

Norfolk Southern Railway Company
Memphis Regional Intermodal Facility
Rossville, Fayette County, Tennessee

Administrative Action
Finding of No Significant Impact

Submitted pursuant to the
National Environmental Policy Act of 1969 as amended
[42 U.S.C. 4332(2)(c)]

by the

US Department of Transportation
Federal Highway Administration,

US Department of Transportation
Federal Railroad Administration,

and

Tennessee Department of Transportation

Cooperating Agencies:
U.S. Army Corps of Engineers
Mississippi Department of Transportation

Approved:

Date

Mark Yachmetz, Associate Administrator
Office of Railroad Policy and Development
Federal Railroad Administration

Date

Melisa Ridenour, Division Engineer
Eastern Federal Lands Highway Division
Federal Highway Administration

Project Commitments

Norfolk Southern Railway Company
Memphis Regional Intermodal Facility
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The project will be developed in accordance with all applicable laws and the Tennessee Department of Transportation's (TDOT's) *Standard Specifications for Road and Bridge Construction* and Norfolk Southern Railway Company (NSR) *Standard Specifications for Roadbed, Track and Structures*. TDOT specifications address sediment and erosion control and siltation; channelization; floodplains; construction impacts; utility relocation; and traffic maintenance and detours. Best Management Practices (BMP) will be stringently implemented throughout the construction period.

NSR will utilize the following measures to avoid, minimize, and/or mitigate impacts to the human and natural environment associated with construction and implementation of the Preferred Alternative.

- **Wetlands** – NSR will avoid wetlands where possible and minimize impacts to the extent practicable. However, wetlands within the footprint of the facility (7.31 acres) may be impacted by the proposed project. Unavoidable impacts to wetlands will be mitigated as required by permitting agencies. As on-site mitigation is impractical, NSR proposes to purchase wetland mitigation credits from the Wolf River Mitigation Bank at a 2:1 ratio.
- **Streams** – NSR will avoid streams where possible and minimize impacts to streams to the extent practicable. Streams within the footprint of the facility may be impacted by the proposed project. Based on the current design, 5,352 linear feet of stream channel may be impacted. Potential water quality impacts will be minimized through the implementation of BMP during both construction and operation of the facility. The unavoidable loss of stream channel will be offset through compensatory mitigation. NSR proposes to mitigate through Tennessee's stream mitigation in-lieu-fee program, which will ensure that appropriate stream mitigation is accomplished within the same watershed.
- **Floodplain** – NSR will incorporate the construction and maintenance practices outlined in the local floodplain practices, to the extent practicable, and does not anticipate floodplain impacts. For this project, NSR has adopted all construction and maintenance practices in Fayette County's floodplain management regulations. For encroachment in Zones AE or A, a professional engineer would certify that these encroachments would not increase the water surface elevation of the base flood more than one foot at any point within the community. The proposed stormwater control system would provide storage to allow discharges to mimic predevelopment hydrology, minimize initial flows following rain events, and decrease resultant peak flows.
- **Stormwater** – NSR will construct and implement a stormwater detention system that will provide adequate storage and treatment of stormwater runoff. Detention basins will be of adequate size and discharge pipes will include control valves to

serve as spill prevention and protection devices in the unlikely event that a spill leaves the concrete pad area. The detention basins will be lined with at least a 12-inch thick layer compacted clayey soil to reduce infiltration. Appropriate BMP will be followed to minimize erosion, turbidity, and/or other potential impacts to streams. Degradation of waters will be avoided through the implementation of BMP and a site-specific Storm Water Pollution Prevention Plan (SWPPP).

