (<https://geodesy.noaa.gov/NGSDataExplorer/>).

If a mark will be disturbed by the construction, Townline should consult with NGS at least 90 days prior to beginning salvage activities that will disturb, or destroy any geodetic marks identified nearby. Information is available online to help reset marks or report disturbed/destroyed marks: See <https://geodesy.noaa.gov/surveys/mark-recovery/index.shtml>, and <https://www.google.com/url?q=https://geodesy.noaa.gov/surveys/mark-recovery/index.shtml&sa=D&ust=1560385764139000&usg=AFQjCNGDkoXCHtBcDJBsXm2KQLkhwYDxQ>.

This notice is also being shared with Dan Martin, (dan.martin@noaa.gov, 240-676-4762) the Regional Geodetic Advisor, so he may work with any interested local agencies or stakeholders.

If you have additional questions, please email NGS.Infocenter@noaa.gov.

Sincerely,
Deborah M. Brooks
Communications Specialist
deborah.brooks@noaa.gov

More information on preserving marks, mark resets, and destroyed marks.

Preserving Marks

Significant resources were invested to create an extensive geodetic network across the United States by establishing precise coordinates at physical survey marks. Disturbing or destroying these marks reduces

geodetic control available to local surveyors, so please make every effort to preserve this valuable network.

Mark Resets

If a mark is about to be destroyed (e.g., due to planned construction), it may be possible to reset the mark and retain the geodetic control. Review the Bench Mark Reset Procedures (https://geodesy.noaa.gov/PUBS_LIB/Benchmark_4_1_2011.pdf) or contact your closest geodetic advisor (<https://geodesy.noaa.gov/ADVISORS/index.shtml>).

Please do not attempt to reset a mark that has been separated from the base. Any remnants of destroyed marks must be properly discarded and not reused in any manner, as this is a violation of Federal law.

Destroyed Marks

If it is determined that a mark has been destroyed, please provide enough photo evidence to show how this determination was made. To submit this information to NGS, follow the instructions regarding “destroyed marks” on the Mark Recovery Entry web page (https://geodesy.noaa.gov/cgi-bin/recvy_entry_www.pr1)

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 1

SUNY @ Stony Brook, 50 Circle Road, Stony Brook, NY 11790

P: (631) 444-0355 | dep.r1@dec.ny.gov

www.dec.ny.gov

July 21, 2022

Danielle Gosselin, Director
Office of Environmental Analysis
Surface Transportation Board
395 E Street SW
Washington, DC 20423

Re: Docket No. FD 36575, Townline Rail Terminal, LLC Preliminary Construction Letter

Dear Director Danielle Gosselin:

The New York State Department of Environmental Conservation (DEC) has received the Surface Transportation Board's letter dated June 22, 2022 regarding Townline Rail Terminal, LLC's proposal to construct and operate approximately 5,000 feet of new common carrier rail line in the Hamlet of Kings Park, Town of Smithtown, Suffolk County, NY.

DEC staff have determined that the installation of the rail itself would have the potential to impact solid waste management activities at the CarlsonCorp., Inc. facility, which is located at 140 Old Northport Road, Kings Park, NY 11754. CarlsonCorp, Inc. is permitted by DEC permit # 1-4734-00304/00005 to process solid waste materials. This permit is currently active and set to expire on February 7, 2027.

In order to carry out the proposed activities described in your June 22, 2022 letter, a modification to the CarlsonCorp, Inc. permit would be required **because of the corresponding physical space reduction and new waste streams proposed for that facility**. Please be aware that this permit modification would be necessary regardless of whether the rail is used for solid waste operations or not, because of the associated loss of the area available in the facility for storage of waste and for products derived from the waste. This aspect in and of itself would necessitate an updated Facility Manual and site plan, because of the site reconfiguration. Our preliminary review indicates that the facility's permit would also need to be modified to address the transfer of ash and construction & demolition (C&D) debris. This aspect of the project may require adjustments to the facility's throughput and storage capacity due to the addition of new waste streams and the loss of space for existing operations.

DEC staff will provide correspondence directly to CarlsonCorp Inc., regarding the information and documents that would be required in order for DEC staff to review a permit modification necessitated by the activities described in your June 22, 2022 letter. Thank you for requesting our comments and for providing the contact at your agency. If you have any questions, please feel free to reach out to me at torey.kouril@dec.ny.gov.

Sincerely,



Torey K. Kouril
Environmental Analyst



Department of
Environmental
Conservation

cc: Cathy Haas, RD, DEC
Merlange Genece, RE, DEC
DEC- OGC, DMM, DAR, DEP
Allison McAuliffe, PE, VHB
Andrea Poole, Surface Transportation Board

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program

625 Broadway, Fifth Floor, Albany, NY 12233-4757

P: (518) 402-8935 | F: (518) 402-8925

www.dec.ny.gov

August 25, 2022

Allison McAuliffe
VHB
940 Main Campus Drive, Suite 500
Raleigh, NC 27606

Re: Docket No. FD 36575 Townline Rail Terminal, LLC– Construction and Operation
Exemption

County: Suffolk Town/City: Smithtown

Dear Allison McAuliffe:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

We have no records of rare or state-listed animals or plants, or significant natural communities at the project site or in its immediate vicinity.

The absence of data does not necessarily mean that rare or state-listed species, significant natural communities, or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information that indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other resources may be required to fully assess impacts on biological resources.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities, and other significant habitats maintained in the Natural Heritage database. Your project may require additional review or permits; for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the NYS DEC Region 1 Office, Division of Environmental Permits, at dep.r1@dec.ny.gov.

Sincerely,



Heidi Krahling
Environmental Review Specialist
New York Natural Heritage Program



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

RICHARD B. CAUSIN, P.E.
Regional Director

July 22, 2022

Andrea Poole
Surface Transportation Board
Docket No. FD 36575
395 E Street SW
Washington, DC 20423

RE: Docket No. FD36575, Townline Rail Terminal, LLC – Construction and Operation Exemption – Hamlet of Kings Park, Town of Smithtown, Suffolk County, NY

Dear Ms. Poole,

The New York State Department of transportation (“NYSDOT”) is in receipt of a letter dated June 22, 2022, regarding a request by Townline Rail Terminal, LLC (Townline) to construct and operate a new common carrier line in Smithtown, New York. Your letter asks for information on “any environmental resources that may be affected” by the proposal, as well as any “requirements or concerns from [NYSDOT].”

According to your letter, Townline is seeking authority from the Surface Transportation Board (STB) to construct and operate approximately 5000 feet of new common carrier rail line in Smithtown, Suffolk County, New York. Townline intends to construct this line at the northern end of an 82-acre tract, adjacent to and parallel with the Long Island Rail Road’s (“LIRR”) Port Jefferson Line. You indicate that Townline and would initially move incinerator ash and construction/demolition debris for an affiliated company (CarlsonCorp, Inc.) that operates a waste transfer facility at this site, and that it also plans to offer rail service to adjacent properties.

Without additional information, NYSDOT is unable to provide detailed information at this time regarding what, if any, environmental resources may be affected by Townline’s proposal. To that end we recommend that a study of the area be conducted that includes the “facility” being proposed (the rail line) and any anticipated road improvements. Specifically, that includes the following:

- Screening for the presence of contaminated soils and plans to address the same if found during construction.
- Screening for the presence for threatened and endangered species and habitat.
- Screening for the presence of cultural and historic resources.

- Information regarding traffic and associated emissions effects on roadway network, if any (e.g. trucks in and out of the facility during construction and operation).
- Information that addresses the Clean Air Act general conformity requirements.

In addition, it appears that the line being proposed will be constructed in or around a residential area. To that extent NYSDOT recommends that public outreach be conducted regarding the proposal and that an identification of any impacted disadvantaged populations (i.e. minority, low-income, persons with limited English proficiency etc.) be made. Given the proposed line's location, Environmental Justice (EJ) concerns may exist, and all relevant Executive Orders - including those directing community engagement – will need to be complied with.

Finally, it is not clear from your letter whether any railroad crossings will be created or modified as part of Townline's proposal. However, please know that to the extent that any public rail crossings will be created or impacted, or if any crossing on the LIRR's line will be modified or created, a public hearing is required by New York State law, and an order from the NYSDOT approving such creation or modification will be needed.

Thank you for advising the NYSDOT about Townline's proposal. Please do not hesitate to contact me if additional information is needed during your environmental review.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Causin', with a long horizontal line extending to the right.

Richard Causin, P.E.
Regional Director, Region 10

TOWN OF SMITHTOWN

SUPERVISOR
EDWARD R. WEHRHEIM

TOWN COUNCIL
THOMAS J. McCARTHY
LYNNE C. NOWICK
LISA M. INZERILLO
THOMAS W. LOHMANN



Office of the Supervisor
99 West Main Street
P.O. Box 9090
Smithtown, NY, 11787

July 19, 2022

Surface Transportation Board
Office of Environmental Analysis
Danielle Gosslin, Director
Andrea Poole, Program Manager
395 E Street SW
Washington, DC 20423

RE: Docket No. FD 36575
Environmental Comments

Dear Director Gosslin,

The following comments are submitted on behalf of the Town of Smithtown in response to OEA's request for information on environmental impacts of the applicant's proposed common carrier line; whether permits will be needed in the event of additional fieldwork; and other Town requirements and concerns.

Our current understanding is that the applicant's proposal includes a rail terminal facility structure and a layout of internal roads to handle trucks and other vehicles using the facility. The Town does not currently permit a rail transfer facility within its borders. The Town's municipal code provisions will have to be amended to add rail transfer as a permitted use.

The Town is in the process of preparing an updated town-wide Comprehensive Plan that will include rail transfer as a potential use. The draft Comprehensive Plan is currently undergoing an environmental review under New York's Environmental Quality Review statute (Envir. Conserv. L. Art. 8) and its regulations. The updated Comprehensive Plan is expected to be adopted by the Town in 2023.

The construction and use of the facility structure and the layout of internal roads falls within the Town's land use jurisdiction. A building permit will be required for the facility and site plan approval will be required.

The Town anticipates that the proposed rail terminal will increase the demand for industrial uses on the applicant's properties and will have potential environmental impacts including noise, fugitive dust and odors, ground and surface water and traffic. These impacts will have to be

Tel: (631) 360-7600 email: Supervisor@tosgov.com

www.smithtownny.gov

Page Two
July 19, 2022
Danielle Gosslin, Director
Andrea Poole, Prog. Mgr.
Office of Environmental Analysis
Re: Docket No. FD 36575

reviewed separately under New York's SEQR statute and regulations. It is also anticipated that STB's NEPA review will inform the Town's SEQR for all actions adjacent to the proposed rail line.

Moreover, the Town is of the opinion that it is in the Town's best interest to reconfigure the Carlson properties by rezoning the parcels to heavy and light industry. The rezoning will also be subject to New York SEQR analysis.

The Town is mindful that there is an existing single-family neighborhood located northeast of the proposed rail site that may be impacted by the proposed rail line and transfer facility.

Lastly, OEA inquired whether Town-issued permits would be necessary if your office's environmental analysis requires additional fieldwork. Permits will not be permitted if the additional work is of the nature described to us – small samples of plants, soil (by hand auger), water. The Town requests notice of when the work would be done and who will be on the site.

Thank you for the opportunity to provide these preliminary comments. If OEA should need any further information, please contact our office.

Very truly yours,


Edward Wehrheim
Supervisor

ERW/xxx
cc: David Barnes, Director
Dept. of Environment & Waterways
Peter Hans, Director
Dept. of Planning & Community
Development
Matthew V. Jakubowski
Town Attorney
Thomas J. McCarthy, Councilman
Lynne C. Nowick, Councilwoman
Lisa M. Inzerillo, Councilwoman
Thomas W. Lohmann, Councilman

COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

GREGSON H. PIGOTT, MD, MPH
Commissioner

July 22, 2022

Andrea Poole
US Office of Environmental Analysis
Surface Transportation Board
395 E Street SW
Washington, DC 20423
Via Electronic Submission at <https://stb.gov>

Re: Docket No. FD 36575
Townline Rail Terminal, LLC – Hamlet of Kings Park, Town of Smithtown, Suffolk County, NY
Construction and Operation Exemption; Preliminary Consultation
SCTM # 0800 – 023 – 02 – 5, 6.1, 7.1, 8, 9.1, 11.2, 12, 13.1, 13.2, 13.3, 13.4, etc.

Dear Andrea Poole,

The Suffolk County Department of Health Services Division of Environmental Quality (SCDHS; "Department"; "Division") has received the letter dated June 22, 2022 concerning the above referenced proposal. The Division has not received an application for this above referenced proposal.

Please note that this response is based upon the limited information provided and is subject to change once additional information becomes available. Based upon our review, the Division offers the following preliminary comments. However, the Division wishes to reserve its right to provide more detailed information within the comment period(s) established for this action. These comments should not be construed as an implicit SCDHS approval or rejection of the project. All applications are reviewed thoroughly with respect to Suffolk County Sanitary Code concerns by appropriate departmental personnel when SCDHS applications are submitted.

1. The Office of Water Resources (OWR) has noted that there are potential non-community and private



DIVISION OF ENVIRONMENTAL QUALITY – Office of Ecology
360 Yaphank Avenue, Suite 2B, Yaphank, NY 11980 (631) 852-5750 Fax (631) 852-5812

supply wells downgradient of the project area, and the project site is also in the 25-50 year groundwater contributing area to Smithtown Bay. Any potential impacts to groundwater and downgradient non-community and private supply wells will need to be evaluated. When there is more information available, the Office of Water Resources can meet with the lead agency and/or applicant to discuss further.

2. Permits and/or project-specific reviews that may be required from the Division include, but are not limited to:
 - a. The Office of Pollution Control (OPC) reviews projects for any sanitary code requirements for either storage of hazardous waste (depending on nature of waste received) or petroleum bulk storage. A Permit to Operate may be required depending on the nature of materials handled and stored. When there is more information available, the Office of Pollution Control can meet with the lead agency and/or applicant to discuss further. It should be noted that this project site is in an Article 7 restricted area and storage of any toxic or hazardous materials, as defined in Article 7 of the Suffolk County Sanitary Code, is severely restricted.
 - b. The Office of Wastewater Management (OWM) reviews projects and requires permits for the construction of onsite sewage disposal systems and certain sewage treatment plants. A permit to construct an onsite sewage disposal system will be required if one is proposed.
 - c. The Office of Ecology (OE) conducts administrative and management activities, and provides expanded technical commentary as required by New York State Environmental Quality Review Act (SEQRA) and County mandates. Detailed technical comments are provided for major private and municipal development proposals, as well as for state and municipal planning studies (master plans, open space, Pine Barrens, etc.). This office coordinates with other Division offices (e.g., OWR, OPC, OWM) to complete these reviews.

If you have any questions, please feel free to contact the Office of Ecology at 631-852-5750.

Sincerely,



Julia Priolo
Principal Environmental Analyst
Office of Ecology
SEQRA@suffolkcountyny.gov

Cc: Gregson H. Pigott, MD, MPH, Commissioner, SCDHS
Christina Capobianco, CPA, Deputy Commissioner, SCDHS
Walter Dawydiak, Jr. P.E., J.D., Director, SCDHS Division of Environmental Quality
John Sohngen, P.E., Chief Public Health Engineer, SCDHS Division of Environmental Quality

Attachment A-2

Tribal Consultation



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

June 22, 2022

Setalcott Indian Nation

By email at sellshelen9@aol.com

RE: Docket No. FD 36575, Townline Rail Terminal, LLC –Construction and Operation Exemption – Hamlet of Kings Park, Town of Smithtown, Suffolk County, NY; Preliminary Consultation

To Whom It May Concern:

Townline Rail Terminal, LLC (Townline) is seeking authority from the Surface Transportation Board (Board) to construct and operate a new common carrier line. As part of its licensing process, the Board will conduct an environmental review under the National Environmental Policy Act (NEPA). Pursuant to NEPA and the Board's environmental rules at 49 C.F.R. Part 1105, the Board's Office of Environmental Analysis (OEA) will prepare an environmental document that evaluates the potential environmental impacts of the proposed rail construction project.

OEA is beginning the process of gathering information on the project area and project-related issues and concerns. We are writing to you to ask you for information on any environmental resources that may be affected by the proposed project and request your comments. Information collected will assist us in preparing the appropriate NEPA document for the proposed project.

Project Background

Townline intends to seek authority from the Board to construct and operate approximately 5,000 feet of new common carrier rail line in the Hamlet of Kings Park, Town of Smithtown, Suffolk County, NY (the Proposed Line), shown in the attached Figure 1. Townline was established in 2021 to be a common carrier railroad. Townline is affiliated with CarlsonCorp, Inc. (Carlson) which operates a New York State Department of Environmental Conservation (NYSDEC) permitted waste transfer facility on a portion of an 82-acre site in Kings Park. Carlson recycles and processes uncontaminated concrete, asphalt pavement, rock, brick, and soil, woody yard waste, un-adulterated wood, yard waste, and horse manure.

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Request for Comments

OEA would like to hear from you regarding whether this proposal would require permitting, should additional fieldwork be needed, or any other requirements or concerns from your tribe. Please submit your response by July 22, 2022, so that we may begin the process of identifying the potential impacts of the proposed project.

All filings and other submissions can be submitted electronically through the Board's website at <https://stb.gov>. To submit a comment on this proceeding, select "File an Environmental Comment" (below the "Need Assistance?" button) on the Board's home page. Please make sure to refer to Docket No. FD 36575 in all correspondence, including e-filings, addressed to the Board. Brief comments can be typed in the comment field provided, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

As of May 24, 2022, you may also send your written comments to Andrea Poole, OEA's Project Manager for the environmental review by mail to:

Andrea Poole
Surface Transportation Board
Docket No. FD 36575
395 E Street SW
Washington, DC 20423

While paper filings are once again being accepted in accordance with the Board's regulations, stakeholders are strongly encouraged to continue to submit filings via the Board's e-filing system and to consent to e-service of decisions.

We look forward to your participation in the environmental review process. If you have any questions or would like to arrange a call or a meeting, please feel free to contact Andrea Poole of my staff at 202-245-0305 or by email at Andrea.Poole@stb.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Gosselin". The signature is written in a cursive, flowing style.

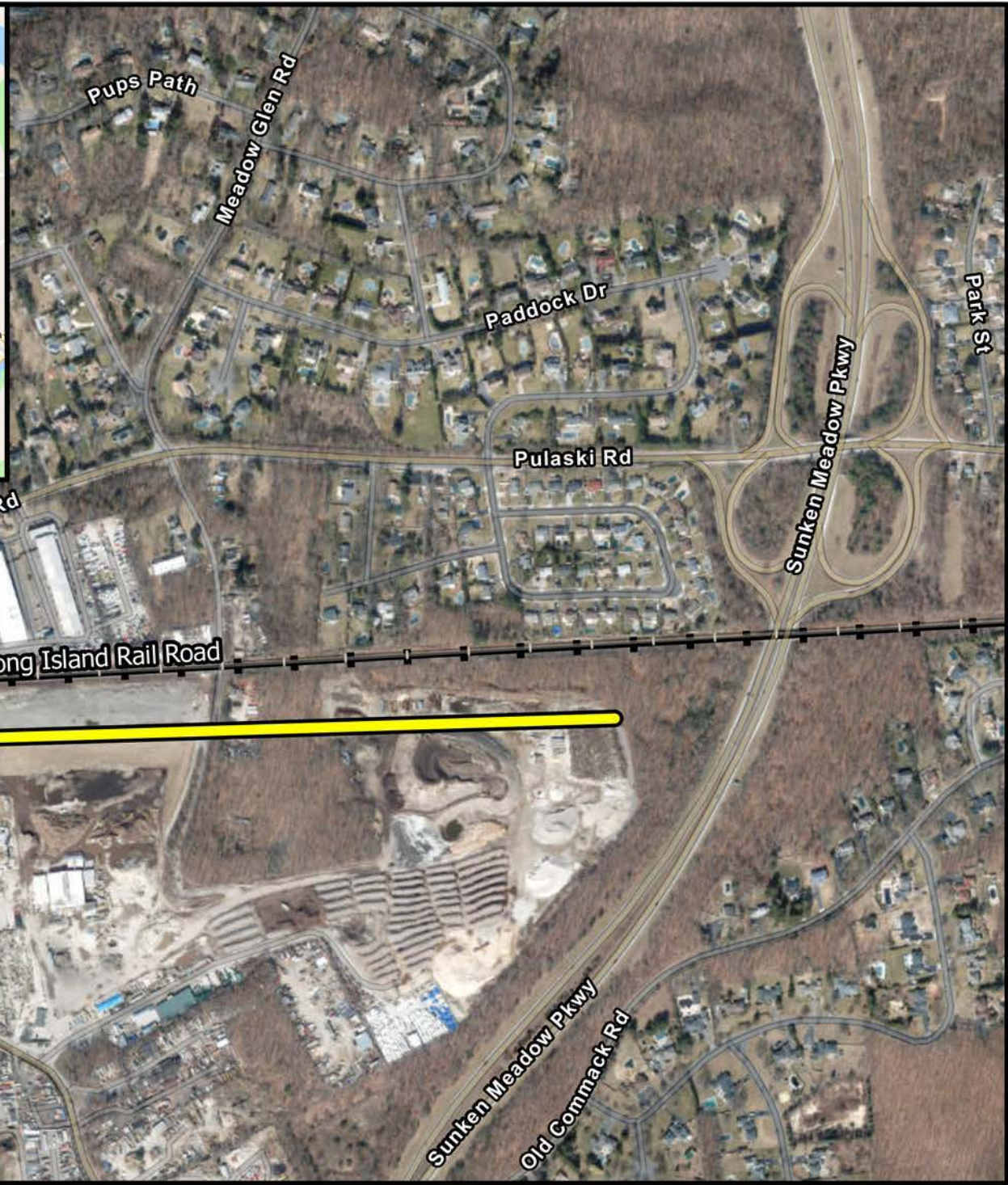
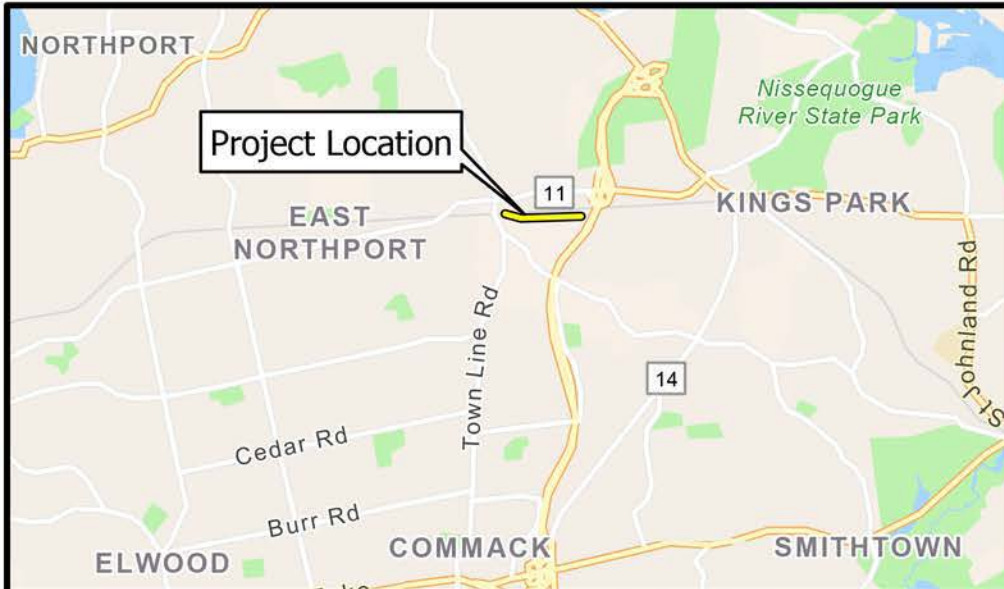
Danielle Gosselin

Director

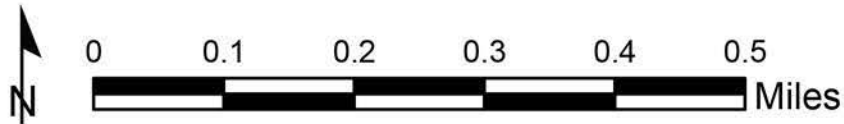
Office of Environmental Analysis

Enclosure:

Figure 1. Proposed Rail Line Location Map



Existing Railroad
 Proposed Rail Line



Docket No. FD 36575
 Townline Rail Terminal, LLC—
 Construction and Operation Exemption
 Suffolk County, NY



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

June 22, 2022

Brian Polite
Trustee
Shinnecock Indian Nation
PO Box 5006
Southampton, NY 11969

By email at adminoffice@shinnecock.org

RE: Docket No. FD 36575, Townline Rail Terminal, LLC –Construction and Operation Exemption – Hamlet of Kings Park, Town of Smithtown, Suffolk County, NY; Preliminary Consultation

Brian Polite:

Townline Rail Terminal, LLC (Townline) is seeking authority from the Surface Transportation Board (Board) to construct and operate a new common carrier line. As part of its licensing process, the Board will conduct an environmental review under the National Environmental Policy Act (NEPA). Pursuant to NEPA and the Board's environmental rules at 49 C.F.R. Part 1105, the Board's Office of Environmental Analysis (OEA) will prepare an environmental document that evaluates the potential environmental impacts of the proposed rail construction project.

