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Mr. Joshua Marx
Regulatory Project Manager
U.S. Army Corps of Engineers
Kansas City Regulatory Office
700 Federal Building
601 East 12th Street
Kansas City, Missouri, 64106-2896

Dear Mr. Marx:

On behalf of the Mid-America Regional Council's Air Quality Program, I respectfully submit the following comments concerning Burlington Northern Santa Fe (BNSF) Railway's proposed plans to construct an intermodal freight facility near Gardner, Kansas.

Since plans for the proposed BNSF intermodal facility were first publicized in May 2006, there have been serious concerns about the extent to which the project could impact air quality both locally and regionally. The project scope is such that substantial increases in the volume of locomotive and truck traffic are expected to occur in the immediate vicinity of the intermodal facility and throughout the Kansas City region. Air pollution associated with diesel engines, including nitrogen oxides (NO_x), fine particulates and hazardous air pollutants, has the potential to increase significantly as a result. This, in turn, could both compromise the region's ability to stay in compliance with federal air quality standards and adversely affect the health of area residents.

This summer, the Kansas City region experienced three violations of the federal standard for ground-level ozone. Photochemical modeling conducted jointly by the states of Kansas and Missouri, the U.S. Environmental Protection Agency (EPA) and MARC in 2004 indicates that the region will continue to struggle to meet the current standard of 0.80 parts per million (ppm). The modeling also shows that NO_x emissions play a much greater role in the region's ozone problem than was previously believed. Because NO_x is a major constituent of diesel exhaust, and because the intermodal facility would concentrate diesel equipment operations upwind of the area monitors that typically record the highest ozone concentrations, emissions from the facility would increase the likelihood of future violations. Ongoing ozone violations could result in the EPA's designating the region a nonattainment area, impairing the region's ability to attract new business investment. Furthermore, a rulemaking recently proposed by EPA would create a more stringent ozone standard. The agency has expressed a preference for setting the standard in the range of 0.70-0.75 ppm, citing a consensus among public health experts that the current standard is not sufficient to protect public health. EPA is expected to finalize the new standard in March 2008, and when implemented, the new standard will present far greater compliance challenges than those posed by the current standard.

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The public health impacts of the facility are not limited to those associated with ground-level ozone. Diesel exhaust also contains fine particulate matter, including compounds that are classified as hazardous air pollutants. Increased emissions from locomotives and trucks idling within the intermodal facility and from increased on-road traffic in the vicinity will increase the exposure of area residents to fine particle pollution. The health effects of exposure to fine particulates are well documented and include decreased lung function, aggravated asthma, irregular heartbeat and premature mortality in those who suffer from cardiac and lung disease. Toxic substances such as formaldehyde and benzene are also found in diesel exhaust and may negatively affect the health of those living near the facility.

The MARC Air Quality Forum, which has been appointed by the states of Kansas and Missouri to coordinate the development and implementation of air quality policy in the bi-state Kansas City region, has expressed serious concerns about the potential for the BNSF intermodal project to adversely impact air quality. At the urging of the Forum and others in the community, MARC has engaged a contractor to characterize the air quality impacts of the proposed intermodal development and to identify strategies could be employed to effectively mitigate the air pollution that would result from its operation. At this time, the study is ongoing, and preliminary results are not yet available.

However, given what is known about the air quality regulatory context and health consequences of exposure to diesel exhaust, it is clear that the project sponsors and the regulatory agencies involved in approving environmental permits for the intermodal facility must seriously consider – and if appropriate, require the implementation of – strategies to mitigate air pollution generated by the intermodal facility. These include but are not limited to:

- Idle reduction equipment on locomotives and switch engines;
- Idle reduction policies for trucks using the intermodal facility;
- Emission reduction retrofits for locomotives and trucks operating in the facility;
- Energy efficiency requirements for all buildings that are part of the intermodal facility and logistics park;
- Native landscaping to reduce the need for mowing with gasoline-powered equipment;
- The development of an Ozone Action Plan for the facility, including actions to be taken on Ozone Alert days.

Decisions concerning the construction and operation of the Gardner intermodal facility will set important precedents for similar facilities that may be proposed for construction in the Kansas City region in the future. Ensuring that all reasonable steps are taken to reduce the air quality and public health impacts of this project will generate multiple benefits for area residents and the region's economy well into the future. Thank you for the opportunity to comment, and please feel free to contact me at 816-701-8259 if you have any questions.

Respectfully,



James Joerke
Air Quality Program Manager