- **Permits** – NSR will comply with all permitting requirements with respect to impacts to wetlands and streams, and as required by Sections 401, 402, and 404 of the Clean Water Act (CWA) as well as Tennessee’s Aquatic Resource Alteration Permit (ARAP) program. Applicable permits include:
 - USACE Individual or Nationwide Permit for Impacts to Waters of the U.S. (including wetlands and aquatic resources). Provisional Permit received on May 14, 2010.
 - TDEC ARAP Individual or General Permit for Construction and Removal of Minor Road Crossings and Minor Alterations to Wetlands.
 - TN National Pollutant Discharge Elimination System (NPDES) Individual Stormwater Permit for Construction.
- **Air** – To reduce potential air impacts to near-by residents, NSR will use ultra low-sulfur transportation grade diesel fuel (0.0015 percent sulfur) for NSR container and trailer handling equipment. NSR will use Tier 4 technology for the overhead lift cranes.
- **Noise and Visual** – To reduce potential noise and visual impacts to near-by residents, NSR will construct earthen berms along portions of the eastern and western sides of the facility as well as along portions of the western side of the lead track. Along the western edge of the proposed lead adjacent to the residences along Neville Road, NSR will construct a landscape berm where the top of the berm will be approximately 15’ higher than the adjacent top of rail. Additional visual impacts will be controlled by using non-standard 70’ tall light poles in areas requiring illumination with downward directed fixtures to reduce off-site impacts. To reduce potential construction impacts, NSR will implement standard noise and light controls and related BMPs.
- **Archaeological** – To reduce impacts if an unidentified archaeological site is found during construction, NSR will cease all construction activities in the immediate area where archaeological material is discovered. NSR will not restart construction activities in this area until appropriate clearances have been obtained. The Tennessee Division of Archaeology and any Native American tribes with interests in the area will be immediately contacted so that representatives may have the opportunity to examine and evaluate the archaeological material.
- **Operational Measures** – To reduce operational impacts, equipment will be maintained and serviced only in the designated maintenance pad area and appropriate treatment systems and controls will be in-place and operational in

accordance with applicable permit requirements. The facility will also be secured by fencing and close circuit monitoring to prevent vandalism and unauthorized site access. Facility staff will be properly trained on appropriate emergency response actions and protocols in the unlikely event of a hazardous materials spill and will have readily available the necessary contact information for Local, State, and Federal emergency responders as well as emergency response contractor resources. Facility employees, working with NSR environmental staff and Local authorities, will have around the clock access to these emergency response resources. NSR will shift some of their domestic intermodal traffic from the Forrest IMF to the Memphis Regional IMF.

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1 Type of Action

This document is a Federal Highway Administration (FHWA) and Federal Railroad Administration (FRA) administrative action, Finding of No Significant Impact (FONSI).

The FHWA and FRA of the U.S. Department of Transportation (DOT) have determined that the preferred build alternative, Build Alternative 1, will not have any significant impact on the human and natural environment. This FONSI is based on the approved Environmental Assessment (EA), which has been adopted by FHWA and FRA and independently evaluated by the FHWA and FRA, and determined to adequately and accurately discuss the needs, environmental issues and impacts of the proposed project and appropriate mitigation measures. The EA provides sufficient evidence and analysis for determining that an Environmental Impact Statement (EIS) is not required. The FHWA and FRA take full responsibility for the accuracy, scope and content of the EA approved on July 8, 2010 (July 8 EA). This FONSI should not be reviewed independent of the approved July 8 EA.

2 Proposed Action

2.1 Project Overview

Norfolk Southern Railway Company (NSR) proposes to construct, own, and operate a new intermodal facility (IMF) known as the Memphis Regional Intermodal Facility (Memphis Regional IMF) to increase freight transportation capacity in the Memphis, Tennessee, region and to meet current and future demands for freight transportation to and from the Northeast U.S. An IMF is a facility where freight is transferred from one transportation mode to another, in this case, between trains and trucks, to efficiently deliver freight over long distances.

With intermodal transportation, domestic and worldwide freight moves in sealed containers or trailers directly from shippers to warehouses, retail stores, plants, and other businesses. The Memphis Regional IMF would be where containers and trailers are transferred between rail and highway modes of transportation. Intermodal trains, each of which is capable of carrying the equivalent of 280 truckloads of freight,¹ provide the long-haul while trucks provide the local delivery and pick-up (short-haul). A ton of freight transported by rail travels an average of 457 miles on one gallon of fuel, while a ton of freight transported by a truck requires approximately three and a half times as much fuel to travel the same distance.² In addition to providing an efficient freight transportation alternative to long-haul trucks, the proposed Memphis Regional IMF would provide supplemental benefits in terms of reducing highway congestion and vehicle miles traveled, improving highway safety, and providing energy-efficient and environmentally-friendly freight transportation.