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Project Background

Townline intends to seek authority from the Board to construct and operate approximately 5,000 feet of new common carrier rail line in the Hamlet of Kings Park, Town of Smithtown, Suffolk County, NY (the Proposed Line), shown in the attached Figure 1. Townline was established in 2021 to be a common carrier railroad. Townline is affiliated with CarlsonCorp, Inc. (Carlson) which operates a New York State Department of Environmental Conservation (NYSDEC) permitted waste transfer facility on a portion of an 82-acre site in

Kings Park. Carlson recycles and processes uncontaminated concrete, asphalt pavement, rock, brick, and soil, woody yard waste, un-adulterated wood, yard waste, and horse manure.

Townline intends to construct the Proposed Line at the northern end of the 82-acre tract, adjacent to and parallel with the Long Island Rail Road's (LIRR) Port Jefferson rail line (Port Jefferson Line). New York & Atlantic Railway operates freight services on the Port Jefferson Line and has entered into an agreement with Carlson to install a new switch connecting the Proposed Line to the interstate rail network.

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Request for Comments

The Board is interested in knowing whether your tribe is interested in consulting with us regarding the broader range of impacts assessed under NEPA and whether you would want to do that under government-to-government consultation. To assist you in your response, I have attached a questionnaire regarding any future involvement your tribe may want in the overall NEPA process. Please submit the questionnaire and return it by July 22, 2022, so that we may be able to schedule any meetings, site visits, or surveys; conduct necessary follow-up activities; and incorporate your response into the scope of study, as appropriate. The Board will also be initiating consultation with Consulting Parties under the National Historic Preservation Act, including any tribe that attaches religious and cultural significance to historic properties that may be affected by this undertaking.

In addition, OEA has sent a separate letter to David Martine, the Tribal Historic Preservation Office (THPO) representative for the Shinnecock Indian Nation, requesting comments on the project and whether the THPO may want any future involvement in the overall NEPA process.

All filings and other submissions can be submitted electronically through the Board's website at <https://stb.gov>. To submit a comment, select "File an Environmental Comment" (below the "Need Assistance?" button) on the Board's home page. Please make sure to refer to Docket No. FD 36575 in all correspondence, including e-filings, addressed to the Board. Brief comments can be typed in the comment field provided, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

As of May 24, 2022, you may also send your written comments to Andrea Poole, OEA's Project Manager for the environmental review by mail to:

Andrea Poole
Surface Transportation Board
Docket No. FD 36575
395 E Street SW
Washington, DC 20423

While paper filings are once again being accepted in accordance with the Board's regulations, stakeholders are strongly encouraged to continue to submit filings via the Board's e-filing system and to consent to e-service of decisions.

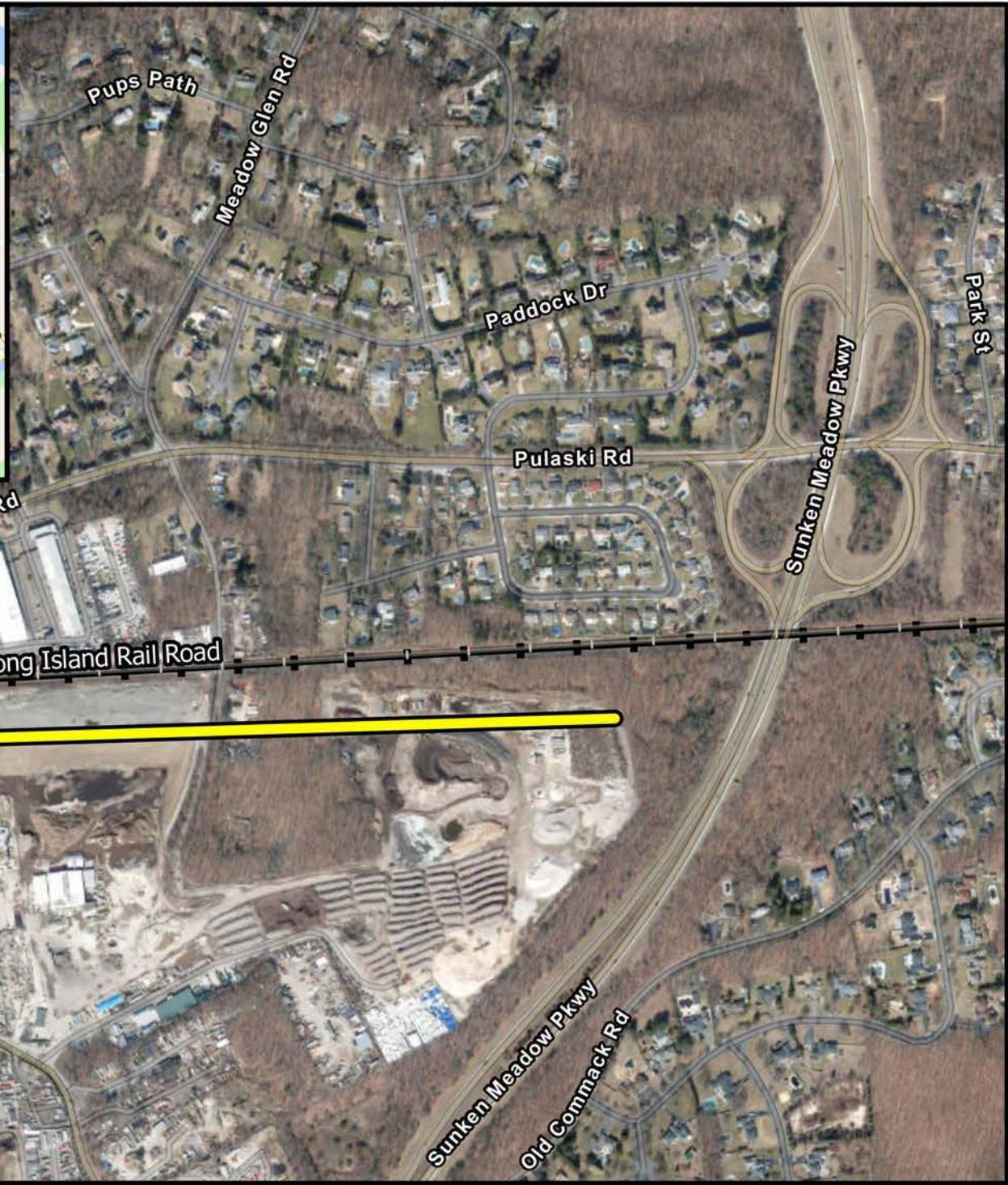
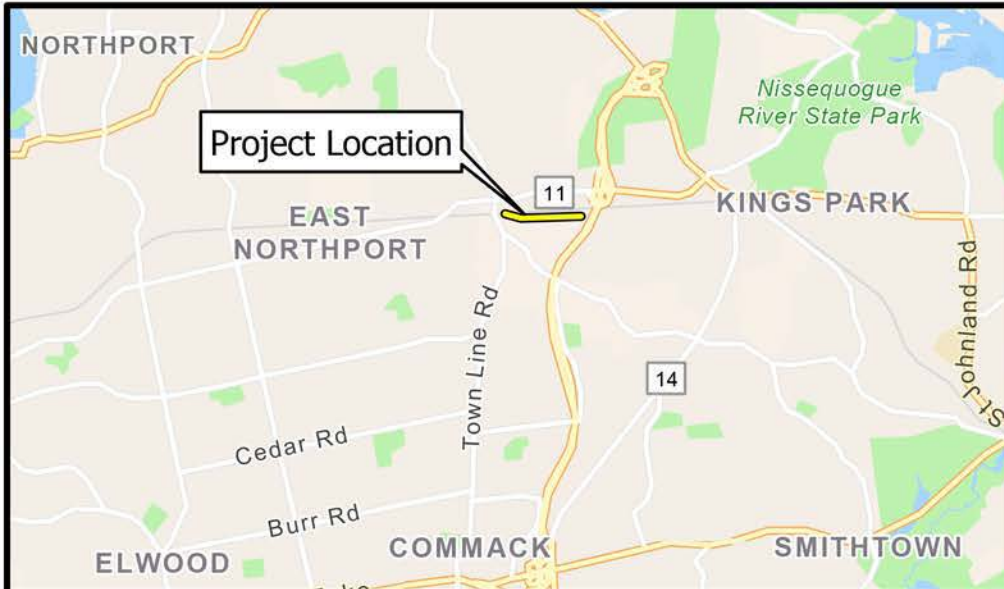
We look forward to your participation in the environmental review process. If you have any questions or would like to arrange a call or a meeting, please feel free to contact Andrea Poole of my staff at 202-245-0305 or by email at Andrea.Poole@stb.gov.

Sincerely,

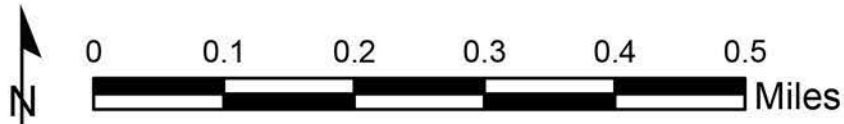
A handwritten signature in black ink, appearing to read "Danielle Gosselin". The signature is fluid and cursive, with a large initial "D" and "G".

Danielle Gosselin
Director
Office of Environmental Analysis

Enclosure:
Figure 1. Proposed Rail Line Location Map
Consultation Questionnaire



Existing Railroad
 Proposed Rail Line



Docket No. FD 36575
 Townline Rail Terminal, LLC—
 Construction and Operation Exemption
 Suffolk County, NY

CONSULTATION QUESTIONNAIRE

Brian Polite, Shinnecock Indian Nation Trustee

**Docket No. FD 36575, Townline Rail Terminal, LLC – Construction and Operation
Exemption – Hamlet of Kings Park, Town of Smithtown, Suffolk County, NY; Preliminary
Consultation**

*Please check all the appropriate response(s) that apply from the list below and use the back of
this form or additional sheets if you wish to make comments:*

_____ We have no interests associated with the proposed rail line and we are not requesting
further consultation with our Tribe.

_____ We want to continue to receive project information by email.

_____ We want to continue to receive project information by U.S. mail.

_____ We have an interest in the proposed rail line and want to participate in government-to-
government consultation.

Name of the tribe’s designated contact for the proposed rail line:

_____ Phone: _____
Please Print Name

E-mail: _____

Signed: _____ Date: _____

Please email to: Andrea.Poole@stb.gov

Or mail to: Andrea Poole, Surface Transportation Board
Docket No. FD 36575
395 E Street SW
Washington, DC 20423



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

June 22, 2022

David Martine
Shinnecock Indian Nation
THPO
PO Box 5006
Southampton, NY 11968

By email at davidmartine@shinnecock.org

RE: Docket No. FD 36575, Townline Rail Terminal, LLC –Construction and Operation Exemption – Hamlet of Kings Park, Town of Smithtown, Suffolk County, NY; Preliminary Consultation

David Martine:

Townline Rail Terminal, LLC (Townline) is seeking authority from the Surface Transportation Board (Board) to construct and operate a new common carrier line. As part of its licensing process, the Board will conduct an environmental review under the National Environmental Policy Act (NEPA). Pursuant to NEPA and the Board's environmental rules at 49 C.F.R. Part 1105, the Board's Office of Environmental Analysis (OEA) will prepare an environmental document that evaluates the potential environmental impacts of the proposed rail construction project.

OEA is beginning the process of gathering information on the project area and project-related issues and concerns. As part of the process, the Board must evaluate the potential impacts of the proposed project on historic properties, in accordance with Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108), the Section 106 implementing regulations (36 C.F.R. Part 800), and the Board's environmental regulations (49 C.F.R. Part 1105).

Project Background

Townline intends to seek authority from the Board to construct and operate approximately 5,000 feet of new common carrier rail line in the Hamlet of Kings Park, Town of Smithtown, Suffolk County, NY (the Proposed Line), shown in the attached Figure 1. Townline was established in 2021 to be a common carrier railroad. Townline is affiliated with CarlsonCorp, Inc. (Carlson) which operates a New York State Department of Environmental Conservation (NYSDEC) permitted waste transfer facility on a portion of an 82-acre site in

Kings Park. Carlson recycles and processes uncontaminated concrete, asphalt pavement, rock, brick, and soil, woody yard waste, un-adulterated wood, yard waste, and horse manure.

Townline intends to construct the Proposed Line at the northern end of the 82-acre tract, adjacent to and parallel with the Long Island Rail Road's (LIRR) Port Jefferson rail line (Port Jefferson Line). New York & Atlantic Railway operates freight services on the Port Jefferson Line and has entered into an agreement with Carlson to install a new switch connecting the Proposed Line to the interstate rail network.

Townline would initially move incinerator ash, a by-product from Covanta Energy's (Covanta) waste-to-energy facility, and construction and demolition debris (C&D debris) for Carlson. Townline also plans to offer rail service to adjacent properties, potentially including Kings Park Ready Mix, Kings Park Materials (asphalt plant), and Pelkowski Precast Concrete. Townline anticipates an increased need for the Proposed Line because the Town of Brookhaven waste management facility (ash-monofill/landfill), which currently accepts incinerator ash from Covanta and C&D debris, is scheduled to close in 2024. Townline believes that the Proposed Line would offer an alternative to truck transport off Long Island by providing efficient, direct rail transportation via the Port Jefferson Line to the interstate rail network.

Initiation of Section 106 Consultation

OEA would like to initiate consultation with your office for the project as currently proposed by Townline. OEA will define the Area of Potential Effects (APE) for historic properties in accordance with 36 C.F.R. Part 800, 49 C.F.R. § 1105.8. OEA expects that the APE for the proposed development will comprise the approximately 5,000 linear feet of new common carrier rail line in Smithtown. The APE for the undertaking will consist of two components; an Archaeological APE, defined as the footprint of ground disturbance, and an Above-Ground APE, defined as the existing historical built environment of the design footprint and its viewshed. Each component of the APE will extend the length of the proposed project and will extend the width of required rail Right-of-Way (ROW) to encompass the entire area in which ground disturbing activities could potentially occur. To account for potential effects to existing and unrecorded built historic properties, OEA proposes a 500-foot viewshed to be included in the Above-Ground APE (250 feet on either side of the required ROW centerline and 250 feet at each end) to account for potential setting, visual, noise, or other impacts from construction activities. The APE will be further refined as additional information about the proposed project and its potential to affect cultural resources becomes available.

Request for Comments

OEA requests that you provide information regarding your interest in participating as a Consulting Party under Section 106 for this project. Please submit your comments on the proposed APE and the potential effects of the proposed project. We request your response by July 22, 2022, so that we may begin the process of identifying the potential impacts of the proposed project.

In addition, OEA has sent a separate letter to Brian Polite, the trustee for the Shinnecock Indian Nation, the Unkechaug Indian Nation, and the Setalcott Indian Nation requesting

comments on the project whether the tribes may want any future involvement in the overall project development process.

All filings and other submissions can be submitted electronically through the Board's website at <https://stb.gov>. To submit a comment on this proceeding, select "File an Environmental Comment" (below the "Need Assistance?" button) on the Board's home page. Please make sure to refer to Docket No. FD 36575 in all correspondence, including e-filings, addressed to the Board. Brief comments can be typed in the comment field provided, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

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Andrea Poole
Surface Transportation Board
Docket No. FD 36575
395 E Street SW
Washington, DC 20423

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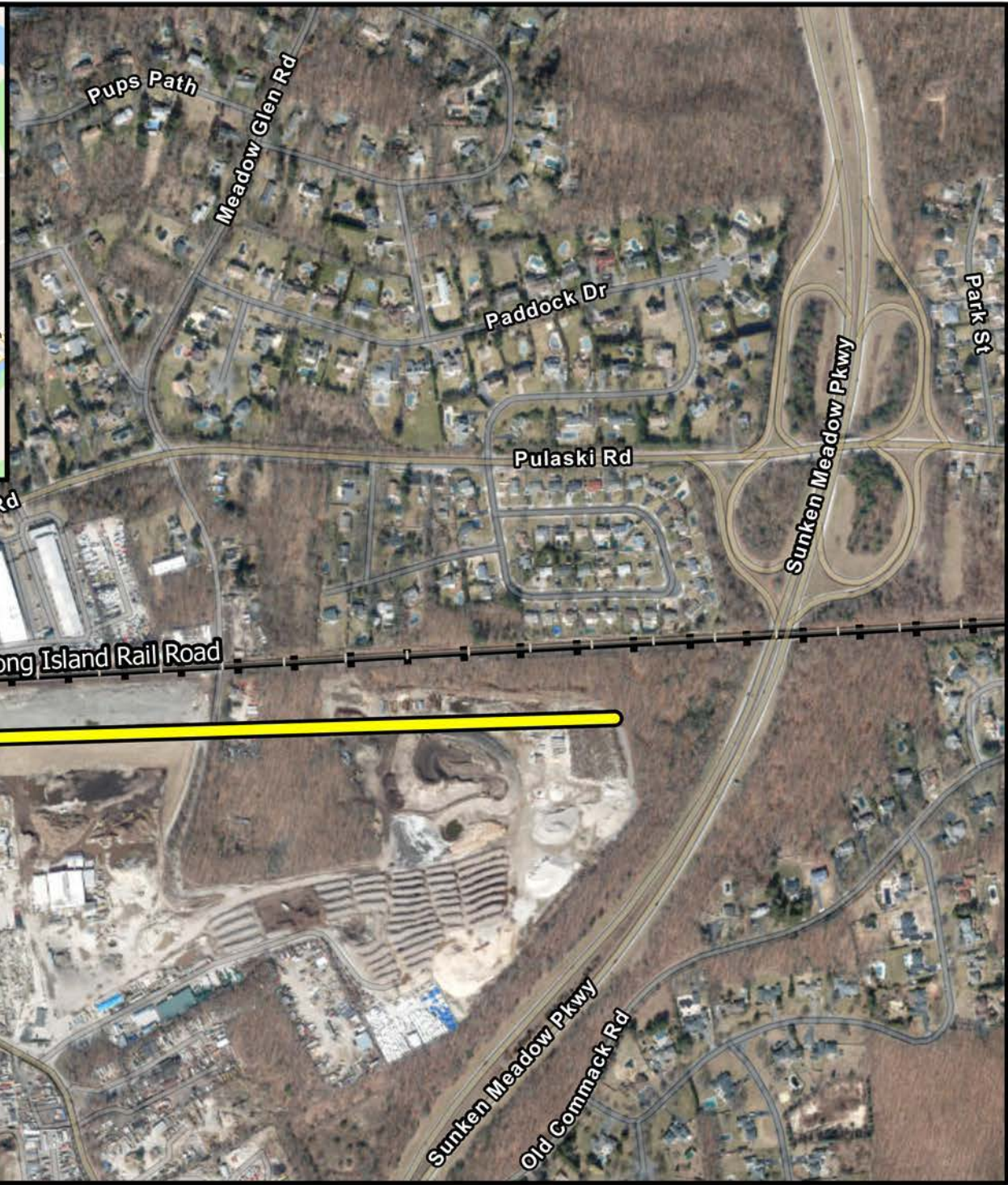
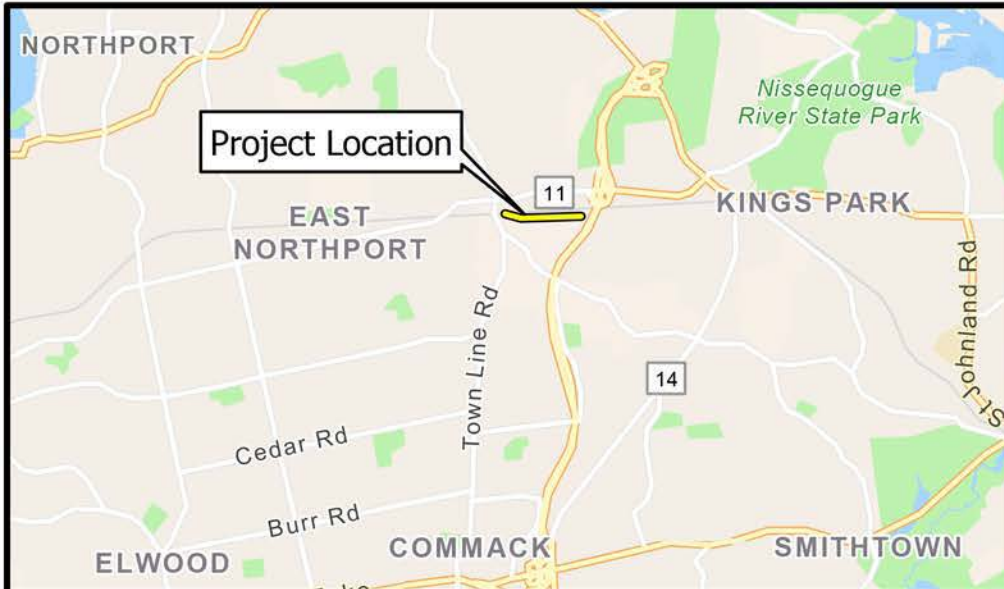
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Sincerely,

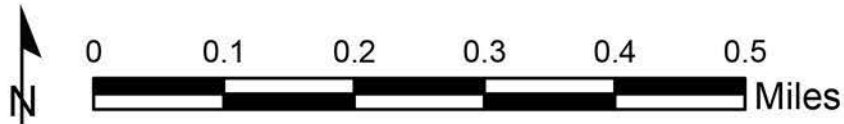


Danielle Gosselin
Director
Office of Environmental Analysis

Enclosure:
Figure 1. Proposed Rail Line Location Map



Existing Railroad
 Proposed Rail Line



Docket No. FD 36575
 Townline Rail Terminal, LLC—
 Construction and Operation Exemption
 Suffolk County, NY



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

June 22, 2022

Unkechaug Indian Nation
151 Poospatuck Lane
Mastic, NY 11950

By email at unkechaugnation@gmail.com

RE: Docket No. FD 36575, Townline Rail Terminal, LLC –Construction and Operation Exemption – Hamlet of Kings Park, Town of Smithtown, Suffolk County, NY; Preliminary Consultation

To Whom It May Concern:

Townline Rail Terminal, LLC (Townline) is seeking authority from the Surface Transportation Board (Board) to construct and operate a new common carrier line. As part of its licensing process, the Board will conduct an environmental review under the National Environmental Policy Act (NEPA). Pursuant to NEPA and the Board's environmental rules at 49 C.F.R. Part 1105, the Board's Office of Environmental Analysis (OEA) will prepare an environmental document that evaluates the potential environmental impacts of the proposed rail construction project.

OEA is beginning the process of gathering information on the project area and project-related issues and concerns. We are writing to you to ask you for information on any environmental resources that may be affected by the proposed project and request your comments. Information collected will assist us in preparing the appropriate NEPA document for the proposed project.

Project Background

Townline intends to seek authority from the Board to construct and operate approximately 5,000 feet of new common carrier rail line in the Hamlet of Kings Park, Town of Smithtown, Suffolk County, NY (the Proposed Line), shown in the attached Figure 1. Townline was established in 2021 to be a common carrier railroad. Townline is affiliated with CarlsonCorp, Inc. (Carlson) which operates a New York State Department of Environmental Conservation (NYSDEC) permitted waste transfer facility on a portion of an 82-acre site in Kings Park. Carlson recycles and processes uncontaminated concrete, asphalt pavement, rock, brick, and soil, woody yard waste, un-adulterated wood, yard waste, and horse manure.

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Request for Comments

OEA would like to hear from you regarding whether this proposal would require permitting, should additional fieldwork be needed, or any other requirements or concerns from your tribe. Please submit your response by July 22, 2022, so that we may begin the process of identifying the potential impacts of the proposed project.

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Surface Transportation Board
Docket No. FD 36575
395 E Street SW
Washington, DC 20423

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We look forward to your participation in the environmental review process. If you have any questions or would like to arrange a call or a meeting, please feel free to contact Andrea Poole of my staff at 202-245-0305 or by email at Andrea.Poole@stb.gov.

