From: Sara Beane
To: Marx, Joshua A NWK;
Subject: why you should deny the Intermodal 404 permit
Date: Wednesday, August 05, 2009 3:28:11 PM

Dear Mr. Marx,

As a Gardner resident with two young children, I have many reasons to be against the proposed Intermodal and Logistics Park. I am writing to urge you to reevaluate the permit you have granted this project and conduct a full environmental impact study before paving the way for it. I have included the comments below that I find most troubling. I feel these items raise reasonable doubt about the safety of the Intermodal project on me, my family and my fellow Gardner residents. My children already suffer from a variety of allergies and will certainly be at risk for asthma if the air quality around their home is compromised by pollutants from the Intermodal.

In addition, my children attend nearby Nike Elementary school. On a daily basis, we will have to encounter truck traffic on our way to school, as trucks utilize the intersection of 191st and Gardner Road. I'm sure we both agree that the ride to school should be a safe one. Nike students don't deserve the added risk of dodging trucks on their way to and from school.

I urge you to do more research on this project before giving it the green light. There is much at stake for so many. Thank you for your time.

Sincerely,

Sara Beane
Gardner resident

AIR COMMENTS ADDRESSING SUBMITTED BNSF PLAN

1. No data was submitted for diesel plume emissions form the intermodal site, from dispersion by prevailing winds, or for deposit amounts on the nearby high school and middle school.

2. Air emissions from the planned logistics park, not just the intermodal facility itself, should be considered, because construction of the logistics park is a reasonably foreseen future action. See 40 CFR 1508.7.

3. The method of collecting air samples at the Argentine site and the subsequent air quality model created are not to minimum EPA requirements.

4. All data was submitted as an environmental assessment study only, as opposed to the full environmental impact statement required when federal funds are sought. A 50 million dollar TIGER fund is being sought from the federal government per the stimulus package for BNSF. An environmental impact statement is required when federal projects have a significant environmental impact.

5. The scope and size of this project clearly calls for a full environmental impact statement, as harmful effects are certain including the settling of a diesel plume over school children and local residents.

6. The Kansas City basin air quality standards will be forced into non-compliance levels by a large increase in truck traffic in and around the metro area due to the intermodal project.

7. The air data submitted contains provisions for anti-idling regulations per city ordinance. BNSF has no contract with the City of Gardner and no new contract is pending.

8. The cumulative health effects on the local populace from diesel exposure needs to be included in the study and given a public comment period.

9. Air emissions data was computed from traffic and published emission standards of trains and trucks for the Argentine site as opposed to actual air output readings onsite.

10. No data submitted has been examined or verified by a neutral third party.

11. Particulate matter emission deposits in surrounding water sources and storm runoff have not been calculated or examined for mitigation.

12. Onsite mitigation of hazardous exposure to diesel particulate matter for employees has not been addressed.

13. All intermodal facility air emission data has been calculated with non-standard methods not those normally used for compliance with the National Environmental Policy Act.

14. This facility should be examined to see if compliance with the new federal pollution credits standards would forbid building without offsetting credits.

WATER COMMENTS ADDRESSING BNSF'S SUBMITTED PLAN

1. All data, reports and submissions from BNSF to the Army Corps need to be developed and verified by an outside third party engineering firm not controlled by BNSF.

2. Water runoff is dependent on the use of the City of Gardner's storm drain system and treatment plant. Gardner City Council rejected BNSF's contract with no new contract expected. No alternative plan for water runoff or treatment was submitted.

3. Both sewer and water supply are dependent on the City of Gardner. The contract with BNSF has been rejected by Gardner with no new contract expected. No alternative plan for sewer or

water supply was submitted.

4. Settlement ponds are inadequate to handle toxic runoff from heavy rain with no onsite treatment plant.

5. An onsite fueling depot has no mitigation plan for catastrophic spill runoff. Contamination of Hillsdale Lake, a source of drinking water for thousands of people, is an eminent threat.

6. Toxic diesel particulate matter from trains, trucks and export trucks would fall into settlement ponds and streams with no treatment prior to discharge into Hillsdale Lake.

7. No data was provided for contamination to ponds or streams from the logistics park, which would be built simultaneously with the intermodal facility, as required by federal regulation (40 CFR 1508.7). Contamination from the logistics park would double the toxic figures submitted.

8. It is inadequate that settlement ponds connected to the realigned stream be used for storm runoff mitigation due to the significant threat to Hillsdale Lake. All storm runoff needs to be collected and fully treated to safe levels prior to discharge.

9. Were there a contract with Gardner, their sewer capacity at present is inadequate to service the intermodal facility and logistics park.

10. Were there a contract with Gardner, their storm drain capacity is inadequate to service the intermodal facility and logistics park. Alternate service from the county is not possible.

11. Grease, oil and diesel discharge from the intermodal facility will cause catastrophic loss of life to aquatic plants and animals in Bull Creek and Hillsdale Lake.

12. The methods and data used by BNSF to submit to the Army

Corps for water mitigations are not to normally accepted standards per the National Environmental Policy Act regulations.

UTILITIES AND TRAFFIC COMMENTS FOR SUBMITTED BNSF PLAN

1. The sewer and water supply is contingent upon a City of Gardner connection. With BNSF's contract rejected by Gardner no other connection is available.

2. Were there a contract, the existing sewer and water supplies within Gardner are inadequate to supply the intermodal facility.

3. Utility demands for the logistics park, to be built simultaneously with the intermodal, were not included in the submitted data for permitting.

4. Truck traffic to the intermodal site is grossly underestimated per the initial HDR report.

5. Roads to the intermodal site are dependent upon City of Gardner improvements. There is no contract with the City of Gardner and none pending. No alternate plan for ingress or egress was submitted.

6. Ingress and egress roads on county lands are dependent on county improvements. BNSF has no signed contract or provisions made with Johnson County.

7. The emergency services plan is dependent on a contract with the City of Gardner. Without such contract ther is no alternate plan addressed for changes to road access.

8. The effects of road grading on Johnson County streams for offsite

ingress and egress roads have not been submitted for the permit review.

9. Effects of traffic on the City of Gardner have not been submitted for permit review or public comment.

10. A traffic review should include all data for the logistics park, which would be built at the same time as the intermodal and double the figure used for this permit.