Sincerely,

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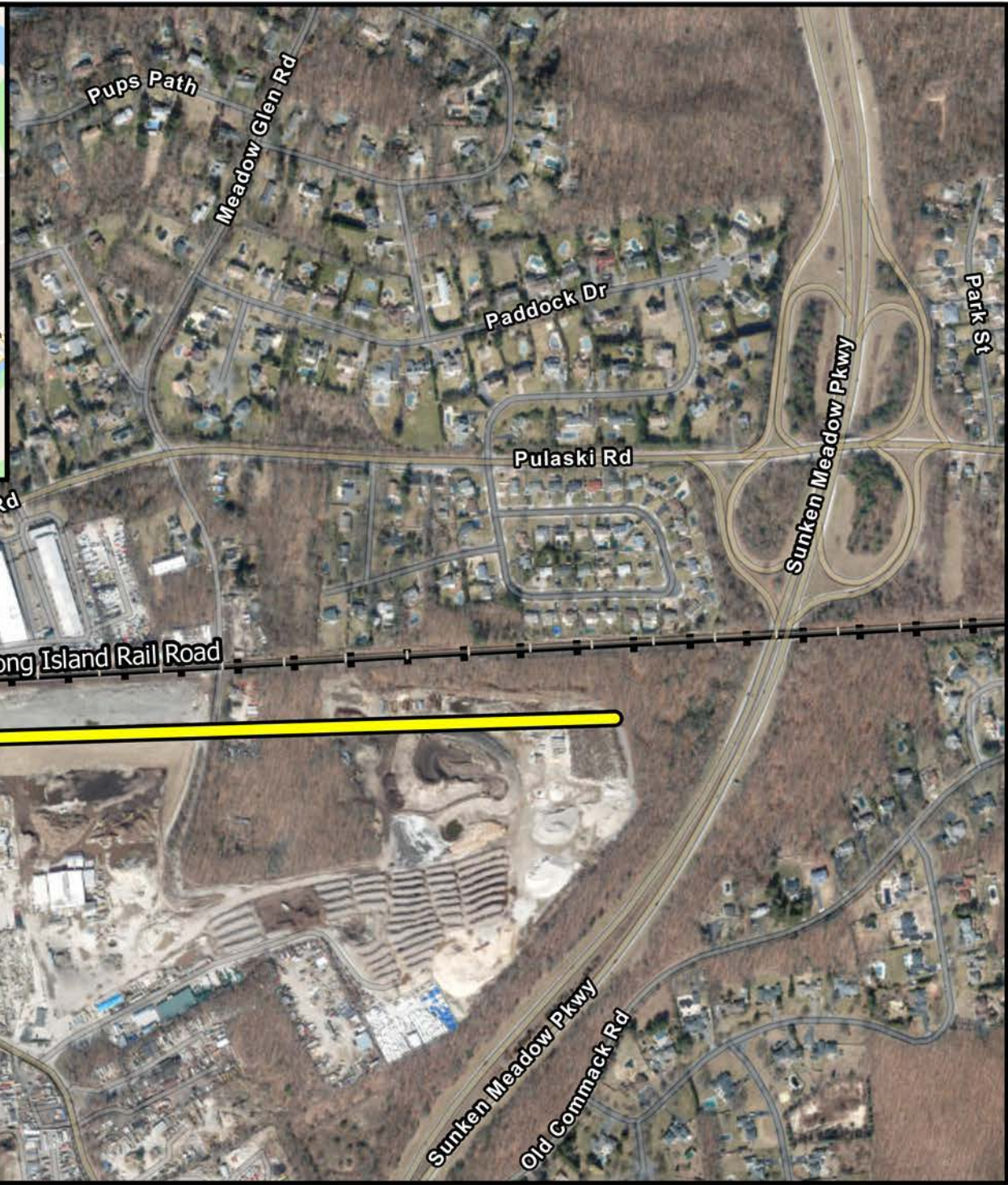
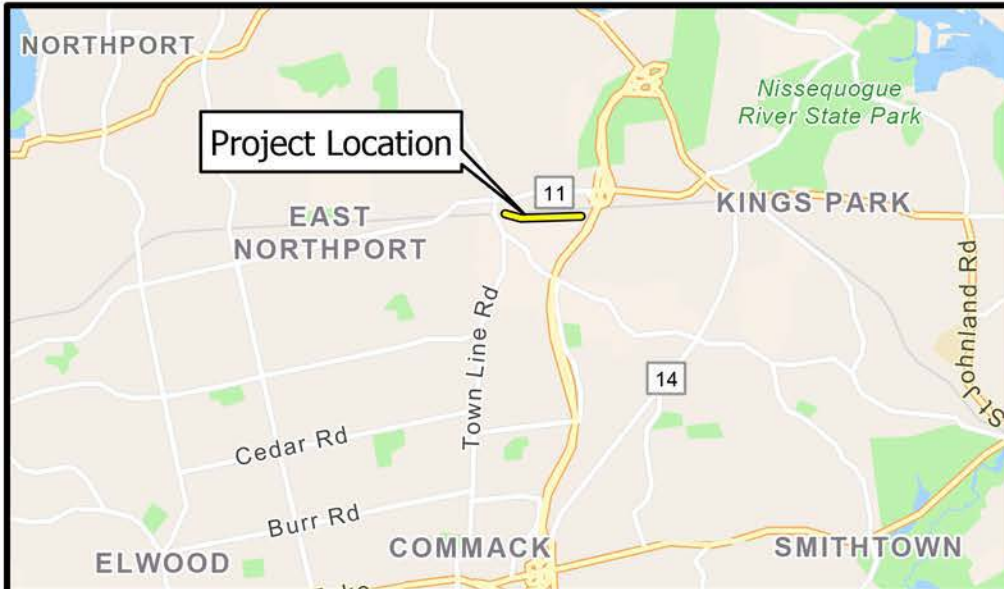
Danielle Gosselin

Director

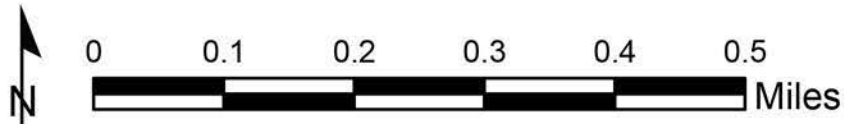
Office of Environmental Analysis

Enclosure:

Figure 1. Proposed Rail Line Location Map



Existing Railroad
 Proposed Rail Line



Docket No. FD 36575
 Townline Rail Terminal, LLC—
 Construction and Operation Exemption
 Suffolk County, NY

Attachment A-3

Section 106 Consultation



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

June 22, 2022

Daniel Mackay
Deputy Commissioner
NY State Historic Preservation Office
OPRHP
PO Box 189
Waterford, NY 12188

By email at Daniel.Mackay@parks.ny.gov

RE: Docket No. FD 36575, Townline Rail Terminal, LLC – Construction and Operation Exemption – Hamlet of Kings Park, Town of Smithtown, Suffolk County, NY; Preliminary Consultation

Daniel Mackay:

Townline Rail Terminal, LLC (Townline) is seeking authority from the Surface Transportation Board (Board) to construct and operate a new common carrier line. As part of its licensing process, the Board will conduct an environmental review under the National Environmental Policy Act (NEPA). Pursuant to NEPA and the Board's environmental rules at 49 C.F.R. Part 1105, the Board's Office of Environmental Analysis (OEA) will prepare an environmental document that evaluates the potential environmental impacts of the proposed rail construction project.

OEA is beginning the process of gathering information on the project area and project-related issues and concerns. As part of the process, the Board must evaluate the potential impacts of the proposed project on historic properties, in accordance with Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108), the Section 106 implementing regulations (36 C.F.R. Part 800), and the Board's environmental regulations (49 C.F.R. Part 1105).

As part of the NEPA and Section 106 processes, OEA is requesting your initial comments regarding the potential for the proposed rail line to affect historical, architectural, archeological, or other historic properties that may be in the project area.

Project Background

Townline intends to seek authority from the Board to construct and operate approximately 5,000 feet of new common carrier rail line in the Hamlet of Kings Park, Town of

Smithtown, Suffolk County, NY (the Proposed Line), shown in the attached Figure 1. Townline was established in 2021 to be a common carrier railroad. Townline is affiliated with CarlsonCorp, Inc. (Carlson) which operates a New York State Department of Environmental Conservation (NYSDEC) permitted waste transfer facility on a portion of an 82-acre site in Kings Park. Carlson recycles and processes uncontaminated concrete, asphalt pavement, rock, brick, and soil, woody yard waste, un-adulterated wood, yard waste, and horse manure.

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Request for Comments

OEA requests that you provide information regarding your interest in participating as a Consulting Party under Section 106 for this project. OEA also requests your comments on the proposed APE and the potential effects of the proposed project. Please submit your response by

July 22, 2022, so that we may begin the process of identifying the potential impacts of the proposed project.

In addition, OEA has sent a separate letter to the Tribal Historic Preservation Office (THPO), Shinnecock Indian Nation, Unkechaug Indian Nation, and Setalcott Indian Nation requesting comments on the project whether the tribes may want any future involvement in the overall project development process.

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Andrea Poole
Surface Transportation Board
Docket No. FD 36575
395 E Street SW
Washington, DC 20423

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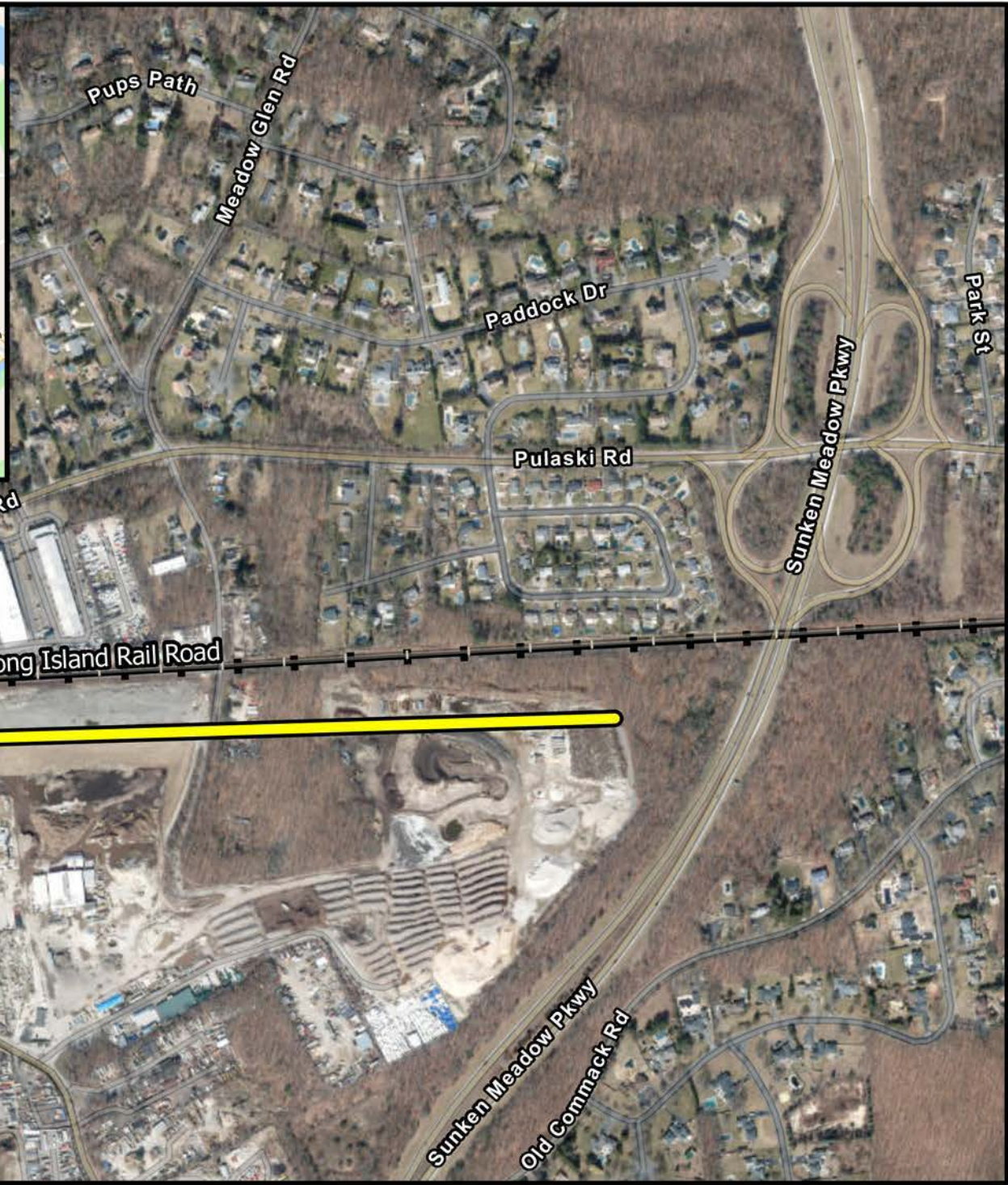
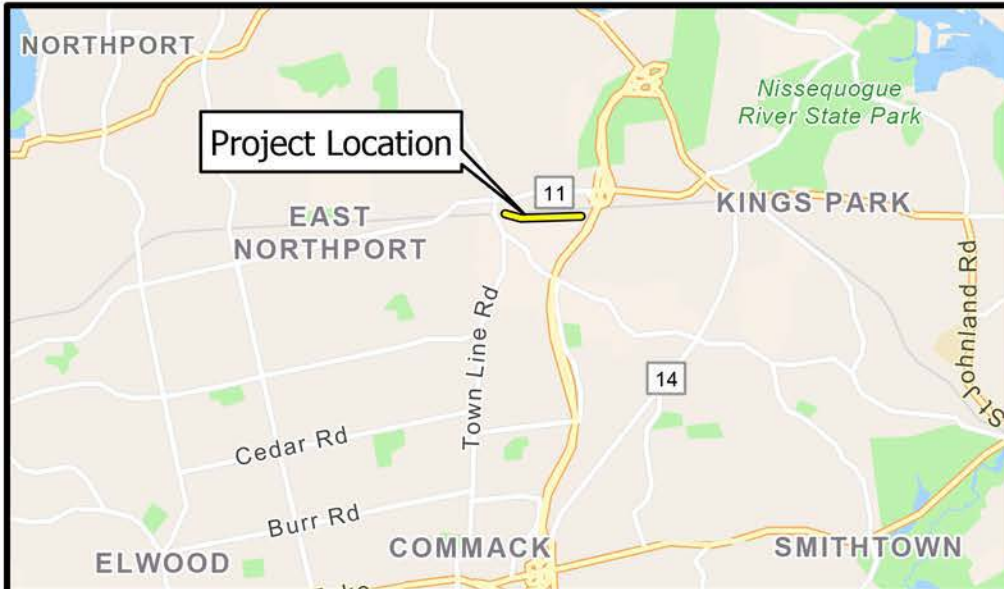
We look forward to your participation in the environmental review process. If you have any questions or would like to arrange a call or meeting, please feel free to contact Andrea Poole of my staff at 202-245-0305 or by email at Andrea.Poole@stb.gov.

Sincerely,

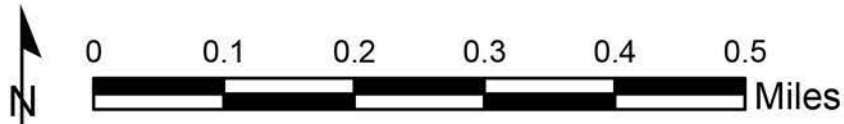


Danielle Gosselin
Director
Office of Environmental Analysis

Enclosure:
Figure 1. Proposed Rail Line Location Map



Existing Railroad
 Proposed Rail Line



Docket No. FD 36575
 Townline Rail Terminal, LLC—
 Construction and Operation Exemption
 Suffolk County, NY



**Parks, Recreation,
and Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

July 15, 2022

Allison McAuliffe
Transportation Planner
VHB
940 Main Campus Drive
Suite 500
Raleigh, NC 27606

Re: STB
Townline Rail Terminal, LLC - Construction and Operation Exemption
Smithtown, Suffolk Co.
22PR04254
Docket No. FD 36565

Dear Allison McAuliffe:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the submitted materials in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

The project area is adjacent to a National Register eligible railroad trestle. Given that the project is for a new railroad line to connect to the existing line, we have reviewed the project for its potential impact on the railroad trustle.

It is the opinion of SHPO that the project will have No Adverse Impact on historic resources.

If you have any questions, I can be reached at sloane.bullough@parks.ny or 518-268-2158.

Sincerely,

Sloane Bullough
Historic Sites Restoration Coordinator by email only

Attachment A-4

Section 7 Consultation



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

June 22, 2022

Long Island Ecological Services Field Office
USFWS
340 Smith Road
Shirley, NY 11967-2258

By email at FW5ES_NYFO@fws.gov

RE: Docket No. FD 36575, Townline Rail Terminal, LLC –Construction and Operation Exemption – Hamlet of Kings Park, Town of Smithtown, Suffolk County, NY; Preliminary Consultation

To Whom It May Concern:

Townline Rail Terminal, LLC (Townline) is seeking authority from the Surface Transportation Board (Board) to construct and operate a new common carrier line. As part of its licensing process, the Board will conduct an environmental review under the National Environmental Policy Act (NEPA). Pursuant to NEPA and the Board's environmental rules at 49 C.F.R. Part 1105, the Board's Office of Environmental Analysis (OEA) will prepare an environmental document that evaluates the potential environmental impacts of the proposed rail construction project.

OEA is beginning the process of gathering information on the project area and project-related issues and concerns. We are writing to you to ask you for information on any environmental resources that may be affected by the proposed project and request your comments. Information collected will assist us in preparing the appropriate NEPA document for the proposed project.

Project Background

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Initiation of Consultation with U.S. Fish and Wildlife Service (USFWS)

OEA plans to submit a species record request to the New York Natural Heritage Program (NYNHP) to determine if there are any site-specific or site vicinity agency records for any of the federally listed species on the IPaC list. Following the receipt of a response from the NYNHP, we will prepare a project review request that will be submitted to the USFWS Long Island Field Office, following the seven-step procedure set forth on the office's website. The request will include all required information, including any NYNHP records and species determinations with supporting information for the federally listed species on the Official Species List.

Request for Comments

OEA requests your comments on the potential impacts of the proposed project. Please submit your response by July 22, 2022, so that we may begin the process of identifying the potential environmental impacts of the proposed project.

All filings and other submissions can be submitted electronically through the Board's website at <https://stb.gov>. To submit a comment on this proceeding, select "File an Environmental Comment" (below the "Need Assistance?" button) on the Board's home page. Please make sure to refer to Docket No. FD 36575 in all correspondence, including e-filings, addressed to the Board. Brief comments can be typed in the comment field provided, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

As of May 24, 2022, you may also send your written comments to Andrea Poole, OEA's Project Manager for the environmental review by mail to:

Andrea Poole
Surface Transportation Board
Docket No. FD 36575
395 E Street SW
Washington, DC 20423

While paper filings are once again being accepted in accordance with the Board's regulations, stakeholders are strongly encouraged to continue to submit filings via the Board's e-filing system and to consent to e-service of decisions.

We look forward to your participation in the environmental review process. If you have any questions or would like to arrange a call, please feel free to contact Andrea Poole of my staff at 202-245-0305 or by email at Andrea.Poole@stb.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Gosselin". The signature is fluid and cursive, with the first name "Danielle" written in a larger, more prominent script than the last name "Gosselin".

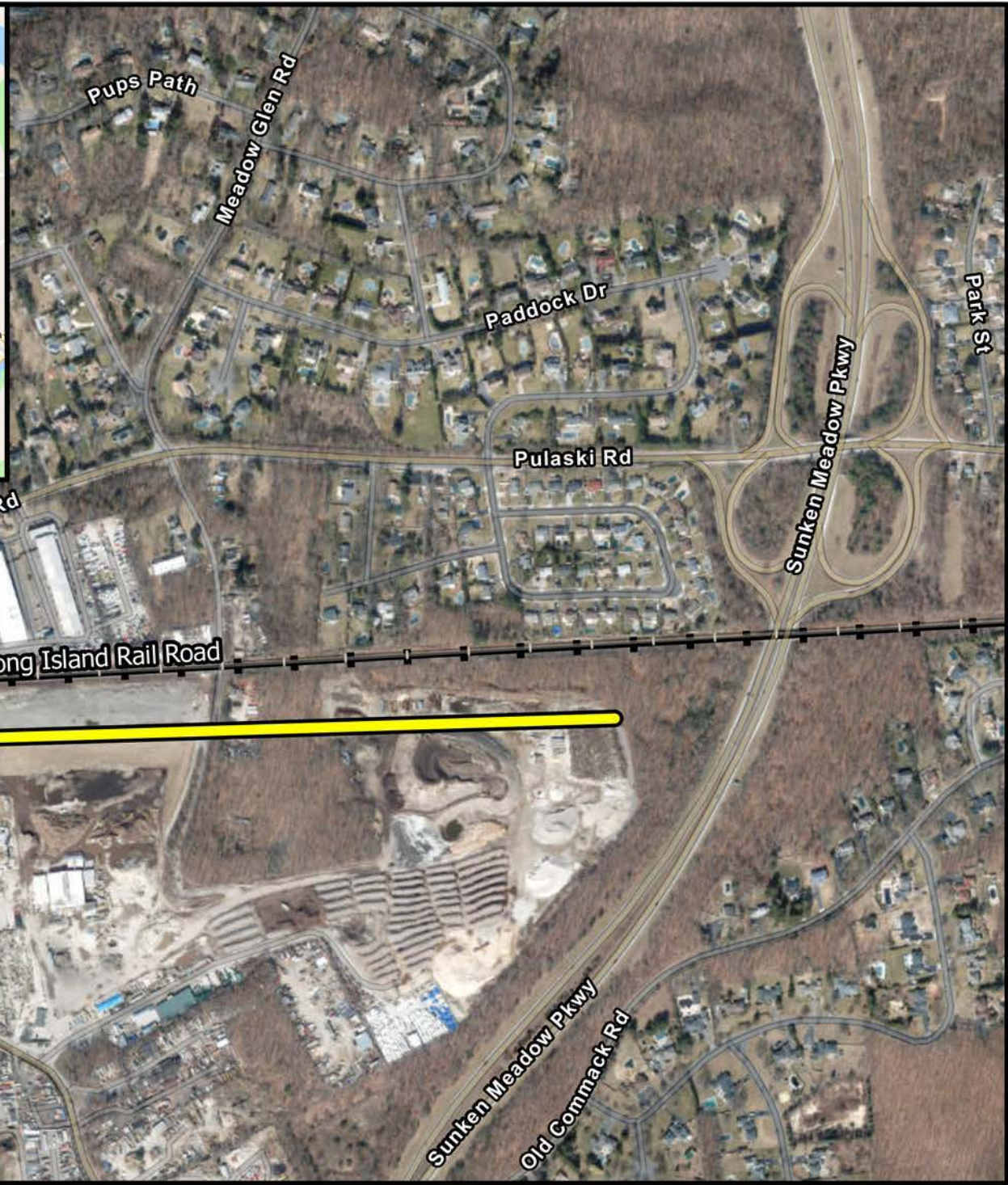
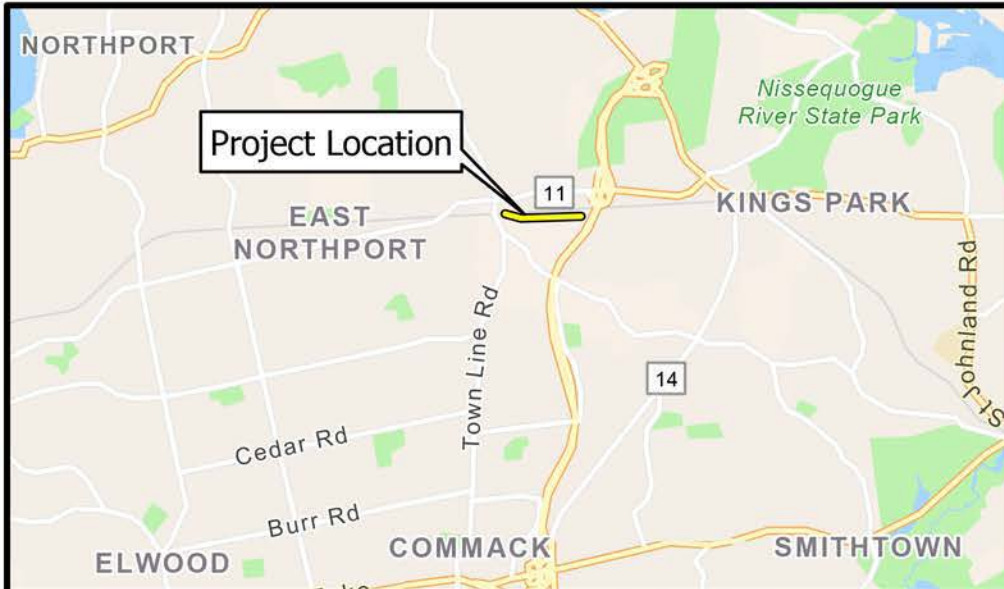
Danielle Gosselin

Director

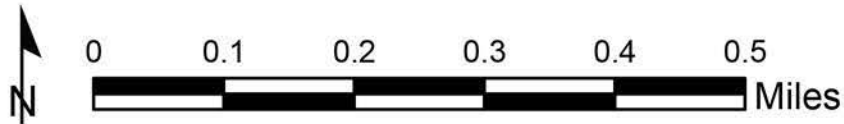
Office of Environmental Analysis

Enclosure:

Figure 1. Proposed Rail Line Location Map



Existing Railroad
 Proposed Rail Line



Docket No. FD 36575
 Townline Rail Terminal, LLC—
 Construction and Operation Exemption
 Suffolk County, NY



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

October 19, 2023

Field Supervisor
USFWS Long Island Ecological Services Field Office
340 Smith Road
Shirly, NY 11967
FW5ES_NYFO@fws.gov

Re: Docket No. FD 36575, Townline Rail Terminal, LLC –Construction and Operation Exemption – Hamlet of Kings Park, Town of Smithtown, Suffolk County, NY; **USFWS Informal Section 7 Consultation** - USFWS Project Code: 2023-0108152¹

Dear Mr. Tobin:

The Surface Transportation Board’s (Board) Office of Environmental Analysis (OEA) is in the process of preparing an Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA) and related environmental laws to assess the potential environmental impacts of granting a license to Townline Rail Terminal, LLC (Townline or Applicant) to construct and operate a new common carrier rail line (the Project) in Smithtown, New York. Pursuant to Endangered Species Act (ESA) Section 7(a)(2), OEA is initiating consultation with the United States Fish and Wildlife Service (USFWS) regarding the potential effects of the Project on ESA-listed species that may occur in the project area.²

PROPOSED ACTION

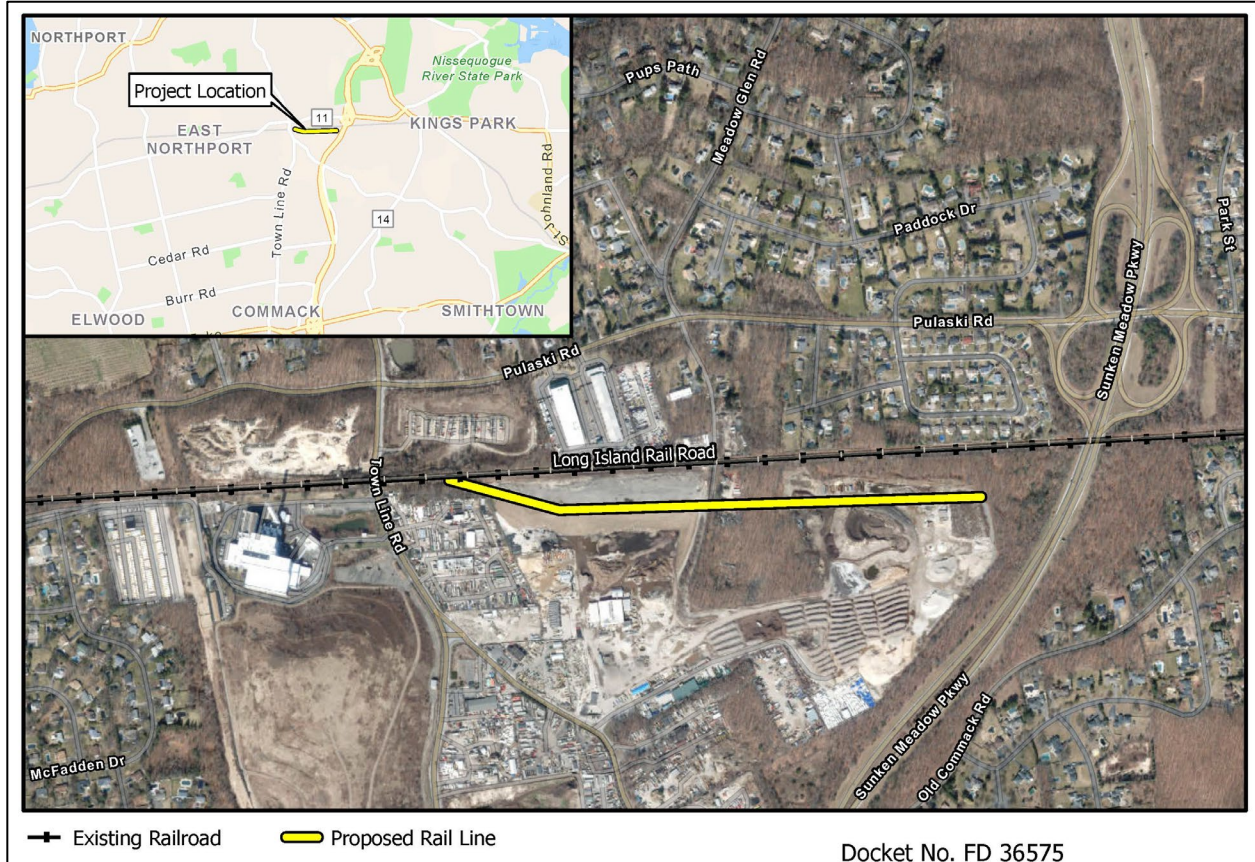
On November 17, 2022, Townline filed a petition in Docket No. FD 36575 seeking authorization from the Board to construct and operate approximately 5,000 feet of new common carrier rail line and associated switching and sidetrack in Smithtown, New York (the Proposed Action; **Figure 1**). Townline states the Proposed Action is needed to provide a rail option for transporting incinerator ash and construction and demolition (C&D) debris off Long Island. The service would also be marketed to local customers for import of goods and commodities. Townline railcars would be transported to and from the project site by the New York and Atlantic Railway (NYA), which is a short line freight railroad operating in New York’s Suffolk,

¹ USFWS Official Species List, dated July 24, 2023 (see Attachment B) lists the project name as “Proposed Towline Rail.” Correct name is listed above “Townline Rail Terminal, LLC – Construction and Operation Exemption.”

² Note that OEA sent a project initiation letter to the Long Island Ecological Services Field Office on June 22, 2022.

Nassau, Kings, and Queens Counties, on tracks owned by the Metropolitan Transportation Authority's (MTA) Long Island Railroad (LIRR).

Figure 1. Project Location



BACKGROUND AND PROJECT DESCRIPTION

The project site is located on an 82-acre industrial property that includes an existing 66-acre waste transfer facility.³ As noted above, the Project is needed to provide a rail option for transporting incinerator ash and C&D debris off Long Island to customers. In 2024, the Brookhaven landfill (the only disposal option for incinerator ash and C&D debris on Long Island) will reach maximum capacity and close.⁴ Once Brookhaven Landfill is closed, manufacturers will need to transport all incinerator ash and C&D waste off Long Island. The Project would offer an alternative to truck transport (the current mode of transport at the facility) off Long Island by providing efficient, direct rail transportation via LIRR's Port Jefferson Rail Line (Port Jefferson Line) to the interstate rail network.

³ The property and waste transfer facility (New York State Department of Environmental Conservation-permitted) are owned and operated by Carlson Corp, Inc. (Carlson). Carlson established Townline in 2021 to be a common carrier railroad.

⁴ Brookhaven Landfill is the final destination for the C&D and incinerator ash (over 20 miles from the project site).

The Project includes the construction and operation of approximately 5,000 feet of new, common carrier single-line rail track and associated switching and sidetrack in the northern portion of the 82-acre industrial property (**Figure 2**). The conceptual design illustrates the proposed track and associated switching and sidetrack offset approximately 150 feet from the existing LIRR track. Townline would construct the Project on an embankment to be consistent with the elevation of the adjacent LIRR track. This configuration (of the rail line adjacent to the LIRR) would allow for efficient operations of the train pulling in and out of the property.

Figure 2. Proposed Conceptual Track Layout



Carlson would construct and operate roads and buildings independently of the Proposed Action that are subject to state and local regulation. These facilities include an indoor 200-foot(ft) x 400-ft rail transfer station and a semi-enclosed 100-ft x 200-ft material storage building (**Figure 2**). The buildings would be accessed by approximately 5,675 ft of new roads on the property to facilitate transload between railcars and trucks. The construction and operation of these facilities are not within the Board’s jurisdiction but, for ESA purposes, would be considered a consequence caused by the Proposed Action that is reasonably certain to occur.⁵ As such, these ancillary facilities are also considered as “effects of the action”, as defined in ESA regulations at 50 CFR 402.02.

⁵ These facilities are being evaluated as cumulative impacts in the Draft Environmental Assessment because Carlson would construct and operate these roads and buildings independently of the Proposed Action.

Construction

Townline proposes to construct the Project across 14.40 acres within the northern portion of the 82-acre industrial property, adjacent to and parallel with the Port Jefferson Line (**Figure 2**). As illustrated in **Figure 2**, new construction would occur within the entirety of the project area, as well as within the footprints of the access roads and buildings that Carlson would construct. Townline anticipates that the temporary construction footprint would be approximately 25 feet on either side of each track roadbed. Townline anticipates construction would last approximately 12 months and would occur during daytime hours. Construction materials would be delivered to the project site by truck, as there is currently no active rail siding at the project site and offloading from the Port Jefferson Line is not permitted. Certain material (e.g., ties, rail) could be delivered by rail to the nearest available siding along the Port Jefferson Line (St. James or Greenlawn) and trucked to the project site. Construction materials will be stored on the property between the proposed rail line and the LIRR in a laydown area (see **Figure 2**). Equipment needed to construct the Project includes dump trucks, excavators, backhoes, bulldozers, rollers/soil compactors, grapple/boom trucks, welding trucks, track surfacing equipment (tamper, ballast regulator, stabilizer), and truck-mounted cranes. Appropriate erosion and stormwater control measures will be installed for the duration of the construction period.

Operations

The proposed rail line would transport incinerator ash and clean C&D debris off Long Island. The owner would also market the service to other potential customers for importing goods and commodities, such as importing aggregate and construction materials to supply local Huntington and Smithtown businesses (e.g., an asphalt plant, cement ready-mix plant, and precast producer). In coordination with Townline, NYA would operate one round-trip train per day, five days a week, during operations. Materials would be shipped in sealed containers or on open rail cars pursuant to industry standards. NYA trains delivering and picking up cars would be an average of 1,900 feet long and consist of two locomotives per train, with a maximum of 27 cars per train. The proposed 5,000 feet of track would hold 54 cars at one time. Twenty-seven cars per train is the maximum the site can support for interchange with NYA without switching on the Port Jefferson Branch, which is the preferred operation for NYA and LIRR. Townline expects that train length will average 16 cars but would not exceed 27 cars. Operations would occur during daytime and nighttime hours. Daytime operations would occur generally between 6:00 am and 6:00 pm (Monday through Saturday), which are the permissible hours of operation for the waste transfer facility. NYA would serve the facility at night (i.e., outside of daytime hours) during off-peak periods when adequate slots are available for freight movement along the LIRR mainline track. Inbound trains would pull in, drop cars on one or more-yard tracks, pick up cars from other tracks, and depart during the night.

Applicant Proposed Avoidance and Minimization Measures

As part of the Project, Townline has voluntarily proposed the following measures to avoid impacts on the federally endangered Northern Long-Eared Bat (NLEB) (see Attachment C). If the Board authorizes the Proposed Action, Townline, their employees, and their contractors

would be required to strictly adhere to these measures, as well as any additional mitigation measures recommended by OEA and imposed by the Board in its final decision.

- The Applicant would not conduct construction-related tree removal for the Project during the NLEB active season (March 1 to November 30 [New York State Department of Environmental Conservation’s NLEB active season for Suffolk County]).⁶
- During construction, the Applicant would take steps to reduce the unnecessary removal of bat habitat by limiting tree removal to only the areas necessary to safely construct and operate the Project, marking the limits of tree clearing through the use of flagging or fencing, and ensuring that construction contractors understand clearing limits and how they are marked in the field.
- During construction, the Applicant would direct any temporary lighting away from suitable NLEB habitat during the active season for this species (March 1 to November 30). The Applicant would use downward-facing, full cut-off lens lights for any temporary lighting used during construction of the Project.
- During operations, the Applicant would use downward-facing, full cut-off lens lights (with the same intensity or less for replacement lighting) for the proposed permanent lights.

ACTION AREA

ESA regulations define the action area as all areas to be affected directly or indirectly by the proposed project and not merely the area immediately adjacent to the action. Therefore, the action area includes the project area and the footprints of the roads and buildings (See **Figure 2**) plus all areas surrounding these areas where construction or operations activities could potentially affect the environment (i.e., potential noise and visual impacts).

FEDERALLY LISTED SPECIES AND HABITATS IN THE ACTION AREA

OEA obtained an official species list from the USFWS’s Information for Planning and Consultation (IPaC) tool on July 24, 2023, identifying federally listed species that may occur or potentially occur in the action area (Attachment B; **Table 1**).

⁶ Note that the USFWS considers the NLEB active season in New York to be April 1 to October 31 (https://www.fws.gov/sites/default/files/documents/Inactive%20Season%20Dates%20for%20Swarming%20and%20Staging%20Areas_0.pdf).

Table 1: Federally Listed Threatened, Endangered, and Candidate Species that May Occur in the Action Area

Species	Federal Status	Species Habitat Description ^{3,4}	Habitat Present in the Action Area
piping plover (<i>Charadrius melodus</i>)	Threatened ¹	Oceanfront beaches and barrier islands; forages on intertidal beaches, exposed mudflats and sandflats, wrack lines and shorelines.	No
red knot (<i>Calidris canutus rufa</i>)	Threatened ²	Oceanfront beaches and barrier islands during migration; tidal flats (sand or mud), shoals, sand bars, and unvegetated portions of salt marshes (e.g., pans, blowouts); nests in Canada and migrates to South America.	No
northern long-eared bat (<i>Myotis septentrionalis</i>)	Endangered	Winter: hibernacula in caves and mines; Summer: roost and maternity trees (≥ 3 inches diameter) with loose bark or cavities, cracks, and/or crevices. Forages in open forests, edges, and around wetlands or water.	Yes
monarch butterfly (<i>Danaus plexippus</i>)	Candidate ⁵	Anywhere with milkweed and an abundance of native nectar plants.	Yes

¹ Critical habitat is designated for this species but it is not present in the action area.

² Critical habitat is proposed for this species but it has not been proposed in the action area.

³ New York Natural Heritage Program. Online Conservation Guides. Available at: <https://guides.nynhp.org/> Accessed September 2023.

⁴ United States Fish and Wildlife Service. Long Island Recovery Efforts. Available at: <https://www.fws.gov/northeast/nyfo/es/lirecovery.htm> Accessed September 2023.

⁵ Candidate species are provided no statutory protection under the Endangered Species Act.

OEA conducted a field survey on July 14, 2023 to characterize the existing habitats and to determine the potential for threatened and endangered species habitat to occur within the action area. Most of the action area is predominately disturbed and unvegetated, with most of the area cleared for existing operations of the waste transfer facility. Vegetated habitat within the project area (as depicted in **Figure 2**) is limited to 3.13 acres of early successional habitat in one area and 2.22 acres of forested habitat in three separate areas (see Figure 1 in Attachment A).⁷ The forested habitat within the project area includes a successional woodland, as well as forested habitats dominated by mature oaks. The oak-dominated forested habitats support a canopy of mature trees and understory vegetation that are common within the general surrounding area of the action area and in Suffolk County. Beyond the project area, an additional 2.62 acres of

⁷ These forested areas are depicted as habitat areas SP-1, SP-3, and SP-4 in Figure 1 in Attachment A.

similar forested habitat occurs within the footprints of ancillary facilities (building and roadway), with similar forested habitat extending beyond the ancillary facilities.⁸

All of the vegetated habitats within the action area exhibit substantial evidence of historical and ongoing disturbance, including clearing, grading, and storage of materials and equipment. In a regional context, the action area is surrounded by developed areas (e.g., residential housing and other industrial land use), state highways and local roads, and a rail line, all which limits habitat connectivity and results in a patchwork across that landscape of mostly smaller, isolated forested areas.

Piping Plover, Red Knot, Monarch Butterfly

Based on the field survey, piping plover and red knot habitat is not present in the action area and the species are not anticipated to be present; therefore, OEA is dismissing these species from further consideration.⁹ The monarch butterfly, as a candidate species, is provided no statutory protection under the ESA. The species was not observed within the action area during the field survey, nor were its milkweed genus (*Asclepias* spp.) host plants. Other flowering plants within the action area represent potential feeding habitat for monarch butterfly adults.

Northern Long-eared Bat (NLEB)

Based on the field survey, 4.84 acres of forested habitat were identified as potentially suitable NLEB roosting and foraging habitat (as described above). OEA performed NLEB habitat assessments of the forested areas within the project area, pursuant to USFWS protocols, as set forth in the *Range-wide Indiana Bat and Northern Long-eared Bat Survey Guidelines* (2023) (information included as Attachment D).¹⁰ As described above, the NLEB habitat consists of successional woodland on steeply sloped terrain located between the adjacent LIRR tracks and lower elevation, and oak-dominated woodlands with disturbed groundcover strata that exhibit evidence of historical clearing, grading, and debris placement, as well disturbance from all-terrain (ATV) vehicle use.

OEA also accessed databases to determine if there are records of NLEB in and around the action area. Regionally, the USFWS has identified Smithtown as a town with summer records for NLEB.¹¹ However, at the local level in and around the action area, according to correspondence from the New York Natural Heritage Program (NYNHP), dated July 17, 2023, and NYDEC's Environmental Assessment Form (EAF) mapper, there are no records for occurrences of NLEB (Attachment B).

⁸ This forested area is part of habitat area SP-3 (see Attachment A Figure 1).

⁹ OEA's official effects determination under ESA Section 7(a)(2) for these two species is **No Effect**.

¹⁰ Note that the forested habitat in the footprint of the rail transfer station and roadway is part of the same forest habitat (identified as SP-3) in the project area.

¹¹ USFWS (https://www.fws.gov/sites/default/files/documents/508_northernlongeared_townswithmaternityroosts_1.pdf).

EFFECTS OF THE PROJECT

Construction

Construction of the Project could affect the NLEB primarily through, 1) habitat removal, 2) temporary noise, and 3) temporary lighting, if the species utilizes the potential habitat in the action area.

Habitat Removal: Construction would remove 4.84 acres of forested habitat that could potentially support NLEB (see Attachment A Figure 2). While some natural vegetation regrowth would occur, construction would permanently alter forest cover; and regrowth would likely be sparse in areas that would be continually disturbed by railroad operation and maintenance. To avoid potential direct impacts on individuals, construction clearing in potentially suitable NLEB habitat would occur outside of the NYSDEC's NLEB active season for Suffolk County (March 1 to November 30) when NLEB are in hibernacula habitat (i.e., caves, mines) (see *Applicant Proposed Avoidance and Minimization Measures* above). In addition, the Applicant would take steps to reduce the unnecessary removal of potential bat habitat by marking the limits of tree clearing through the use of flagging or fencing, and ensuring that construction contractors understand clearing limits and how they are marked in the field (see *Applicant Proposed Avoidance and Minimization Measures* above).

Temporary Noise: Construction could generate noise in excess of ambient conditions due to vehicles and equipment used to construct the Project. If non-clearing construction activities occur during the active season, and NLEB happen to be present, individuals may be exposed to noise at an intensity that they have not experienced, depending on the location of the individual. However, the action area is within a developed area and ambient noise around the project site consists of the operation of the adjacent LIRR mainline, as well as surrounding roadways, including the Sunken Meadow State Parkway. As part of the noise analysis for the Draft EA, OEA computed existing noise levels in the vicinity of the LIRR mainline using the Computer Aided Noise Abatement (CADNA) environmental noise software application. The analysis concluded that existing noise levels around the project site are consistent with a "very noisy urban residential area." As such, potential construction noise is not anticipated to be substantially noticeable compared to ambient conditions, and any NLEB that may utilize the potential habitat in the action area would likely be acclimated to noise around the Project.

Temporary Lighting: NLEB may be attracted to insect prey drawn by any lighting needed for construction, but this would not represent a substantial behavioral alteration given the existence of artificial lighting present in the vicinity of the Project (i.e., industrial and residential development, and road infrastructure). To minimize potential impacts of temporary construction lighting, the Applicant would direct any temporary lighting away from suitable NLEB habitat during the active season for this species (March 1 to November 30). The Applicant would use downward-facing, full cut-off lens lights for any temporary lighting used during the construction of the Proposed Action see (*Applicant Proposed Avoidance and Minimization Measures* above).

Summary: Overall, there is potentially suitable NLEB habitat present in the action area, and construction would remove this habitat and would generate noise and light conditions that

could adversely affect NLEB. Therefore, constructing the Project *may affect* NLEB. However, OEA anticipates the potential for NLEB presence in the action area would be low due to the degraded habitat conditions (by the current land use of the Project area and ambient noise conditions) and fragmented habitat conditions in the surrounding area. In addition, construction noise and lighting would be temporary. Further, the Applicant would implement avoidance and minimization measures to reduce potential impacts on NLEB. Therefore, for these reasons, OEA anticipates constructing the Project is ***not likely to adversely affect*** NLEB.

Operations

Operation of the Project could affect the NLEB primarily through noise and permanent lighting, if the species utilizes the potential habitat in the action area.

Noise: Noise generated from train operations at the project site could affect NLEB if they are present and have not been exposed to noise at an intensity not previously experienced. However, as previously described for construction impacts, noise modeling concluded that ambient noise conditions are consistent with “very noisy urban residential area.” While operations impacts would be long term, the noise is not anticipated to be notably different than ambient conditions, and any NLEB utilizing the potential habitat in the action area would likely be acclimated to noise around the Project.

Permanent Lighting: Operational lighting would be permanent and could affect NLEB as described above under construction. Rail operations would include lighting poles not to exceed 25 feet in height. Lighting with 2.0 footcandles would be provided in areas along a pathway between the east and west end of the tracks in accordance with American Railway Engineering and Maintenance-of-Way Association (AREMA) recommendations for illumination of flat switching yards. To minimize lighting impacts, the Applicant would use downward-facing, full cut-off lens lights (with the same intensity or less for replacement lighting) for the proposed permanent lights.

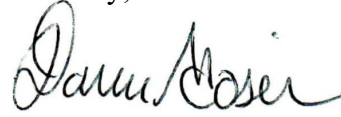
Summary: Overall, there is potentially suitable NLEB habitat present in the action area, and operations would generate noise and light conditions that could adversely affect NLEB. Therefore, operations *may affect* NLEB. However, OEA anticipates the potential for NLEB presence in the action area would be low due to the degraded habitat conditions (by the current land use of the Project area and ambient noise conditions) and fragmented habitat conditions in the surrounding area. Ambient noise levels around the project site are consistent with a noisy urban environment and train operations are not anticipated to substantially add to this noise. Further, the Applicant would implement a lighting minimization measure to reduce potential lighting impacts on NLEB. Therefore, for these reasons, OEA anticipates operating the Project is ***not likely to adversely affect*** NLEB.

CONCLUSION

Based on the results of the habitat assessment, as well the Applicant’s voluntary avoidance, minimization and mitigation measures, OEA has determined that the Project **may affect, but is not likely to adversely affect** NLEB. If you agree with this determination, please

send your written concurrence within 30 days. We appreciate your review and assistance in the consultation process and look forward to hearing from you. For further information or questions, please feel free to contact Andrea Poole of my staff at 202-245-0305 or by email at Andrea.Poole@stb.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Gosselin". The signature is fluid and cursive, with the first name "Danielle" written in a larger, more prominent script than the last name "Gosselin".

Danielle Gosselin

Director

Office of Environmental Analysis

Enclosure:

Attachment A – Figure 1. Habitat in Project Area; Figure 2. Forest Impacts

Attachment B - IPaC Official Species List, and NYNHP and NYDEC Information










Attachment C – Applicant’s Voluntary Mitigation Measures for NLEB

Attachment D – NLEB Survey Forms and Photographs

Attachment A: Figure 1. Habitat in Project Area; Figure 2. Forest Impacts



Legend

- | | | | |
|---|---|--|---|
|  Project Area |  Parcel Boundary |  Main Track |  Facilities |
|  Turnout |  Laydown Area |  Yard Track |  Vegetated Areas |
| | |  Access Roads | |

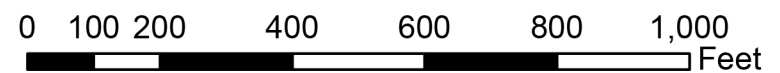


Figure 1



Legend

- Project Area
- Turnout
- Laydown Area
- Main Track
- Yard Track
- Access Roads
- Facilities

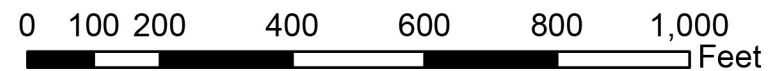


Figure 2

Attachment B: IPaC Official Species List, and NYNHP and NYDEC Information



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Long Island Ecological Services Field Office
340 Smith Road
Shirley, NY 11967-2258
Phone: (631) 286-0485 Fax: (631) 286-4003

In Reply Refer To:
Project Code: 2023-0108152
Project Name: Proposed Towline Rail

July 24, 2023

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Long Island Ecological Services Field Office

340 Smith Road

Shirley, NY 11967-2258

(631) 286-0485

PROJECT SUMMARY

Project Code: 2023-0108152

Project Name: Proposed Towline Rail

Project Type: Railroad - New Construction

Project Description: Towline Rail Terminal, LLC (Towline) is seeking authority from the Surface Transportation Board (Board) to construct and operate a new common carrier line at the above-referenced location. The Proposed Action includes the construction and operation of approximately 5,000 feet of new, common carrier single-line track and associated switching and sidetrack. The Proposed Action would require some clearing, excavating, and filling of 5.35 acres of existing vegetated areas for the rail line, including 2.82 acres of forested habitat, which would result in temporary and permanent loss or alteration of vegetation.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@40.8791186,-73.28065636166849,14z>



Counties: Suffolk County, New York

ENDANGERED SPECIES ACT SPECIES

There is a total of 4 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered

BIRDS

NAME	STATUS
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened
Red Knot <i>Calidris canutus rufa</i> There is proposed critical habitat for this species. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Surface Transportation Board
Name: Candice Andre
Address: 940 Main Campus Drive
Address Line 2: Suite 500
City: Raleigh
State: NC
Zip: 27606
Email: candre@vhb.com
Phone: 9197415346

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Surface Transportation Board
Name: Andrea Poole

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Heritage Program

625 Broadway, Fifth Floor, Albany, NY 12233-4757

Phone: (518) 402-8935 | Fax: (518) 402-8925

www.dec.ny.gov

07/17/2023

The attached report from the Environmental Resource Mapper includes information from the New York Natural Heritage Program database with respect to the location indicated on the map below. This letter, together with the attached report from the Environmental Resource Mapper, is equivalent to, and carries the same validity, as a letter from the New York Natural Heritage Program, including for projects where a Natural Heritage letter is required.

If your location of interest does not fall within an area covered by the Rare Plants and Rare Animals layer or in the Significant Natural Communities layer, then New York Natural Heritage has no records to report in the vicinity of your project site. Submitting a project screening request to NY Natural Heritage is not necessary.

If the attached report lists that your location of interest is in the vicinity of state-listed animals, including state-listed bats, please consult the [EAF Mapper](#) to obtain a list of the species involved. (You do not have to be filling out an Environmental Assessment Form in order to use the EAF Mapper). Then consult the appropriate [NYSDEC Regional Office](#) for information on any project requirements or permit conditions.

If the attached report lists unlisted animals, rare plants, or significant natural communities, and if you would like more information on these, please submit a project screening request to [New York Natural Heritage](#). For more information, please see the DEC webpage [Request Natural Heritage Information for Project Screening](#).

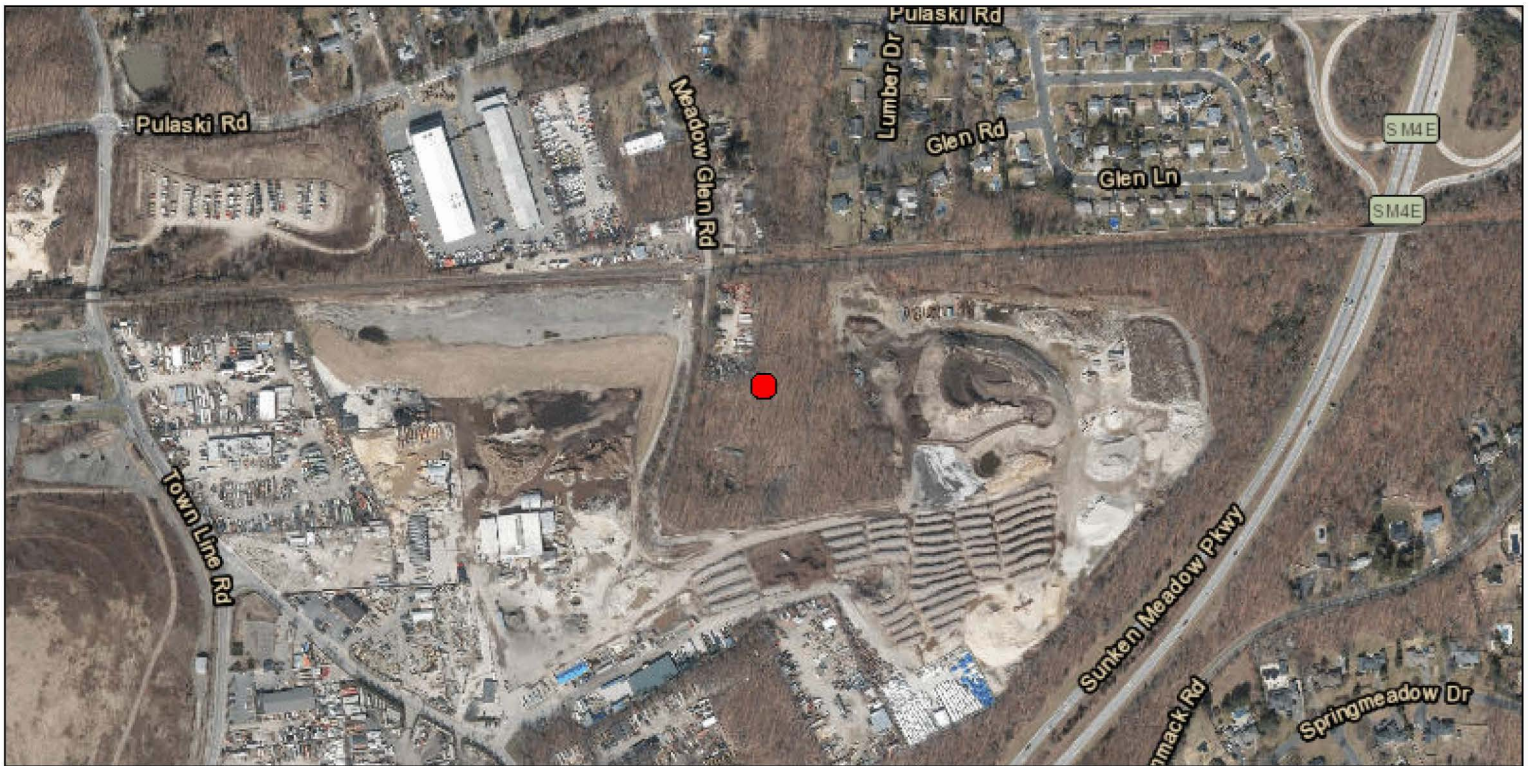
The absence of data does not necessarily mean that rare or state-listed species, significant natural communities, or other significant habitats do not exist on or adjacent to the proposed site. Rather, NYNHP files currently do not contain information that indicates their presence. For most sites, comprehensive field surveys have not been conducted. NYNHP cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other resources may be required to fully assess impacts on biological resources from a proposed project.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities, and other significant habitats maintained in the NYNHP database.

New York Natural Heritage Program

<https://www.nynhp.org/>.

Environmental Resource Mapper



The coordinates of the point you clicked on are:

UTM 18

Easting: 644889.7158980172

Northing: 4527037.566220474

Longitude/Latitude

Longitude: -73.28031713049876

Latitude: 40.88161317874766

The approximate address of the point you clicked on is:

61-99 Meadow Glen Rd, Kings Park, New York, 11754

County: Suffolk

Town: Smithtown

USGS Quad: NORTHPORT

If your project or action is within or near an area with a rare animal, a permit may be required if the species is listed as endangered or threatened and the department determines the action may be harmful to the species or its habitat.

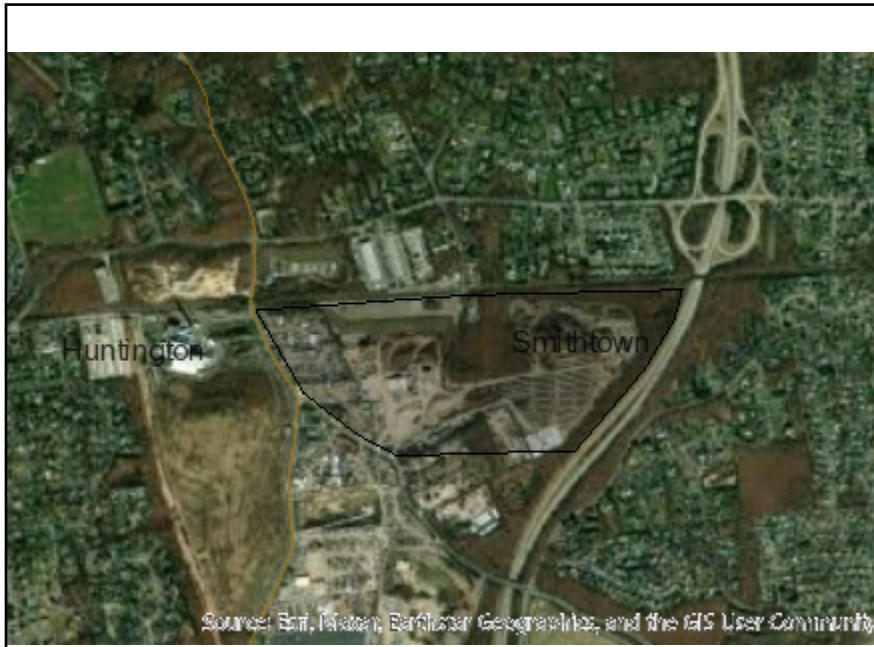
If your project or action is within or near an area with rare plants and/or significant natural communities, the environmental impacts may need to be addressed.

The presence of a unique geological feature or landform near a project, unto itself, does not trigger a requirement for a NYS DEC permit. Readers are advised, however, that there is the chance that a unique feature may also show in another data layer (ie. a wetland) and thus be subject to permit jurisdiction.

Please refer to the "Need a Permit?" tab for permit information or other authorizations regarding these natural resources.

Disclaimer: If you are considering a project or action in, or near, a wetland or a stream, a NYS DEC permit may be required. The Environmental Resources Mapper does not show all natural resources which are regulated by NYS DEC, and for which permits from NYS DEC are required. For example, Regulated Tidal Wetlands, and Wild, Scenic, and Recreational Rivers, are currently not included on the maps.

Print Preview



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:LI North Shore Heritage Area
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.ii [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	152040
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Sole Source Aquifer Names:Nassau-Suffolk SSA

E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:LONG ISLAND RAIL ROAD TRESTLE
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

Attachment C: Applicant's Voluntary Mitigation Measures for NLEB

Justin J. Marks
T (202) 772-0916
F +12027720919
Email:jjmarks@ClarkHill.com

Clark Hill
1001 Pennsylvania Avenue N.W.
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Washington, DC 20004
T (202) 772-0909
F (202) 772-0919

October 17, 2023

Danielle Gosselin
Office of Environmental Analysis
Surface Transportation Board
395 E Street SW
Washington, DC 20024

Re: Townline Rail Terminal, LLC
– Construction and Operation of a Line of Railroad –
In Suffolk County, NY
Surface Transportation Board Finance Docket 36575
Voluntary Mitigation Measure – Northern Long-Eared Bat

Dear Ms. Gosselin:

Townline Rail Terminal, LLC ("Townline") submits this letter to propose the following voluntary mitigation measures related to the northern long-eared bat ("NLEB") to be incorporated into the Environmental Analysis of the proposed line.

If the Surface Transportation Board authorizes Townline's proposed line, Townline, their employees, and their contractors voluntarily agree to strictly adhere to these measures, as well as any additional mitigation measures recommended by OEA and imposed by the Board in its final decision.

- Townline would not conduct construction-related tree removal for the Project during the NLEB active season (March 1 to November 30 [New York State Department of Environmental Conservation's NLEB active season for Suffolk County]).
- During construction, Townline would take steps to reduce the unnecessary removal of bat habitat by limiting tree removal to only the areas necessary to safely construct and operate the proposed line, marking the limits of tree clearing through the use of flagging or fencing, and ensuring that construction contractors understand clearing limits and how they are marked in the field.
- During construction, Townline would direct any temporary lighting away from suitable NLEB habitat during the active season for this species (March 1 to November 30). Townline would use downward-facing, full cut-off lens lights for any temporary lighting used during construction of the proposed line.

October 17, 2023
Page 2

- During operations, the Townline would use downward-facing, full cut-off lens lights (with the same intensity or less for replacement lighting) for the proposed permanent lights.

If you have any questions regarding these voluntary measures, please let me know.

Sincerely,



Justin J. Marks
Counsel for Townline Rail Terminal, LLC

Attachment D: NLEB Survey Forms and Photographs

APPENDIX C: PHASE 1 HABITAT ASSESSMENTS

BAT HABITAT ASSESSMENT DATASHEET

Project Name: Proposed Townline Rail Terminal Date: July 14, 2023
 Township/Range/Section: Kings Park, Town of Smithtown
 Lat Long/UTM/ Zone: _____ Surveyor: D. Kennedy

Brief Project Description
 Construction and operation of approximately 5,000 feet of new, common carrier single-track rail line with associated switching and sidetrack on an 82-acre industrial property (see attached site photographs).

Project Area				
	Total Acres	Forest Acres		Open Acres
Project	14.40	2.22		12.18*
Proposed Tree Removal (ac)	Completely cleared	Partially cleared (will leave trees)	Preserve acres- no clearing	*Comprised of 9.05 acres of unevgetated land occupied by site operations and 3.13 acres of early successional habitat with no trees.
	2.22	0	0	

Vegetation Cover Types	
Pre-Project	Post-Project
Forested: 2.22 acres Early successional: 3.13 acres Unvegetated: 9.05 acres	

Landscape within 5 mile radius
Flight corridors to other forested areas?
 Flight corridors to other forested areas are limited due to surrounding roads and rail lines (i.e., Sunken Meadow State Parkway, Town Line Road, Old Northport Road, Long Island Rail Road).
Describe Adjacent Properties (e.g. forested, grassland, commercial or residential development, water sources)
 Areas adjacent to the Project Area are occupied by construction and demolition debris processing operations, composting operations, a waste transport facility, a capped landfill, the Long Island Rail Road, and forested habitat (see attached site photographs).

Proximity to Public Land
What is the distance (mi.) from the project area to forested public lands (e.g., national or state forests, national or state parks, conservation areas, wildlife management areas)?
 The closest forested public lands are Sunken Meadow State Park, located 0.95±-mile to the northeast of the Project Area, and Kings Park Unique Area, located 1.4±-miles to the east.



Photograph No. 1: View of forest habitat and adjacent site operations at the Project Area, facing southwest (July 14, 2023).



Photograph No. 2: View of site operations at the Project Area, facing south (July 14, 2023).



Photograph No. 3: View of site operations at and adjacent to the Project Area, facing south-southwest (July 14, 2023).



Photograph No. 4: View of site operations at and adjacent the Project Area, facing southwest (July 14, 2023).

APPENDIX C: PHASE 1 HABITAT ASSESSMENTS

Use additional sheets to assess discrete habitat types at multiple sites in a project area

Include a map depicting locations of sample sites if assessing discrete habitats at multiple sites in a project area
A single sheet can be used for multiple sample sites if habitat is the same

Sample Site Description
Sample Site No.(s): <u>SP-1</u>
Successional Southern Hardwoods

Water Resources at Sample Site	N/A - no water resources observed.			
Stream Type (# and length)	Ephemeral	Intermittent	Perennial	Describe existing condition of water sources:
Pools/Ponds (# and size)	Open and accessible to bats?			
Wetlands (approx. ac.)	Permanent	Seasonal		

Forest Resources at Sample Site				
Closure/Density	Canopy (> 50%)	Midstory (20-50%)	Understory (<20%)	1=1-10%, 2=11-20%, 3=21-40%, 4=41-60%, 5=61-80%, 6=81=100%
	N/A	5	6	
Dominant Species of Mature Trees	<i>Robinia pseudoacacia, Prunus serotina</i>			
% Trees w/ Exfoliating Bark				50
Size Composition of Live Trees (%)	Small (3-8 in)	Med (9-15 in)	Large (>15 in)	
	80	20	0	
No. of Suitable Snags	0	0	0	

Standing dead trees with exfoliating bark, cracks, crevices, or hollows. Snags without these characteristics are not considered suitable.

IS THE HABITAT SUITABLE FOR INDIANA BATS? N/A

IS THE HABITAT SUITABLE FOR NORTHERN LONG-EARED BATS? Yes (limited suitability - see comments below)

Additional Comments: Non-dominant trees include: <i>Acer plantanoides</i> . The sample site occurs within a linear woodland border area that occupies steeply sloped terrain located between the adjacent Long Island Rail Road tracks and lower elevation, unvegetated areas used for site operations. The observed ecological community is a disturbed successional woodland comprised primarily of trees between one and eight inches dbh. Noise levels from surrounding C&D processing, composting operations, truck and heavy equipment operation, and the adjacent railroad are prevalent within the sample site and surrounding woodland. Habitat viability for NLEB is limited. Groundcover layer is generally dense. Dominant species include: <i>Rosa multiflora, Toxicodendron radicans, Celastrus orbiculatus, Lonicera tatarica, Artemisia vulgaris</i> , and sapling trees.

Attach aerial photo of project site with all forested areas labeled and a general description of the habitat

Photographic Documentation: habitat shots at edge and interior from multiple locations; understory/midstory/canopy; examples of potential suitable snags and live trees; water sources



Photograph No. 1: Exterior view of Sample Plot SP-1, facing west (July 14, 2023).



Photograph No. 2: Exterior view of Sample Plot SP-1 woodland edge along the Long Island Rail Road tracks, facing west (July 14, 2023).



Photograph No. 3: Interior view of midstory and dense understory strata at Sample Plot SP-1 (July 14, 2023).



Photograph No. 4: Dominant Black Cherry (*Quercus alba*) and Black Locust (*Robinia pseudoacacia*) trees on steeply sloped terrain at Sample Plot SP-1 (July 14, 2023).

APPENDIX C: PHASE 1 HABITAT ASSESSMENTS

Use additional sheets to assess discrete habitat types at multiple sites in a project area

*Include a map depicting locations of sample sites if assessing discrete habitats at multiple sites in a project area
A single sheet can be used for multiple sample sites if habitat is the same*

Sample Site Description
Sample Site No.(s): <u>SP-2</u>
Successional Old Field - herbaceous groundcover vegetation only, no trees present.

Water Resources at Sample Site				N/A - no water resources observed.
Stream Type (# and length)	Ephemeral	Intermittent	Perennial	Describe existing condition of water sources:
	Open and accessible to bats?			
Pools/Ponds (# and size)				
Wetlands (approx. ac.)	Permanent	Seasonal		

Forest Resources at Sample Site				
Closure/Density	Canopy (> 50%)	Midstory (20-50%)	Understory (<20%)	1=1-10%, 2=11-20%, 3=21-40%, 4=41-60%, 5=61-80%, 6=81-100%
Dominant Species of Mature Trees				
% Trees w/ Exfoliating Bark				
Size Composition of Live Trees (%)	Small (3-8 in)	Med (9-15 in)	Large (>15 in)	
	0	0	0	
No. of Suitable Snags				

Standing dead trees with exfoliating bark, cracks, crevices, or hollows. Snags without these characteristics are not considered suitable.

IS THE HABITAT SUITABLE FOR INDIANA BATS? N/A

IS THE HABITAT SUITABLE FOR NORTHERN LONG-EARED BATS? No

Additional Comments: The sample site and surrounding vegetated habitat is an early successional habitat comprised of herbaceous vegetation only, with no trees. Habitat for NLEB does not occur.
--

Attach aerial photo of project site with all forested areas labeled and a general description of the habitat

Photographic Documentation: habitat shots at edge and interior from multiple locations; understory/midstory/canopy; examples of potential suitable snags and live trees; water sources



Photograph No. 1: View of treeless, early successional habitat at Sample Plot SP-3, facing west (July 14, 2023).



Photograph No. 2: Mugwort (*Artemisia vulgaris*) and other early successional vegetation at Sample Plot SP-2, facing southeast (July 14, 2023).

APPENDIX C: PHASE 1 HABITAT ASSESSMENTS

Use additional sheets to assess discrete habitat types at multiple sites in a project area

Include a map depicting locations of sample sites if assessing discrete habitats at multiple sites in a project area

A single sheet can be used for multiple sample sites if habitat is the same

Sample Site Description
Sample Site No.(s): <u>SP-3</u>
Oak-dominated Forest

Water Resources at Sample Site				N/A - no water resources observed.
Stream Type (# and length)	Ephemeral	Intermittent	Perennial	Describe existing condition of water sources:
	Open and accessible to bats?			
Pools/Ponds (# and size)				
Wetlands (approx. ac.)	Permanent	Seasonal		

Forest Resources at Sample Site				
Closure/Density	Canopy (> 50%)	Midstory (20-50%)	Understory (<20%)	1=1-10%, 2=11-20%, 3=21-40%, 4=41-60%, 5=61-80%, 6=81=100%
	3	4	2	
Dominant Species of Mature Trees	<i>Quercus alba, Quercus coccinea</i>			
% Trees w/ Exfoliating Bark				60
Size Composition of Live Trees (%)	Small (3-8 in)	Med (9-15 in)	Large (>15 in)	
	55	40	5	
No. of Suitable Snags	1	2	0	

Standing dead trees with exfoliating bark, cracks, crevices, or hollows. Snags without these characteristics are not considered suitable.

IS THE HABITAT SUITABLE FOR INDIANA BATS? N/A

IS THE HABITAT SUITABLE FOR NORTHERN LONG-EARED BATS? Yes (habitat suitability is impaired, see comments below).

Additional Comments: Non-dominant trees include: <i>Sassafras albidum, Prunus serotina, and Carya glabra.</i> The sample site and surrounding woodland area exhibit evidence of historical disturbance including clearing, grading, and placement of debris. Noise levels from surrounding, C&D processing, composting operations, truck and heavy equipment operation, and train operation are prevalent within the sample site and surrounding woodland area. Potential habitat for NLEB is present but impaired. Groundcover layer is low density with patchy distribution. Dominant species include <i>Toxicodendron radicans, Pteridium aquilinum, Gaylussacia baccata, Carex pensylvanica, and</i> sapling trees.

Attach aerial photo of project site with all forested areas labeled and a general description of the habitat

Photographic Documentation: habitat shots at edge and interior from multiple locations; understory/midstory/canopy; examples of potential suitable snags and live trees; water sources



Photograph No. 1: Exterior view of Sample Plot SP-3 edge habitat and site operations, facing northwest (July 14, 2023).



Photograph No. 2: View of unpaved site road and woodland edge habitat adjacent to Sample Plot SP-3, facing north (July 14, 2023).



Photograph No. 3: Interior view of canopy, midstory, and understory strata at Sample Plot SP-3 (July 14, 2023).



Photograph No. 4: Dominant White Oak (*Quercus alba*) (with exfoliating bark) and Scarlet Oak (*Quercus coccinea*) trees at Sample Plot SP-3 (July 14, 2023).



Photograph No. 5: Exterior view of live trees and snag (as indicated by the arrow) at Sample Plot SP-3, facing east (July 14, 2023).



Photograph No. 6: Exterior view of woodland edge and site operations to the south of Sample Plot SP-3, facing east (July 14, 2023).

APPENDIX C: PHASE 1 HABITAT ASSESSMENTS

Use additional sheets to assess discrete habitat types at multiple sites in a project area

Include a map depicting locations of sample sites if assessing discrete habitats at multiple sites in a project area
A single sheet can be used for multiple sample sites if habitat is the same

Sample Site Description
Sample Site No.(s): <u>SP-4</u>
Oak-dominated Forest

Water Resources at Sample Site				N/A - no water resources observed.
Stream Type (# and length)	Ephemeral	Intermittent	Perennial	Describe existing condition of water sources:
Pools/Ponds (# and size)	Open and accessible to bats?			
Wetlands (approx. ac.)	Permanent	Seasonal		

Forest Resources at Sample Site				
Closure/Density	Canopy (> 50%)	Midstory (20-50%)	Understory (<20%)	1=1-10%, 2=11-20%, 3=21-40%, 4=41-60%, 5=61-80%, 6=81=100%
	2	4	4	
Dominant Species of Mature Trees	<i>Quercus alba, Quercus velutina, Quercus coccinea</i>			
% Trees w/ Exfoliating Bark				70
Size Composition of Live Trees (%)	Small (3-8 in)	Med (9-15 in)	Large (>15 in)	
	30	50	20	
No. of Suitable Snags	1	1	0	

Standing dead trees with exfoliating bark, cracks, crevices, or hollows. Snags without these characteristics are not considered suitable.

IS THE HABITAT SUITABLE FOR INDIANA BATS? N/A

IS THE HABITAT SUITABLE FOR NORTHERN LONG-EARED BATS? Yes (habitat suitability is impaired, see comments below).

Additional Comments: Non-dominant trees include: <i>Prunus serotina</i> , and <i>Sassafras albidum</i> . The sample site and surrounding woodland area exhibit evidence of disturbance from ATV use. Noise levels from surrounding, C&D processing, composting operations, truck and heavy equipment operation, and the Sunken Meadow State Parkway are prevalent within the sample site and surrounding woodland area. Potential habitat for NLEB is present but impaired. Groundcover layer is generally dense. Dominant species include: <i>Gaylussacia baccata</i> , <i>Vaccinium angustifolium</i> , <i>Toxicodendron radicans</i> , <i>Parthenocissus quinquefolia</i> , and sapling trees.

Attach aerial photo of project site with all forested areas labeled and a general description of the habitat

Photographic Documentation: habitat shots at edge and interior from multiple locations; understory/midstory/canopy; examples of potential suitable snags and live trees; water sources



Photograph No. 1: Exterior view of Sample Plot SP-4, facing northeast (July 14, 2023).



Photograph No. 2: Exterior view of the woodlands surrounding Sample Plot SP-4 from the shoulder of the Sunken Meadow Parkway, facing southwest (July 14, 2023).



Photograph No. 3: Interior view of midstory and understory strata along ATV trails at Sample Plot SP-4 (July 14, 2023).



Photograph No. 4: Interior view of dense midstory and understory strata at Sample Plot SP-4 (July 14, 2023).



Photograph No. 5: Interior view of canopy and midstory strata at Sample Plot SP-4 (July 14, 2023).



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Long Island Field Office
New York Field Office



To: Surface Transportation Board OEA Date: 11/7/23

IPaC File No.: 2023-0108152

Regarding Your: Letter Fax Email Dated: 10/19/23

For Project: Townline Rail Terminal, LLC – Construction and Operation Exemption

Located: Kings Park

In Town/County: Smithtown, Suffolk County

Pursuant to the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the U.S. Fish and Wildlife Service's (USFWS):

- Long Island Field Office (LIFO) (340 Smith Rd., Shirley, NY 11967; 631-286-0485)
- New York Field Office (NYFO) (3817 Luker Rd., Cortland, NY 13045; 607-753-9334)
- Acknowledges receipt of your no effect/no take/no impact determination. No further ESA coordination or consultation is required.
- Acknowledges receipt of your determination. Please provide a copy of your determination and supporting materials to any involved Federal agency for their final ESA determination.
- Is taking no action pursuant to the ESA or any legislation at this time but would like to be kept informed of project developments.
- Concurs with your federal agency's determination, which includes the implementation of all conservation measures, where noted and applicable, that the proposed action would not be likely to adversely affect the listed species identified in your correspondence.
- Northern long-eared bat - Based upon your IPaC submission, a standing analysis, and further review by the office, the proposed project is not reasonably certain to cause incidental take of the northern long-eared bat.

As a reminder, until the proposed project is complete, we recommend that you check our website used for both LIFO and NYFO at <https://www.fws.gov/office/new-york-ecological-services-field/new-york-project-reviews> regularly from the date of this letter to ensure that listed species presence/probable absence information for the proposed project is current. Should project plans change or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered.

This letter does not exempt the project sponsor or Federal agency from obtaining approvals or permits that may be required by State and/or Federal agencies. Further, this letter does not

convey any authorization for take¹ under the ESA or any other authorities. Any new information regarding the proposed project and its potential to impact listed species should be coordinated with either the LIFO or NYFO, as well as with the New York State Department of Environmental Conservation.

Service Contact(s): Steve Papa, steve_papa@fws.gov

Supervisor: IAN DREW Digitally signed by IAN DREW
Date: 2023. 11.07 14: 05:15 -05 '00' Date: _____

¹ Take is defined in section 3 of the ESA as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

From: [Poole, Andrea](#)
To: [David Johnson](#); [Candice Andre](#)
Subject: FW: [EXTERNAL] RE: Townline Rail Terminal, LLC – Construction and Operation Exemption 2023-0108152
Date: Tuesday, November 14, 2023 8:10:13 AM

From: Poole, Andrea
Sent: Tuesday, November 14, 2023 8:10 AM
To: 'Papa, Steve' <steve_papa@fws.gov>; Spiller, Kimberly J <kimberly_spiller@fws.gov>
Cc: Gonzalez-Trelles, Melissa D <melissa_gonzalez-trelles@fws.gov>
Subject: RE: [EXTERNAL] RE: Townline Rail Terminal, LLC – Construction and Operation Exemption 2023-0108152

Many thanks for the clarification. STB will consider consultation complete.

Andrea
New Mobile Number: 202-934-3330

From: Papa, Steve <steve_papa@fws.gov>
Sent: Monday, November 13, 2023 6:26 PM
To: Poole, Andrea <andrea.poole@stb.gov>; Spiller, Kimberly J <kimberly_spiller@fws.gov>
Cc: Gonzalez-Trelles, Melissa D <melissa_gonzalez-trelles@fws.gov>
Subject: Re: [EXTERNAL] RE: Townline Rail Terminal, LLC – Construction and Operation Exemption 2023-0108152

Hi,

Our response for northern long eared bat on this form goes a little further than just indicating concurrence, but an affirmative statement that we do not anticipate take. This is the same language used in the online determination key generated through our IPaC project review system.

Hope this helps.

Steve

Steven T. Papa
Senior Fish and Wildlife Biologist
Long Island Field Office

U.S. Fish and Wildlife Service
340 Smith Rd
Shirley, NY 11967
(631) 286-0485 ext 2120
steve_papa@fws.gov

The Long Island Field Office has three employees who serve more than half the people in NY that reside and work in the Long Island - NY City region. Due to a persistent staff shortage, a large workload for project reviews, and our work to conserve federally listed and at-risk species, current project review times can vary, possibly 60 days or more for large projects. Every project review is important to us and we will do our best to address project reviews in a timely fashion. Your patience is appreciated.

From: Poole, Andrea <andrea.poole@stb.gov>

Sent: Monday, November 13, 2023 3:39 PM

To: Spiller, Kimberly J <kimberly_spiller@fws.gov>

Cc: Papa, Steve <steve_papa@fws.gov>; Gonzalez-Trelles, Melissa D <melissa_gonzalez-trelles@fws.gov>

Subject: [EXTERNAL] RE: Townline Rail Terminal, LLC – Construction and Operation Exemption 2023-0108152

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hi Kim,

Thank you for the response. This is my first consultation post the Final Rule change on the long-eared bat and I am confused by the form I received. It seems that the Service concurs with the project, but that box is NOT Checked on the form. I only have your concurrence note in the transmittal email. I am wondering if the saving process messed up the form. Should both boxes be checked?

Many thanks, Andrea

Andrea

New Mobile Number: 202-934-3330

From: Spiller, Kimberly J <kimberly_spiller@fws.gov>

Sent: Tuesday, November 7, 2023 3:18 PM

To: Poole, Andrea <andrea.poole@stb.gov>

Cc: Papa, Steve <steve_papa@fws.gov>; Gonzalez-Trelles, Melissa D <melissa_gonzalez-trelles@fws.gov>

Subject: Townline Rail Terminal, LLC – Construction and Operation Exemption 2023-0108152

You don't often get email from kimberly_spiller@fws.gov. [Learn why this is important](#)

Hello,

Please find attached the Service's concurrence with your determination for this project.

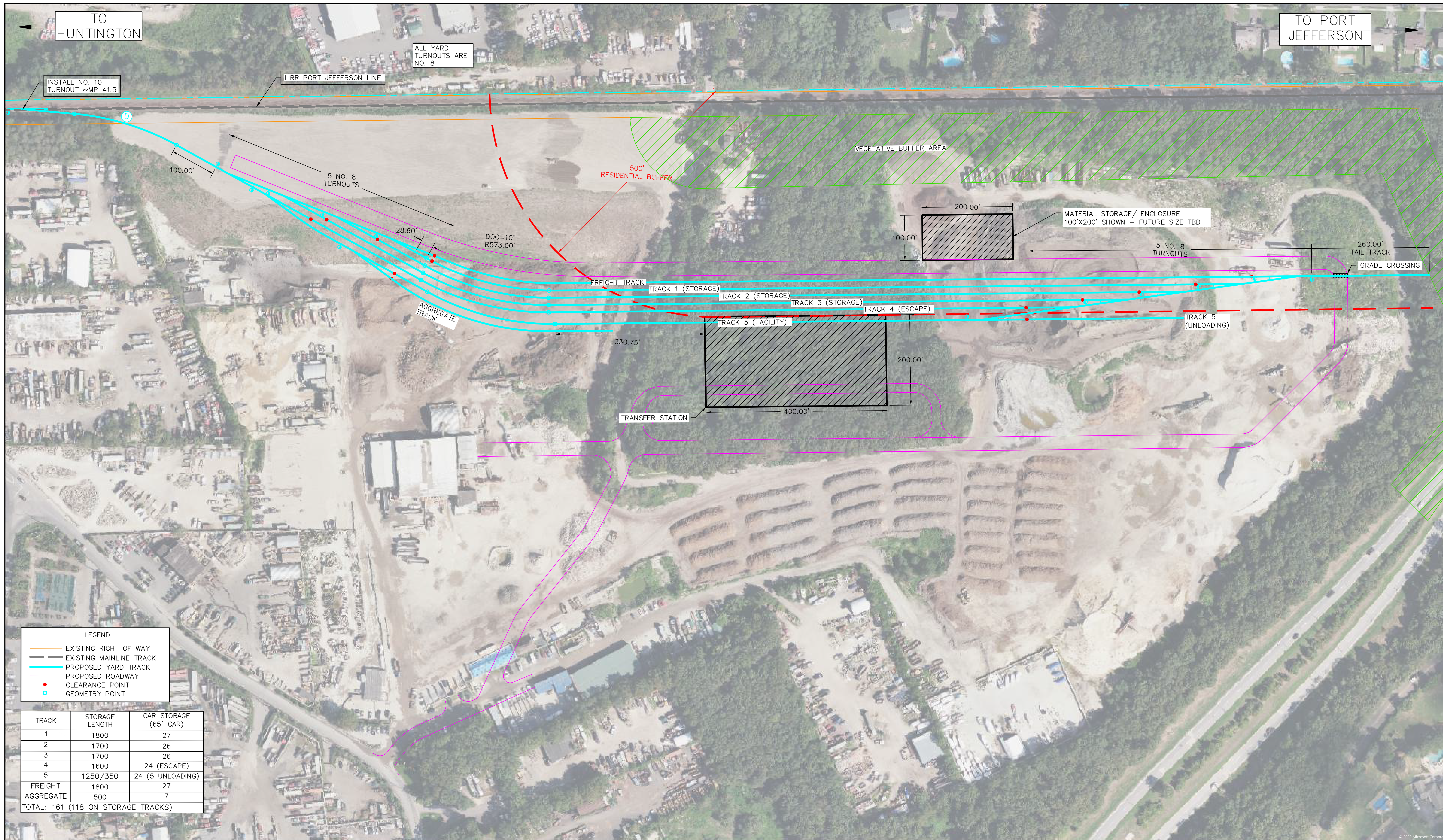
Thank you,

Kim

Kim Spiller (she/her)
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Long Island Field Office
340 Smith Rd, Shirley, NY 11967
kimberly_spiller@fws.gov

Appendix B

Townline Concept Plan



LEGEND

- EXISTING RIGHT OF WAY
- EXISTING MAINLINE TRACK
- PROPOSED YARD TRACK
- PROPOSED ROADWAY
- CLEARANCE POINT
- GEOMETRY POINT

TRACK	STORAGE LENGTH	CAR STORAGE (65' CAR)
1	1800	27
2	1700	26
3	1700	26
4	1600	24 (ESCAPE)
5	1250/350	24 (5 UNLOADING)
FREIGHT	1800	27
AGGREGATE	500	7
TOTAL: 161 (118 ON STORAGE TRACKS)		

ISSUE	DATE	DESCRIPTION
8	4/13/2022	MODIFICATIONS PER TOWN COMMENTS
7	2/16/2022	MODIFICATIONS PER TOWN COMMENTS
6	1/20/2022	RELOCATION OF TRANSFER STATION
5	7/01/2021	MODIFIED PER 06/23/2021 COMMENTS
4	6/11/2021	MATERIAL STORAGE WAREHOUSING CONCEPT
3	4/01/2021	PROGRESS MEETING #2 EDITS
2	4/01/2021	PROGRESS MEETING #2
1	3/25/2021	PROGRESS MEETING #1

DESIGNED BY: D. BAGGOTT
 DRAWN BY: D. BAGGOTT
 CHECKED BY: R. SEMENICK
 APPROVED BY: R. SEMENICK



PROJECT: KINGS PARK
 DRAWING TITLE: **KINGS PARK CONCEPTUAL LAYOUT**

SCALE: 1"=100'	CONTRACT NUMBER: N/A
REVISION NUMBER: -	DATE: 04/13/2022
DRAWING NUMBER: C-1	SHEET NO: 01 OF 01

Appendix C

TrackMobile® Details



ATLAS



Joystick & Armrest Controls



Ergonomic Operator's Seat



Safe-T-Vue™ 360° Visibility System

Up to 60,200 lbf. of Tractive Effort



ATLAS

The Atlas is Trackmobile's highest capacity model. Designed for more rugged and higher duty cycle applications, the Atlas is optimized to handle the most severe rail conditions with optimal operator comfort. As the premier model, the Atlas offers many options as standard features.



Atlas control panel and operational controls.

Standard Features

- CAN-Bus Control System with On-board Diagnostics
- UltraView 7" Color Touch Screen Display
- Ergonomic Air Ride, High Back 180° Swivel Seat
- Joystick and Armrest Controls
- Tinted tempered glass (meets ANSI 26.1 standard)
- Automatic / Manual Power-Shift Transmission
- 100 CFM Rotary Screw Air Compressor
- In-Cab Front and Rear Train Air Valves
- Incremental Train Air Brake Controller
- Train Air Hold Button
- Steel Railwheels
- Accessible External Disc Brakes
- Impact Sensor/Recorder
- Embedded LED head lights.
- LED strobe, work, and under hood lights
- Upgraded Jumpseat
- Premium HVAC system
- 35,000 BTU with 550 CFM HVAC
- Fire Extinguisher, 5 pounds
- Heavy-duty Mine Service Foam Filled Tires
- Patented MAX-Tran and MAX-Trac systems
- Train Air Charge Indicator

Safety is at the forefront of all Trackmobile engineering designs. In addition to slip-resistant surfaces, abundant lighting, and crossover decks with steel non-slip ladders, Atlas also offers these standard and optional* safety features:

- **FREE**** Seat in a Rail Safety Training Class
- Patent Pending Safe-T-Vue™ 360° Visibility / Railing Display
- Ramped Throttle Control - Quick and Slow
- Telematics Remote Monitoring & Diagnostics
- Rear Coupler Camera
- Electronic Speed Control
- Neutral Braking
- Hydraulic Lock-Out
- MAX-Trac - Automatic Traction Control System
- MAX-Tran Automatic Weight Transfer System
- GPS Positioning Capabilities
- Remote Control System*
- Vigilance Control*

* Feature is an option

**With authorization code provided in newly manufactured Trackmobile models.

Ask your Trackmobile Specialist about these and other options to help keep your crews safe and reduce workload fatigue.



Maximum Tractive Effort*	
Double Coupled	60,225 lbs [27,318 kg]
Single Coupled	43,900 lbs [19,913 kg]

Dimensions / Performance**		
	On Rail	On Road
Wheel Base	157.5" [4,001 mm]	89.2" [2,265.7 mm]
Rail & Road Clearance	4.8" [122 mm]	13.9" [353 mm]
Rail & Road Height	149.8" [3,805 mm]	164.6" [4,181 mm]
Length	220" [5,588 mm]	
Width^^	125" [3,175 mm]	
Weight	83,500 lbs [37,875 kg]	
Rail Gauge*	AAR Standard 56.5" [1,435 mm]	
Centerline to Cab Side	62.6" [1,590 mm]	
Centerline to Non-Cab Side	62.5" [1,588 mm]	

Speeds (Forward & Reverse)***		
	On Rail	On Road
Low	2.0 mph [3.2 km/h]	1.0 mph [1.6 km/h]
2nd Gear	3.9 mph [6.3 km/h]	1.9 mph [3.1 km/h]
3rd Gear	7.8 mph [12.6 km/h]	3.8 mph [6.1 km/h]
4th Gear	15.0 mph [24.1 km/h]	7.2 mph [11.6 km/h]

Engine	
Cummins electronic turbo-charged 9 Liter [543 In³] engine: In-line 6 cylinder, 4 valves per cylinder, 350 hp [261 kW] @ 2,100 rpm, Max torque 4990 lb-ft [1,342 N-m] @ 1,900 rpm.	
Fuel Tank - Steel	Eighty (80) gallon [303 liter] capacity

Air Intake ¹	
Intake Air heater	Preheats incoming combustion air prior to start.
Air Filtration Tier IV	3-stage filtration, High-efficiency Pre-cleaner, Primary and Safety Filter

Powertrain	
Transmission	Funk, DF 250-series, constant mesh spur gearing. Four-speed forward and reverse with selectable power shift manual or automatic with 4th or 3rd and 4th lock-out for rail, road, or both.
Axles	On-Road - Two heavy-duty steel axles On-Rail - Two (2) out-board internal planetary type with high strength ductile iron rear axle drive hubs with friction drive.
Differential	Two (2) rigid, outboard planetary, air actuated, auto-control differential locking.

Safety Features	
Automatic shutdown as a result of:	High engine temperature; Low engine coolant level; High compressor temperature; High hydraulic system oil temperature; (Optional low hydraulic system oil level)

Brake System	
On-Road Machine Braking ²	Hydraulic disc brakes with Dual Calipers
On-Rail Machine Braking ²	Hydraulic disc brakes, 18" [457 mm] diameter
Machine Parking Brake	Hydraulic transmission mounted, self-contained, spring-activated wet disc park brake.
Selectable Neutral Braking	Automatically applies brake to full pressure within 5 seconds of operator inactivity.
Train Air Brakes	Glad hand connections

Train Air Compressors	
100 cfm Rotary Screw Air Compressor	STANDARD
NOTE: All Train Air System options feature in-cab train air valves.	

Hydraulic System	
<ul style="list-style-type: none"> Constant pressure hydraulic system, piston pump and o-ring face seal fittings and oil filtered below ISO 18/16/13. Provides On-road and on-rail braking power. Provides hydraulic steering on road. 	

Electrical System	
Alternator	HD 12-Volt DC, 160 AMP
Batteries	Two (2) - 925 CCA
Digital Instrumentation	SAE-J1939 CAN-Bus Control System
Digital Control Display	7" display for real-time machine statistics and diagnostic data.
Cameras	Safe-T-Vue™ 360° visibility and railing camera with 10" color monitor
Additional Cameras	Two (2) additional outputs for extra camera locations
Alarms	Automatic backup road-mode alarm, selectable electronic <ul style="list-style-type: none"> Warble-type alarm Blast-type air horn Amber strobe warning lights

Wheels / Tires	
On Road	Four (4), 20-ply, radial, 12.00 x 20, Heavy-duty mine service, foam-filled, puncture-resistant rubber tires
On Rail	Four (4), 33" [838.2 mm], heat-treated, forged steel, ring-style flanged railwheels

Rail Sanders	
Eight (8) individual, air-operated, electronically-controlled sanders.	

Chassis / Frames	
Main Frame	Heavy-duty, high-strength welded steel with two (2) 8" [203 mm] thick ballast plates and 4" [101.6 mm] structural plates.
Pivoting Frame	Heavy-duty 6" [152.4 mm] thick, split pivoting main frame with 8" [203 mm] mounting plate with oscillating bearing that pivots up to 10° assuring 4-wheel rail contact at all times and extends axle life.
Body Frame	Heavy-duty, all-welded construction using 2.5" [63.6 mm] pre-formed steel deck plates and 1.25" [21.75 mm] side plate structural forms.

Suspension	
For air-ride cab suspension. Four (4) Firestone airbags and cab air-ride shock absorbers between body frame and fully suspended cab leveling adjustment capability.	

Couplers / Coupler Beams	
Couplers	Two (2) heavy-duty cast steel weight transfer design, positive coupling and uncoupling with AAR contour coupler and locking knuckles.
Coupler Beams	Two (2) standard-width coupler beams with graphite wear pads, which handle most standard curve radii.
Optional wide-traverse coupler beams are available for adverse and severe curve radii.	

Note¹ Not to be used in conjunction with Ether starting fluid.
Note² Maximum application pressure is varied automatically, depending on whether the machine is in rail or road mode. On rail, the application pressure will vary depending on weight transferred, for best stopping capability.
** Rail Gauges available in various sizes.*
*** For shipping purposes, add 1.5" (38 mm) to rail height for a 2" x 4" block under wheel tread. Additional variations may occur due to options selected.*
**** Actual speeds obtained will depend on grade, load, altitude, and other factors.*
 ^^ Width of machine includes 360° Safe-T-Vue™ cameras on each side of machine. Width may be narrowed by approximately 3" for tight tolerances if Safe-T-Vue™ system is removed at time of new machine order.



TRACKMOBILE®
MOBILE RAILCAR MOVERS

UNPARALLELED SERVICE AND SUPPORT

Trackmobile dealers provide the industry's best and most experienced sales and service support. Many of our dealers have been working with railcar movers, specifically Trackmobile, since its introduction in the early 1950's. From being there to help select the right machine for your operations, to providing knowledgeable ongoing support, Trackmobile dealers help keep your business on track. Our customers have reported maintaining up to 99.7% uptime due to Trackmobile's dependability and unsurpassed customer service support.

Industry's Most Experienced Dealer Network

More than 100 facilities and over 300 factory-trained service technicians throughout North America



- 24 Hour Emergency service
- Service & Parts for all models of Trackmobiles
- Dedicated railcar mover technicians
- Customized railcar mover service vehicles
- On site or in shop service and repair
- NEW Trackmobile railcar movers
- Quality reconditioned railcar movers
- In shop or on site Operator training
- Late model rental units for emergencies
- Availability reduces downtime
- Machine demonstrations
- Machine safety evaluations
- Free site surveys

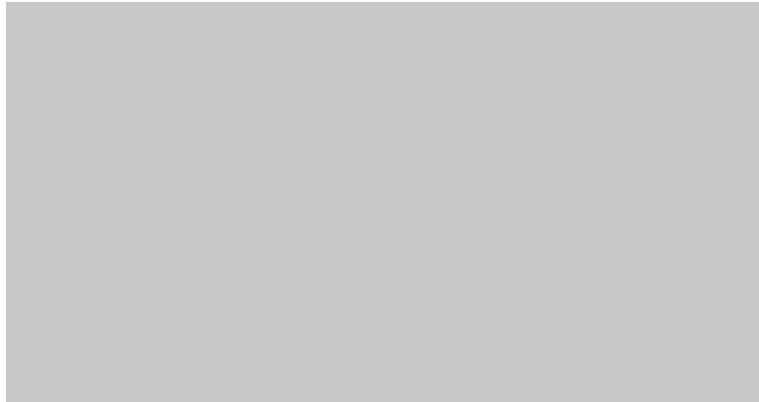
Your Business + Our Dealers + Trackmobile Customer Service = Winning Team

Time is Money

Getting it right the first time requires having the tools and parts. Trackmobile has an inventory of parts to service even many of our legacy models. Understanding that uptime is a significant factor in operational success, our distributors and their service departments stock sufficient inventories to complete routine maintenance and most emergency calls. It takes great teamwork to "get the job done."

Headquarters

Telephone: 706-884-6651
 Fax: 706-884-0390
 E-mail: trackmobile@trackmobile.com
 Address: 1602 Executive Drive
 LaGrange, GA 30240



Appendix D

Air Quality Appendix

This appendix provides technical information on the approach and results used in the analysis of air quality (*Chapter 3, Section 3.5*).

D.1. Approach

The following sections provide further context to the air quality approach discussed in Section 3.5 of the Environmental Assessment (EA).

D.2. Regulatory Context

The Clean Air Act (CAA) amendments, which are implemented by the U.S. Environmental Protection Agency (EPA), set forth guidelines for agencies to follow to achieve attainment of the National Ambient Air Quality Standards (NAAQS). The goal of the regulation is to improve air quality across the United States to protect public health and welfare. The following sections describe CAA components, including the NAAQS, General Conformity, and Class I Areas.

D.2.1 National Ambient Air Quality Standards

The CAA requires the EPA to set NAAQS (40 CFR Part 50) for six criteria pollutants: carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO₂), ozone (O₃), particulate matter less than 10 and 2.5 microns in diameter (PM₁₀ and PM_{2.5}, respectively), and sulfur dioxide (SO₂). NAAQS standards are based on human health criteria to protect public health (primary standards), on environmental criteria to prevent environmental and property damage, and to protect public welfare (secondary standards). **Table D.2-1** presents the current NAAQS.

Table D.2-1. National Ambient Air Quality Standards

Pollutant	Primary or Secondary	Averaging Time	Level	Form
Carbon Monoxide	Primary	8 hours	9 ppm	Not to be exceeded more than once per year
		1 hour	35 ppm	

Lead	Primary and Secondary	Rolling 3-month Average	0.15 µg/m ³	Not to be exceeded
Nitrogen Dioxide	Primary	1 hour	100 ppb	98 th percentile of 1-hour daily maximum concentrations; averaged over 3 years
	Primary and Secondary	1 year	53 ppb	Annual Mean
Ozone	Primary and Secondary	8 hours	0.070 ppm	Annual 4 th highest daily maximum 8-hour concentration; averaged over 3 years
Particulate Matter 2.5	Primary	1 year	12.0 µg/m ³	Annual mean, averaged over 3 years
	Secondary	1 year	15.0 µg/m ³	Annual mean, averaged over 3 years
	Primary and Secondary	24 hours	35 µg/m ³	98 th percentile; averaged over 3 years
Particulate Matter 10	Primary and Secondary	24 hours	150 µg/m ³	Not to be exceeded more than once per year on average over 3 years
Sulfur Dioxide	Primary	1 hour	75 ppb	99 th percentile of 1-hour daily maximum concentrations; averaged over 3 years
	Secondary	3 hours	0.5 ppm	Not to be exceeded more than once per year

Source: EPA 2021d

Note: ppm = parts per million; ppb = parts per billion; µg/m³ = micrograms per cubic meter

De Minimis Thresholds

The EPA uses the term *de minimis* across a variety of contexts to describe matters that are too small or trivial for regulating authority consideration. Air quality analyses compare the total estimated annual changes in these operational emissions of each pollutant with the *de minimis* emissions thresholds provided under 40 CFR Part 93, Subpart B. The Board does not exercise continuing program control over rail operation and would not exercise such control over operation of the Proposed Action. Accordingly, the Proposed Action is not subject to the General Conformity Rule¹ or required to assess *de minimis* thresholds. However, OEA used the *de minimis* emissions thresholds in the air quality analysis to provide context for the estimated operational emissions (presented in **Table D.2-2**). The Board would exercise control over the construction of the Proposed Action, thus emissions during construction are

¹ Under the General Conformity rule, federal agencies must work with state, tribal and local governments in a nonattainment or maintenance area to ensure that federal actions conform to the air quality plans established in the applicable state or tribal implementation plan.

subject to a General Conformity Determination if emissions are estimated to exceed the *de minimis* thresholds.

Table D.2-2. De Minimis Levels

Pollutant	Tons per Year	Area Type
Ozone (VOC or NO _x)	50	Serious Nonattainment
	25	Severe Nonattainment
	10	Extreme Nonattainment
	100	Other Areas Outside an Ozone Transport Region ¹
Ozone (NO _x)	100	Marginal and Moderate Nonattainment Inside an Ozone Transport Region ¹
	100	Maintenance
Ozone (VOC)	50	Marginal and Moderate Nonattainment Inside an Ozone Transport Region ¹
	50	Maintenance Within an Ozone Transport Region ¹
	100	Maintenance Outside an Ozone Transport Region ¹
Carbon Monoxide (CO), Sulfur Dioxide (SO ₂) and Nitrogen Dioxide (NO ₂)	100	All Nonattainment and Maintenance
Particulate Matter 10 (PM ₁₀)	70	Serious Nonattainment
	100	Moderate Nonattainment and Maintenance
Particulate Matter 2.5 (PM _{2.5}) ²	100	All Nonattainment and Maintenance
Lead (Pb)	25	All Nonattainment and Maintenance

Source: EPA 2021e

¹ The Ozone Transport Region is composed of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia.

² Direct emissions, SO₂, NO_x, (unless determined not to be a significant precursor), VOC or ammonia (if determined to be a significant precursor)

D.2.1.1 Class I Areas

The CAA establishes a list of federal lands with special air quality protections from major stationary sources (40 CFR Part 52 Subpart 21, 40 CFR Part 81). These areas primarily include national parks, national wilderness areas, and national monuments. The CAA divides the lands into Class I, II, or III where restrictions on emissions are most severe in Class I areas and are progressively more lenient in Class II and III areas. Mandatory Class I areas include all national wilderness areas exceeding 5,000 acres and national parks exceeding 6,000 acres (NPS 2020). There are no elements of the Proposed Action that exceed the Board's thresholds for evaluation within the boundaries of any Class I Area. Although rail lines are not a major stationary source, the EPA recommends a review of any Class I areas within 100 kilometers (62 miles) of the project elements that exceed the Board's thresholds. However, there are no Class I areas within 100 kilometers of the Proposed Action.

D.2.2 Pollutant Descriptions and Effects

In the impact analysis, OEA identified pollutants to consider and summarized their effects on human health and the environment based on regulations and EPA databases. This section describes the various pollutants OEA analyzed and their potential effects on human health or the environment. These descriptions include criteria pollutants, hazardous air pollutants (HAPs), and greenhouse gases (GHGs). A summary of criteria pollutants and their effects is presented in **Table D.2-3**.

Table D.2-3. Criteria Pollutant Summary

Pollutant	Description
Ozone (O ₃)	O ₃ is a highly reactive compound of oxygen. At very high concentrations O ₃ appears blue in color, is a highly unstable gas and is pungent in odor. At ambient concentrations, O ₃ is colorless and odorless. O ₃ is not emitted directly into the atmosphere by pollutant sources, but instead is produced by an atmospheric reaction of NO _x and VOCs. Generally, this reaction is most favorable during the warmer summer months when sunlight is stronger. Exposure to O ₃ may impair lung function and cause respiratory difficulties to sensitive populations (for example a person with asthma, emphysema, or reduced lung capacity).
Sulfur Dioxide (SO ₂)	SO ₂ emissions are the main components of the “oxides of sulfur,” a group of highly reactive gases from fossil fuel combustion at power plants, other industrial facilities, industrial processes, and burning of high sulfur containing fuels by large ships and non-road equipment. High concentrations of SO ₂ will lead to formation of other sulfur oxides. By reducing the SO ₂ emissions, other forms of sulfur oxides are also expected to decrease. When oxides of sulfur react with other compounds in the atmosphere, small particles that can affect the lungs can be formed. This can lead to respiratory disease and aggravate existing heart disease.
Particulate Matter (PM ₁₀ and PM _{2.5})	Particulate matter is comprised of small solid particles and liquid droplets. PM ₁₀ refers to particulate matter with a nominal aerodynamic diameter of 10 micrometers or less, and PM _{2.5} refers to particulate matter with an aerodynamic diameter of 2.5 micrometers or less. Particulates can enter the body through the respiratory system. Particulates over 10 micrometers in size are generally captured in the nose and throat and are readily expelled from the body. Particles smaller than 10 micrometers, and especially particles smaller than 2.5 micrometers, can reach the air ducts (bronchi) and the air sacs (alveoli) in the lungs. Particulates are associated with increased incidence of respiratory diseases, cardiopulmonary disease, and cancer.
Carbon Monoxide (CO)	CO is a colorless and odorless gas that is a product of incomplete combustion. CO is absorbed by the lungs and reacts with hemoglobin to reduce the oxygen carrying capacity of the blood. At low concentrations, CO has been shown to aggravate the symptoms of cardiovascular disease. It can cause headaches, nausea, and at sustained high concentration levels, can lead to coma and death.
Nitrogen Dioxide (NO ₂)	When combustion temperatures are extremely high, such as in engines, atmospheric nitrogen gas may combine with oxygen gas to form various oxides of nitrogen. Of these, nitric oxide (NO) and NO ₂ are the most significant air pollutants. This group of pollutants is generally referred to as NO _x . Nitric oxide is relatively harmless to humans but quickly converts to NO ₂ . NO ₂ has been found to be a lung irritant and can lead to respiratory illnesses. Nitrogen oxides, along with VOCs, are also precursors to ozone formation.

Table D.2-3. Criteria Pollutant Summary

Pollutant	Description
Lead (Pb)	Pb is a heavy metal that can affect the nervous system, kidneys, immune system, reproductive system, and cardiovascular system when exposed to substantial doses. Pb is emitted through some heavy industrial manufacturing processes, especially those associated with metal processing. The addition of Pb to fuel increases engine performance and reduces valve wear; however, general use of Pb as a fuel additive has been phased out for on-road vehicles in the United States. Since this phase out, Pb concentrations in ambient air are often low. States with no significant lead emitting sources typically do not measure Pb at their ambient air monitoring stations.

Hazardous Air Pollutants

Controlling air toxic emissions became a national priority with the passage of the Clean Air Act Amendments (CAAA) of 1990, whereby Congress mandated that EPA regulate 188 air toxics, also known as hazardous air pollutants (HAPs). EPA has assessed this expansive list in their latest rule on the Control of Hazardous Air Pollutants from Mobile Sources (*Federal Register*, Vol. 72, No. 37), and identified a group of 93 compounds emitted from mobile sources, listed in their Integrated Risk Information System (EPA 2021h). In addition, EPA identified nine compounds with significant contributions from mobile sources that are among the national and regional-scale cancer risk drivers from their 2011 National Air Toxics Assessment (EPA 2021i). The nine compounds are called mobile source air toxics (MSATs) and are typically associated with transportation sources including motor vehicles, construction equipment, and locomotives. These are 1,3-butadiene, acetaldehyde, acrolein, benzene, diesel particulate matter (diesel PM), ethylbenzene, formaldehyde, naphthalene, and polycyclic organic matter (POM). OEA considered these nine compounds in the emissions assessment.

Greenhouse Gases

In nature, carbon dioxide (CO₂) is exchanged continually between the atmosphere, plants, and animals through processes of photosynthesis, respiration, and decomposition, and between the atmosphere and ocean through gas exchange. Oceans and living biomass (i.e., sinks) absorb billions of tons of carbon in the form of CO₂ and emit it to the atmosphere annually through natural and man-made processes (i.e., sources). CO₂, however, constitutes less than 1/10th of a percent of the total atmosphere gases. Similar to the glass in a greenhouse, certain gases, primarily CO₂, nitrous oxide (N₂O), and methane (CH₄) absorb heat that the surface of the Earth radiates. Increases in the atmospheric concentrations of these gases can cause the Earth to warm by trapping more heat. The common term for this phenomenon is the “greenhouse effect,” and these gases are typically referred to as “greenhouse gases.” GHG emissions have effects at the regional and global scale and are thus reviewed at a regional scale. In 2007, the Supreme Court determined that GHGs are anticipated

to endanger public health and therefore are part of the EPA's responsibility to regulate under the CAA. In 2009, the EPA signed an endangerment finding in the CAA that stated the current and projected concentrations of the six key GHGs in the atmosphere could threaten the public health and welfare of current and future generations.

EPA has not established ambient air standards for GHGs like the criteria pollutants have under the NAAQS. However, the Council on Environmental Quality (CEQ) has created guidelines for conducting GHG and climate change analyses in NEPA Documents (CEQ 2016). A draft GHG guidance document was released by CEQ in 2019; however, Presidential Executive Order 13990, signed in 2021, rescinded the 2019 draft guidance, making the previously implemented 2016 guidance document the current guidance for use in NEPA documents. The 2016 guidance states that where feasible, federal agencies should include a quantitative analysis of potential GHG emissions from a Proposed Line. On January 9, 2023, new interim guidance was issued effective immediately and reflects similar guidance as 2016. When tools, methodologies, or data inputs are not reasonably available, a qualitative evaluation should be provided. This analysis should consider direct, indirect, and cumulative emissions. It should evaluate both short- and long-term effects of the Proposed Action and alternatives. When appropriate, mitigation should be considered to avoid, minimize, and compensate for increased GHG emissions.

D.3. Emissions Inventory Methodology

D.3.1.1 Construction Emissions

OEA also assessed impacts from construction. The construction assessment included a quantification of the air quality impacts of the construction equipment as well as fugitive dust associated with the general construction sitework and earthwork.

The Proposed Action would result in the construction of 5,000 feet of new rail line and associated switching and side track. The planned construction analysis estimated the duration to be 260 working days as the Applicant stated that construction will take approximately one year to complete. OEA estimated emissions assuming an analysis of year of 2025. Emissions from both nonroad equipment and fugitive dust have been quantified for the construction analysis as described below. Equipment and fugitive dust emissions were summed to create a total construction emissions inventory.

OEA quantified estimated emissions from nonroad equipment based on the list of equipment necessary to complete the new track work. Equipment expected to be used in the track work are dump trucks, excavators, backhoes, bulldozers, soil compactors, grapple trucks, welding trucks, tampers, ballast regulators, stabilizers, and truck mounted cranes. OEA derived emission factors for the equipment using the Nonroad module within the MOVES3 model (EPA 2022). OEA ran the MOVES3 model for

Suffolk County, where the construction is located, using model default inputs. OEA assumed equipment size and age correspond to the model's default population data. OEA assumed all equipment operate on diesel fuel. OEA estimated hours of equipment operation assuming an eight-hour workday. OEA combined these operating hours with emission factors and load factors to estimate equipment emissions.

OEA quantified fugitive dust emissions associated with construction from general site work and earthwork. Fugitive dust emissions are emissions of the criteria pollutant particulate matter. OEA referenced emission factors from the "WRAP Fugitive Dust Handbook" for construction emissions and corresponding earthwork emissions (WGA 2006). Per the guidance, OEA quantified fugitive dust emissions based on the hours of general construction and earthwork. OEA assumed general construction hours to be all the operating hours associated with construction. OEA assumed PM_{2.5} emissions to be 10 percent of the PM₁₀ emissions as described by the guidance. OEA conservatively assumed no control measures in the estimation of fugitive dust emissions.

D.3.1.2 Operational Emissions

OEA evaluated the environmental consequences for operations of the Proposed Action. For the Proposed Action, OEA measured air quality and GHG impacts. OEA assessed changes in pollutant emissions for project elements. OEA compared emissions under the Proposed Action to the No-Action Alternative to determine Line-related emissions. Note that as the Proposed Line is non-operational in the No-Action Alternative, no locomotive emissions occur in this scenario.

OEA estimated emissions for nitrogen oxides (NO_x), volatile organic compounds (VOC), PM₁₀, PM_{2.5}, SO₂, CO, Carbon Dioxide Equivalent (CO_{2e}), Methane (CH₄), Nitrogen Dioxide (N₂O), and HAPs. OEA calculated CO_{2e} by deriving CO₂, CH₄, and N₂O emissions and applying global warming potentials (EPA 2021a). The emissions estimations were based on changes in freight train activity on rail line segments and rail yard operations using the TrackMobile mobile railcar mover. OEA compared emissions in nonattainment areas to the *de minimis* thresholds; however, operational emissions are not subject to General Conformity determination.

OEA used the number of locomotives per day, horsepower of the locomotives, idle load factor, and idle time to calculate the estimated daily idling activity during operations. OEA used the number of locomotives per day, horsepower of the locomotives, the track length, and an assumed average travel speed to calculate the estimated daily moving activity during operations. The fuel usage associated with idling and moving activity were summed together to get the total daily fuel usage. OEA obtained emission factors for calculating locomotive emissions using EPA methodology (EPA 2009). The PR20B model locomotives that will be used under the Proposed Action are emission Tier 3+ locomotives. Since the EPA "Emission Factors

for Locomotives” table does not include emission factors for Tier 3+ locomotives, the values for Tier 3 were used. This provides a more conservative estimate for locomotive emissions. Emission factors were converted into a grams per gallon format using the EPA-provided conversion factor from brake horsepower-hours to gallons (EPA 2009) and HAPs emission rates were estimated by applying speciation profiles to the VOC or PM emission rates (EPA 2021c). Annualized emissions were estimated assuming trains operate six days per week. OEA combined the above No-Action Alternative and Proposed Action fuel usages with the emission factors to calculate the emissions inventory for the Proposed Action.

OEA used the daily TrackMobile operating hours and yearly operating days to calculate the number of operating hours each year. Specifications from TrackMobile and Cummins such as kilowatts at full load and fuel consumption rate were needed for calculations. Criteria pollutant emission factors were taken from the EPA Nonroad Compression-Ignition Engines: Exhaust Emission Standards table with the exception of SO₂, which was taken from EPA’s criteria pollutant “Emission Factors for Locomotives” table since it is a standard value per gallon of diesel fuel consumed. GHG emission factors were taken from EPA’s “Emission Factors for Greenhouse Gas Inventories.” HAPs emission factors were taken from EPA’s National Emissions Inventory. The criteria pollutant and HAPs emission factors were multiplied by the operating hours per year, engine power, and load factor to get the emissions per year. GHG emission factors were multiplied by the amount of gallons consumed each year to get the GHG emissions each year.

D.3.2 Environmental Consequences

The following sections provide supplemental information about the environmental consequences for the Proposed Action in addition to the discussion provided in **Section 3.5** of the EA.

D.3.2.1 Construction Emissions

OEA anticipates short-term air quality impacts in association with construction. OEA estimated emissions of criteria pollutants, GHGs, and HAPs for construction activities. OEA compared emissions in nonattainment areas to the *de minimis* thresholds, as presented in **Table D.3-1**. OEA determined that the Proposed Action construction site will result in criteria pollutant emissions below the applicable *de minimis* thresholds. The construction analysis determined that equipment emissions during the year-long construction period will be relatively small. Relatively larger emissions of PM are expected to result from earthwork activity and fugitive dust emissions. While not required as emissions are less than the *de minimis* thresholds, emissions of PM from fugitive dust could be minimized through the use of industry-standard control measures. OEA conservatively assumed that no control measures were used in the fugitive dust assessment. OEA also projects HAPs emissions during

construction to be small, with the largest single HAP emission being 0.028 tons per year of formaldehyde.

Table D.3-1 Summary of Construction Emission Estimates

Pollutant	Construction Activity (tons/year)	
	Estimated Emissions	<i>de Minimis</i> ¹
Criteria Pollutants (tons/year)		
NO _x	3.27	25
VOC	0.11	25
PM ₁₀	30.28	-
PM _{2.5}	3.10	100
SO ₂	0.00	-
CO	0.44	-
Greenhouse Gases (tons/year)		
CO ₂ e ²	1,364	-
Hazardous Air Pollutants (tons/year)		
Acetaldehyde	1.0 x 10 ⁻²	-
Acrolein	2.0 x 10 ⁻³	-
Benzene	4.7 x 10 ⁻³	-
1,3-Butadiene	1.8 x 10 ⁻⁴	-
Ethyl Benzene	5.7 x 10 ⁻⁴	-
Formaldehyde	2.8 x 10 ⁻²	-
Napthalene	2.2 x 10 ⁻⁴	-
POM	1.6 x 10 ⁻⁵	-

Notes:

1. *de Minimis* values are only shown for criteria pollutants for which Suffolk County is in nonattainment or maintenance.
2. CO₂e values were calculated using the 100-year potential global warming potential (GWP) values from the IPCC Fourth Assessment Report (IPCC 2007).

Values of zero indicate emissions were smaller than 0.05 or 0.005 tons per year, respective to the number of decimal places presented. NO_x = Oxides of Nitrogen; VOC = Volatile Organic Compounds; PM₁₀ = Particulate Matter 10 microns or less in diameter; PM_{2.5} = Particulate Matter 2.5 microns or less in diameter; SO₂ = Sulfur Dioxide; CO = Carbon Monoxide; CO₂e = Carbon Dioxide Equivalent; POM = Polycyclic Organic Matter.

D.3.2.2 Operational Emissions

OEA analyzed air quality effects from forecasted operations under the Proposed Action. The following sections summarize the estimated Line-related emissions from project elements. The Proposed Action would result in increased pollutant emissions from activity on the constructed rail line segment and in the rail yard relative to the No-Action Alternative, which are the primary contributors to project-related emissions. Truck to rail diversions would partially offset emissions from increased rail activity associated with the Proposed Action.

The Proposed Action would result in an increase of all criteria pollutant emissions (as shown in **Table D.3-2**) due to new rail line and rail yard activity. These increases would occur across 5,000 feet of track in Fort Salonga, New York. OEA estimated the increases in criteria pollutant emissions to be below the respective *de minimis* thresholds for Suffolk County.

Table D.3-2 presents the operational HAPs emissions estimates. The emissions of total HAPs are estimated to be 0.022 tons per year. This increase is primarily composed of 0.014 tons per year increase of formaldehyde. These increases of HAPS are extremely small due to the Proposed Action only adding two additional trains per day consisting of two locomotives and one TrackMobile. The *de minimis* thresholds do not apply to HAPs.

GHG emissions have effects at the regional and global scale. OEA has provided an estimate of GHG emissions associated with the Proposed Action based on CEQ in **Table D.3-2**. OEA expects the Proposed Action to have GHG emissions of approximately 222 tons of CO₂e relative to the No-Action Alternative.

Table D.3-2. Summary of Operational Emissions Estimates

Pollutant	Operational Activity (tons/year)			
	Train Emissions	Yard Emissions	Total Emissions	<i>de Minimis</i> ¹
Criteria Pollutants (tons/year)				
NO _x	0.665	0.046	0.711	25
VOC	0.018	0.090	0.109	25
PM ₁₀	0.011	0.005	0.015	-
PM _{2.5}	0.010	0.004	0.015	100
SO ₂	0.0006	0.001	0.002	-
CO	0.172	0.789	0.961	-
Greenhouse Gases (tons/year)				
CO ₂ e ²	66.202	155.707	221.909	-
Hazardous Air Pollutants (tons/year)				
Acetaldehyde	1.44 x 10 ⁻³	3.59 x 10 ⁻³	5.03 x 10 ⁻³	-
Acrolein	2.94 x 10 ⁻⁴	7.33 x 10 ⁻⁴	1.03 x 10 ⁻³	-
Benzene	4.14 x 10 ⁻⁴	1.03 x 10 ⁻³	1.45 x 10 ⁻³	-
1,3-Butadiene	3.42 x 10 ⁻⁵	8.52 x 10 ⁻⁵	1.19 x 10 ⁻⁴	-
Ethyl Benzene	7.07 x 10 ⁻⁵	1.76 x 10 ⁻⁴	2.47 x 10 ⁻⁴	-
Formaldehyde	4.10 x 10 ⁻³	1.02 x 10 ⁻²	1.43 x 10 ⁻²	-
Napthalene	5.02 x 10 ⁻⁵	1.25 x 10 ⁻⁴	1.75 x 10 ⁻⁴	-
POM	4.86 x 10 ⁻⁵	6.08 x 10 ⁻⁵	1.09 x 10 ⁻⁴	-

Notes:

1. *de Minimis* values are only shown for criteria pollutants for which Suffolk County is in nonattainment or maintenance.
2. CO₂e values were calculated using the 100-year potential global warming potential (GWP) values from the IPCC Fourth Assessment Report (IPCC 2007).

Values of zero indicate emissions were smaller than 0.05 or 0.005 tons per year, respective to the number of decimal places presented.

Pollutant	Operational Activity (tons/year)			
	Train Emissions	Yard Emissions	Total Emissions	<i>de Minimis</i> ¹

NO_x = Oxides of Nitrogen; VOC = Volatile Organic Compounds; PM₁₀ = Particulate Matter 10 microns or less in diameter; PM_{2.5} = Particulate Matter 2.5 microns or less in diameter; SO₂ = Sulfur Dioxide; CO = Carbon Monoxide; CO_{2e} = Carbon Dioxide Equivalent; POM = Polycyclic Organic Matter.

D.3.3 Truck-to-Rail Diversion Analysis

OEA conducted an analysis of the emissions changes associated with truck-to-rail diversions that would result from the Proposed Action. OEA estimated anticipated truck activity reduction in vehicle miles traveled (VMT) due to the Proposed Action. OEA derived Emission Factors for the on-the-road trucks using EPA’s MOVES3 model (EPA 2022). OEA ran the MOVES3 model to establish a set of representative emission factors for Suffolk County. The emission factors represent short-haul combination trucks traveling default speed distributions for urban unrestricted roadways in a grams per mile format. OEA combined the resulting emission factors and VMT data to create an emission inventory for project truck-to-rail diversions.

While locomotive emissions would increase on the newly proposed rail line, regional emissions would be partially (or wholly) offset by a reduction in truck traffic. Under the Proposed Action, freight would be carried by rail but under the No-Action Alternative this same freight would be carried by trucks. These “truck-to-rail diversions” would result in reduced truck vehicle miles travelled (VMT) in the Proposed Action. As rail transportation is estimated to be approximately four times more fuel efficient on average compared to trucks, the resulting reduction in truck travel and fuel use would consequentially result in a decrease of truck-related emissions (AAR 2021). Townline’s proposed rail line has the potential to save a conservatively estimated 496,600 lane miles traveled per year for incinerator ash, construction and demolition debris, and recyclable byproducts, 488,600 lane miles traveled for aggregate and construction materials, and 23,000 lane miles traveled for cement. This totals to an estimated 1,008,200 lane miles eliminated per year by implementing the Proposed Action.

Table D.3-3 summarizes the truck-to-rail diversion analysis. The reductions in truck emissions are a benefit of the Proposed Action and can be expected to provide a 9 ton per year reduction in NO_x emissions, a 0.4 ton per year reduction in VOC emissions, and a 0.4 ton per year reduction in PM_{2.5} emissions, pollutants of particular concern due to their nonattainment or maintenance status. The corresponding reduction in truck VMT is also expected to result in an 1,880 ton per year reduction in CO_{2e} emissions. Note, the truck to rail diversion emissions presented in **Table D.3-3** are not directly comparable to the locomotive emissions presented in **Table D.3-2** as the truck emissions are representative of a regional reduction in VMT, while the locomotive emissions are limited to the new rail segments per the Board’s thresholds for analysis. **Table D.3-4** shows the on-road emission factors calculated using the MOVES model.

Table D.3-3. Truck to Rail Diversion Analysis - Summary

Annual Truck Reduction VMT¹	-1,008,200
Criteria Emissions (tons/year)	
NO _x	-9.25
VOC	-0.42
PM ₁₀	-0.60
PM _{2.5}	-0.36
SO ₂	-0.01
CO	-3.61
Greenhouse Gas Emissions (tons/year)	
CO ₂	-1,878.74
CH ₄	-0.03
N ₂ O	-0.00
CO ₂ e ²	-1,880.23
HAP Emissions (tons/year)	
Acetaldehyde	1.58 x 10 ⁻²
Acrolein	2.59 x 10 ⁻³
Benzene	2.94 x 10 ⁻³
1,3 – Butadiene	9.75 x 10 ⁻⁴
Ethyl Benzene	1.86 x 10 ⁻³
Formaldehyde	3.10 x 10 ⁻²
Napthalene	3.27 x 10 ⁻³
POM	1.41 x 10 ⁻³

Notes:

1. Truck VMT Reduction provided from the Townline Response to Information Request #3.
2. CO₂e values were calculated using the 100-year potential global warming potential (GWP) values from the IPCC Fourth Assessment Report (IPCC 2007).

Values of zero indicate emissions were smaller than 0.05 or 0.005 tons per year, respective to the number of decimal places presented. NO_x = Oxides of Nitrogen; VOC = Volatile Organic Compounds; PM₁₀ = Particulate Matter 10 microns or less in diameter; PM_{2.5} = Particulate Matter 2.5 microns or less in diameter; SO₂ = Sulfur Dioxide; CO = Carbon Monoxide; CO₂e = Carbon Dioxide Equivalent; POM = Polycyclic Organic Matter.

Table D3-4 Truck to Rail Diversion Analysis - Truck Emission Factors

Pollutant	Emission Factor (g/veh-mi)
NO _x	8.326
VOC	0.378
PM ₁₀	0.540
PM _{2.5}	0.326
SO ₂	0.006
CO	3.246
CO ₂	1690.508
CH ₄	0.024
N ₂ O	0.002
Acetaldehyde	0.014

Acrolein	0.002
Benzene	0.003
1,3 – Butadiene	0.001
Ethyl Benzene	0.002
Formaldehyde	0.028
Napthalene	0.003
POM	0.001

Notes:

g/veh-mi= grams per vehicle miles; NO_x = Oxides of Nitrogen; VOC = Volatile Organic Compounds;
 PM₁₀ = Particulate Matter 10 microns or less in diameter; PM_{2.5} = Particulate Matter 2.5 microns
 or less in diameter; SO₂ = Sulfur Dioxide; CO = Carbon Monoxide; CO_{2e} = Carbon Dioxide
 Equivalent; POM = Polycyclic Organic Matter.

Source: Calculated using MOVES3

Emission Factor Assumptions:

- Project-level scale with NYSDEC inputs
- Represents emission factors for the January AM peak period, a build year of 2026 was used
- Compressed natural gas, gasoline, and diesel short-haul combination trucks included
- Urban unrestricted access roadways included

Noise and Vibration Impact Assessment Methods

Table of Acronyms and Abbreviations

ANR	average noise reduction
Board	Surface Transportation Board
C.F.R.	Code of Federal Regulations
dB	decibel
dBA	A-weighted decibel
EIS	environmental impact statement
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
Hz	Hertz
L _{eq}	level equivalent
OEA	Office of Environmental Assessment
PPV	peak particle velocity
RMS	root-mean-square
SSM	supplementary safety measure
VdB	root-mean-square vibration velocity

E.1. Introduction

This appendix describes the methods that the Surface Transportation Board’s (Board) Office of Environmental Analysis (OEA) used to estimate and analyze the potential effects of noise and vibration from construction and operation of the proposed rail line.

E.2. Wayside Noise Models

Wayside noise refers to all noise generated by rail cars and locomotives (but not including horn noise). OEA used noise measurements from past noise studies (Surface Transportation Board 1998a, 1998b) as the basis for the wayside noise level projections for the proposed rail line.

The basic equation used for the wayside noise model is as follows.

$$SEL_{cars} = L_{eqref} + 10\log(T_{passby}) + 30\log(S/S_{ref})$$

For locomotives, which can be modeled as moving monopole point sources, the corresponding equation is as follows.

$$SEL_{locos} = SEL_{ref} + 10\log(N_{locos}) - 10\log(S/S_{ref})$$

The total train sound exposure level is computed by logarithmically adding SEL_{locos} and SEL_{cars} .

$$DNL_{100'} = SEL + 10\log(N_d + 10N_n) - 49.4$$

$$DNL = DNL_{100'} + 15\log(100/D)$$

The $10\log(x)$ term in the previous equations can be used to determine the increase (or decrease) in train noise level associated with changes in traffic volumes assuming that the other factors affecting noise (speed, train consist and length, time of day, and number of locomotives) are equivalent. The change in noise level associated with two different traffic volumes would be as follows.

Delta (dB) = $10\log(N_2/N_1)$ where N_1 and N_2 are two different traffic volumes (trains/day)

For example, if rail traffic doubled, the increase in noise level would be $10\log(2) = 3$ dB.

The following parameters apply to the equations above.

SEL_{cars} = Sound exposure level of railcars (A-weighted decibels [dBA])

L_{eqref} = Level equivalent of railcar

T_{passby} = Train passby time, in seconds

S = Train speed, in miles per hour

S_{ref} = Reference train speed

SEL_{locos} = Sound exposure level of locomotive

SEL_{ref} = Reference sound exposure level of locomotive

DNL = Day-night average noise level

N_{locos} = Number of locomotives

N_{d} = Number of trains during daytime

N_{n} = Number of trains during nighttime

D = Distance from tracks, in feet

Table E.2-1 shows the reference wayside noise levels used in this study and **Exhibit E.2-1** shows the wayside noise frequency spectrum used in the calculations.

Table E.2-1. Reference Wayside Noise Levels

Description	Average Level (dBA)
Locomotive SEL (40 miles per hour at 100 feet)	95
Railcar L_{eq}	82

Source: Surface Transportation Board 1998a, 1998b
dBA = A-weighted decibels; SEL = sound exposure level; L_{eq} = level equivalent

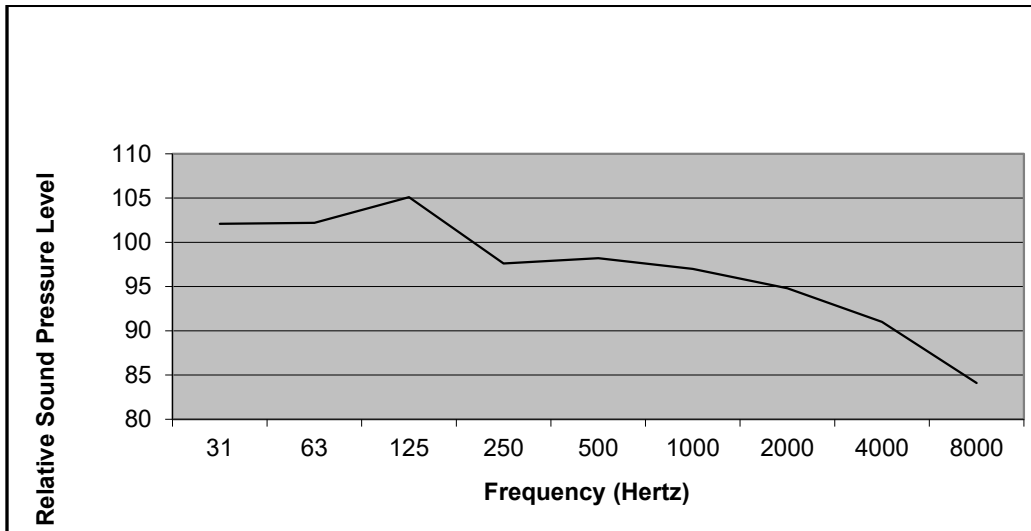


Exhibit E.2-1. Wayside Noise Spectrum (Surface Transportation Board 2002)

E.3. Horn Noise Models

Freight train horn noise levels can vary for a variety of reasons, including the manner in which an engineer sounds the horn. Consequently, it is important to determine horn noise reference levels based on a large sample size. A substantial amount of horn noise data are available from the *Draft Environmental Impact Statement, Proposed Rule for the Use of Locomotive Horns at Highway-Rail Grade Crossings* (Federal Railroad Administration 1999), hereafter referred to as the 1999 Federal Railroad Administration (FRA) Draft Environmental Impact Statement (EIS).

The FRA data indicate that horn noise levels increase from the point at which the horn is sounded at 0.25 mile from the grade crossing to when it stops sounding at the grade crossing. In the first 0.125-mile segment, the energy average sound exposure level measured at a distance of 100 feet from the tracks was found to be 107 dBA, and in the second 0.125-mile segment, found to be 110 dBA. The 1999 FRA Draft EIS simplified the horn noise contour shape as a 5-sided polygon, when it is actually a teardrop shape. The *Final Environmental Impact Statement, Construction and Operation of a Rail Line from the Bayport Loop in Harris County, Texas* (Surface Transportation Board 2003) discusses this subject in detail. OEA used the more accurate teardrop contour shape for this analysis. The attenuation or drop-off rate of horn noise is assumed to be 4.5 dBA per doubling of distance away from the tracks (Federal Railroad Administration 1999).

Table E.3-1 lists the reference horn noise levels used in this study, and **Exhibit E.3-1** shows the horn noise spectrum used in the calculations.

Table E.3-1. Reference Horn Noise Levels

<i>Description</i>	<i>Average Level (dBA)</i>
<i>Horn SEL 1st 0.25 mile</i>	<i>110</i>
<i>Horn SEL 2nd 0.25 mile</i>	<i>107</i>

Source: Federal Railroad Administration 1999
dBA = A-weighted decibels; SEL = sound exposure level

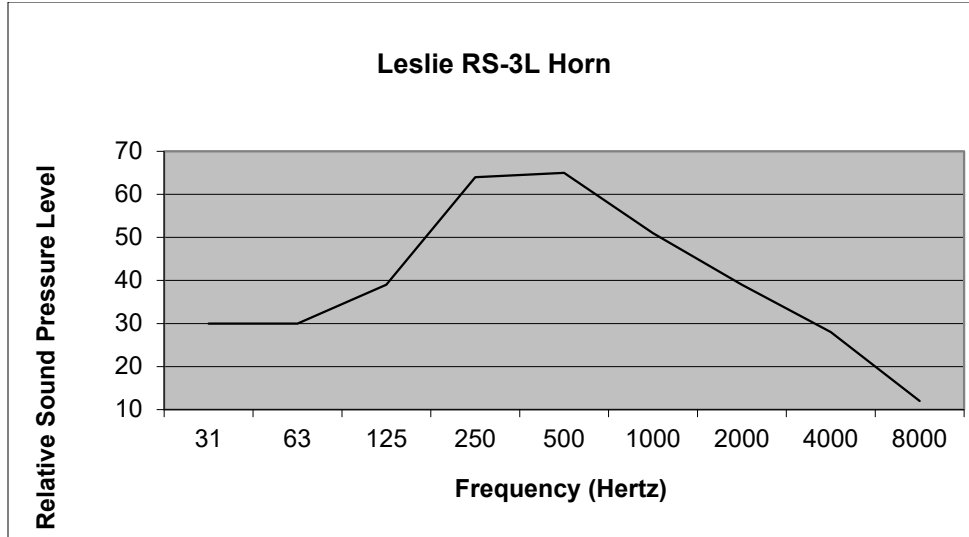


Exhibit E.3-1. Horn Noise Spectrum (Surface Transportation Board 2002)

E.4. Rail Yard Noise Models

Table E.4-1 shows the noise modeling parameters for rail yards. Twenty four daytime and one nighttime car coupling events were assumed. Trackmobile noise was estimated to be 85 dBA at the cab and assumed 3 hours use per day and no nighttime use.

Table E.4-1
Modeling Parameters for Rail Yard Noise Projections^a

	Equation No.	SEL	L _{max}	n	k (dBA/ft)
Switch Engines	1	98	83	1	0.001
Car Coupling Impacts	1	94	99	2	0.005
Automobile Loader	2	N/A	76	N/A	0.001
Crane	2	N/A	72	N/A	0.0025
Idling Locomotives	3	N/A	67	N/A	0.0025

- 1) $DNL = SEL + 10\log(N_d + 10N_n) - 49.4 - 10\log(D/100)^n - k(D-100)$
- 2) $DNL = L_{max} + 10\log(NH_d + 10NH_n) - 13.8 - 20\log(D/100) - k(D-100)$
- 3) $DNL = L_{max} + 10\log(NH_d + 10NH_n) - 13.8 - 20\log(D/100) - k(D-100) + 8\log(1.33N_i) + 10\log(NR)$

Sound Exposure Level (SEL) is the event-specific noise level with the sound level normalized to one second; L_{max} is the maximum noise level which occurs during the event; n is an exponent used in the equations where n=1 for moving sources and n=2 for stationary sources; and k is the combined air/ground absorption coefficient. D is the distance in feet; N_d and N_n are the number of daytime and nighttime operations; NH_d and NH_n are the number of hours of daytime and nighttime operations; N_i is the number of noise sources per row; and NR is the number of rows of noise sources.

a. STB, 1998, except as otherwise indicated

E.5. Rail Line Operation Vibration Analysis Methods

OEA based the vibration assessment methods on Federal Transit Administration (FTA) methods (2006). Vibration level due to train passbys is approximately proportional to:

$$V = 20 \times \log (\text{speed}/\text{speed}_{\text{ref}})$$

Where:

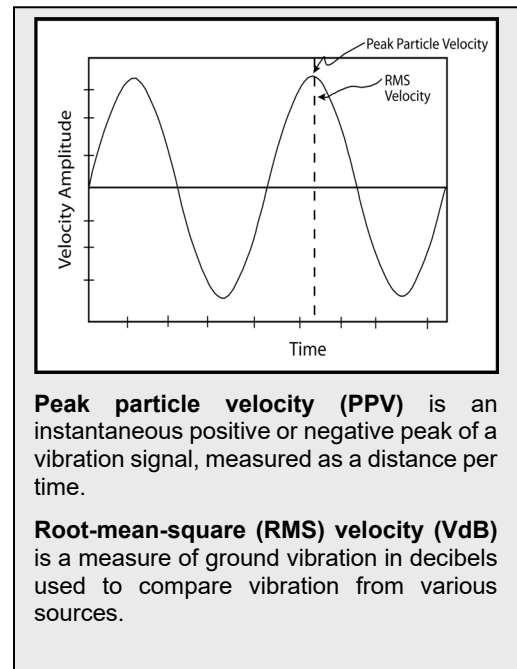
V = The ground-borne vibration velocity

Speed = The train speed

speed_{ref} = The reference speed of the train relative to its corresponding vibration level

Published (FTA) ground-borne vibration levels are adjusted for train speed by this equation and distance from the rail line to estimate vibration levels at receptor locations.

There are two ground-vibration impacts of general concern: annoyance to humans and damage to buildings. In special cases, activities that are highly sensitive to vibration, such as microelectronics fabrication facilities, are evaluated separately. Two measurements correspond to human annoyance and building damage for evaluating ground vibration: peak particle velocity (PPV) and root-mean square (RMS) velocity. PPV is the maximum instantaneous positive or negative peak of the vibration signal, measured as a distance per time (such as millimeters or inches per second). This measurement has been used historically to evaluate shock-wave type vibrations from actions like blasting, pile driving, and mining activities, and their relationship to building damage. RMS velocity is an average, or smoothed, vibration amplitude, commonly measured over 1-second intervals. It is expressed on a log scale in decibels (VdB) referenced to 0.000001×10^{-6} inch per second and is not to be confused with noise decibels. It is more suitable for addressing human annoyance



and characterizing background vibration conditions because it better represents the response

E.6. References

Federal Railroad Administration. 1999. *Draft Environmental Impact Statement, Proposed Rule for the Use of Locomotive Horns at Highway-Rail Grade Crossings*.

Federal Transit Administration. 2006. *Transit Noise and Vibration Impact Assessment*. May. (FTA-VA-90-1003-06.) Available: http://www.fta.dot.gov/documents/FTA_Noise_and_Vibration_Manual.pdf.

Surface Transportation Board. 1998a. *Final Environmental Impact Statement No. 980194, Conrail Acquisition (Finance Docket No. 33388) by CSX Corporation and CSX Transportation Inc., and Norfolk Southern Corporation and Norfolk Southern Railway Company (NS)*.

Surface Transportation Board. 1998b. *Draft Environmental Assessment Canadian National/Illinois Central Railroad Acquisition*.

Surface Transportation Board. 2002. *Draft Environmental Impact Statement, Construction and Operation of a Rail Line from the Bayport Loop in Harris County, Texas*. December.

Surface Transportation Board. 2003. *Final Environmental Impact Statement, Construction and Operation of a Rail Line from the Bayport Loop in Harris County, Texas*. May.

E.7. Glossary

Ambient noise	The sum of all noise (from human and naturally occurring sources) at a specific location over a specific time is called ambient noise.
Day-night average sound level	The energy average of A-weighted decibel sound levels over 24 hours, which includes a 10-decibel adjustment factor for noise between 10 p.m. and 7 a.m. to account for the greater sensitivity of most people to noise during the night. The effect of nighttime adjustment is that 1 nighttime event, such as a train passing by between 10 p.m. and 7 a.m., is equivalent to 10 similar events during the daytime.
Decibel (dB)	A standard unit for measuring sound pressure levels based on a reference sound pressure of 0.0002 dyne per square centimeter. This is nominally the lowest sound pressure that people can hear.
Decibel, A-weighted (dBA)	A measure of noise level used to compare noise from various sources. A-weighting approximates the frequency response of the human ear.
Hertz (Hz)	A unit of frequency equal to one cycle per second.
Peak particle velocity (PPV)	The maximum instantaneous positive or negative peak of the vibration signal, measured as a distance per unit time (such as millimeters or inches per second). This measurement has been used historically to evaluate shock-wave type vibrations from actions like blasting, pile driving, and mining activities, and their relationship to building damage.
Root-mean-square vibration velocity (VdB)	An average or smoothed vibration amplitude, commonly measured over 1-second intervals. It is expressed on a log scale in decibels (VdB) referenced to 0.000001 inch per second and is not to be confused with noise decibels.

Hazardous Materials Release Sites

OEA defined the study area for hazardous material release sites as the area within a 500-foot buffer around the Proposed Action site. EPA defines hazardous waste as waste with properties that make it dangerous or potentially harmful to human health or the environment. For purposes of this analysis, a hazardous material release site is an area that has been affected by a documented release of petroleum and/or hazardous substances into soil, groundwater, surface water, sediments, and/or air. Hazardous materials are hazardous substances as defined by the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. §103), including hazardous wastes.

To search for documented releases of hazardous materials, OEA used multiple resources to identify documented spills/releases. OEA obtained an Environmental Database Report (EDR) to identify known hazardous material releases within the study area.¹ This report includes the New York State Hazardous Waste Site (SHWS), SPILLS (Spills Information Database), and/or Voluntary Cleanup Program (VCP) databases, as well as the Federal Sustainable Environment Management System (SEMS) database, each used to identify hazardous waste releases in this evaluation. After identifying hazardous material release sites in the study area, OEA evaluated whether construction of the Proposed Action would potentially affect those hazardous material release sites based on their proximity to the study area.

Additionally, OEA identified nearby Solid Waste Landfills (SWLs) and hazardous waste generators and evaluated the proximity of them to the study area to determine potential impacts.

The tables below summarize the results of these database searches in relation to the study area.

¹ EDR is a third-party database report used in the environmental due diligence process that searches relevant state and federal environmental databases.

Table F-1: Hazardous Materials Release Sites within the Study Area

Spill ID	Site Name	Address	Release Description	Proximity to Property
9208035	Lilco	Bread & Cheese Hollow Road	Release of mineral oil from failed transformer.	Exact location unknown.
9109558	TC Carting Co	15 Meadow Glen Road	Release of diesel to soil.	490 feet north of project site
9003724	Voltaggio Residence	20 Glen Lane	Release of No. 2 fuel oil to soil.	400 feet north
1609699	Industrial Yard	150 Townline Road	A release of motor oil to stone.	Directly adjacent to the project site.
0225203	Ecology Sanitation Corp.	150 Townline Road	Fuel oil spill from aboveground storage tank, contaminated soil left in ground.	Directly adjacent to the project site.
0604346	Unknown	9 Glen Road	A release of mineral oil from a transformer.	420 feet north of the project site
8911183, 8911232	Huntington Landfill	Townline Road and Pulaski Road	A release of petroleum product as results of tank overfill.	400 feet west of the project site
152040	Huntington Landfill	Townline Road and Pulaski Road	Concentrations of tetrachloroethene and metals in groundwater. Residual contamination being managed under a Site Management Plan.	400 feet west of the project site
0550512	Covanta Huntington	99 Townline Road	A release of hydraulic oil to concrete.	380 feet east of the project site
9308069	Odgen Martin Systems	99 Townline Road	A release of petroleum product.	380 feet east of the project site
9204516	Odgen Martin Systems	99 Towline Road	A release of petroleum product from tank.	380 feet east of the project site

0900591	Huntington Resource Recovery Facility	99 Townline Road	Release of 5 gallons of motor fuel to soil.	380 feet east of the project site
1812765	Kings Park Landfill	Townline Road/Commack Road	Heavy odor coming from landfill.	Exact location unknown.
0206934	Unknown	Pulaski Road/Townline Road	A release of 10 gallons of hydraulic oil.	Exact Location unknown
0708999	Townline Road	Townline Road/Old Northport	A 10 to 20 gallon release of unknown petroleum product.	Exact location unknown.
57154	Steck/Philbin Development Company	Old Northport Road	Concentrations of PFAS and 1,4-dioxane in groundwater in excess of EPA Health Advisory levels.	400 feet east of the project site

Table F-2: Hazardous Waste Generators Within the Study Area

Identification No.	Property Owner	Street Address	Proximity to Property
NYD982722787	BOBBYS AUTO REFINISHING INC (currently Fairway Equipment Truck Repair)	150 TOWNLINE RD	Directly adjacent to site (SW)
NYD982726457	DEJANA TRUCK & UTILITY EQUIP	490 PULASKI RD	Directly adjacent to site (N)
NY0000095182	TWINS AUTO BODY INC	168 TOWNLINE RD BAY #5	South of project site along Townline Road

Source: EPA, <https://www.epa.gov/hwgenerators>.