In February 2010, Tennessee was selected to receive funds to support the development of this project from the DOT, Transportation Investment Generating Economic Recovery (TIGER) Program as part of the American Recovery and Reinvestment Act (ARRA) of

¹ AAR, Freight Rail Works 280 Fact Sheet, 2009, <http://www.freightrailworks.org/280.html>.

² AAR, "Rail Intermodal Keeps America Moving," November 2009. <http://www.aar.org/Economy/~media/AAR/BackgroundPapers/Intermodal%20Nov%202009.ashx>.

2009. As a result of this Federal funding, the proposed Memphis Regional IMF project is subject to the requirements of the National Environmental Policy Act of 1969 (NEPA). This document has been prepared to meet those NEPA requirements.³ The DOT FRA, FHWA, and Tennessee Department of Transportation (TDOT) are the lead agencies for the proposed project. The Mississippi Department of Transportation (MDOT) and U.S. Army Corps of Engineers (USACE) are Cooperating Agencies.

2.2 Purpose and Need for Action

Existing infrastructure is not adequate to serve future transportation capacity needs in the Memphis region. A freight transportation bottleneck exists between the Memphis region and the Northeast U.S. The Memphis Regional IMF would help alleviate this bottleneck with its increased intermodal service capacity. To meet the increased demand for capacity, NSR estimates a need for a new facility that can perform 327,000 annual lifts of containers and trailers between trucks and trains.⁴

To meet operational requirements, the main components needed for the IMF are:

- Tracks connecting the Memphis Regional IMF site to the NSR mainline;
- Six 4,050 foot long pad tracks to handle train engines and cargo to optimize transportation efficiency and maximize fuel savings and emissions reductions;
- Support yard with 34,500 feet of track in parallel strips to allow longer trains to be separated until they can be loaded/unloaded;
- Paved areas for parking approximately 2,200 trailers and containers on chassis necessary for daily operations at the IMF;
- Several small administration, maintenance, and operations buildings located on the support yard pad necessary for transportation operations, security, and maintenance; and
- Equipment maintenance pad with spill control and stormwater management features and other related facilities.

The purpose of the Memphis Regional IMF is to improve freight transportation capacity in the Memphis, Tennessee region to meet growing freight transportation demand. Anticipated benefits of the project include economic and employment benefits as well as a reduction of long-haul truck traffic on congested highways in the Memphis region. Less long-haul truck traffic should reduce damage to highways from heavy trucks, decrease traffic accidents, and improve air quality through the use of energy efficient transportation alternatives.

³ See FRA NEPA requirements at 64 Fed. Reg. 28545 (May 26, 1999); see also FHWA NEPA requirements at 23 C.F.R. 771 (2009), 65 Fed. Reg. 33960 (May 25, 2000).

⁴ In this context, a "lift" is a trailer or container loaded to a rail car or unloaded from a rail car.

3 Summary of Alternatives

A suitable location is a critical requirement to satisfy the Memphis Regional IMF purpose and need. NSR used the following critical evaluation factors to consider a site viable:

- Sufficient Land. Sufficient land, properly configured, is necessary to develop a facility, which can meet intermodal demand and support the IMF operating requirements.
- Proximity to Rail Infrastructure. The project must be located near the NSR mainline.
- Proximity to Highway Infrastructure. The proposed site must be located in proximity to adequate highway infrastructure.
- Location. The proposed IMF must be located near potential customers in an area convenient for industrial and commercial economic activities.

Between 2003 and 2009, six alternatives were evaluated for the Memphis Regional IMF project. Two of the alternatives were within Shelby County. The remaining four alternatives were in Fayette County and each proposed construction of a new IMF.

All but one of the proposed build alternatives were eliminated from further consideration because they failed to meet one or more of the critical evaluation factors or were considered to be inferior to Build Alternative 1 due to impacts on traffic, cultural, and/or aquatic resources. TDOT selected Build Alternative 1 as the preferred alternative. See Figure 1 depicting location of Build Alternative 1.

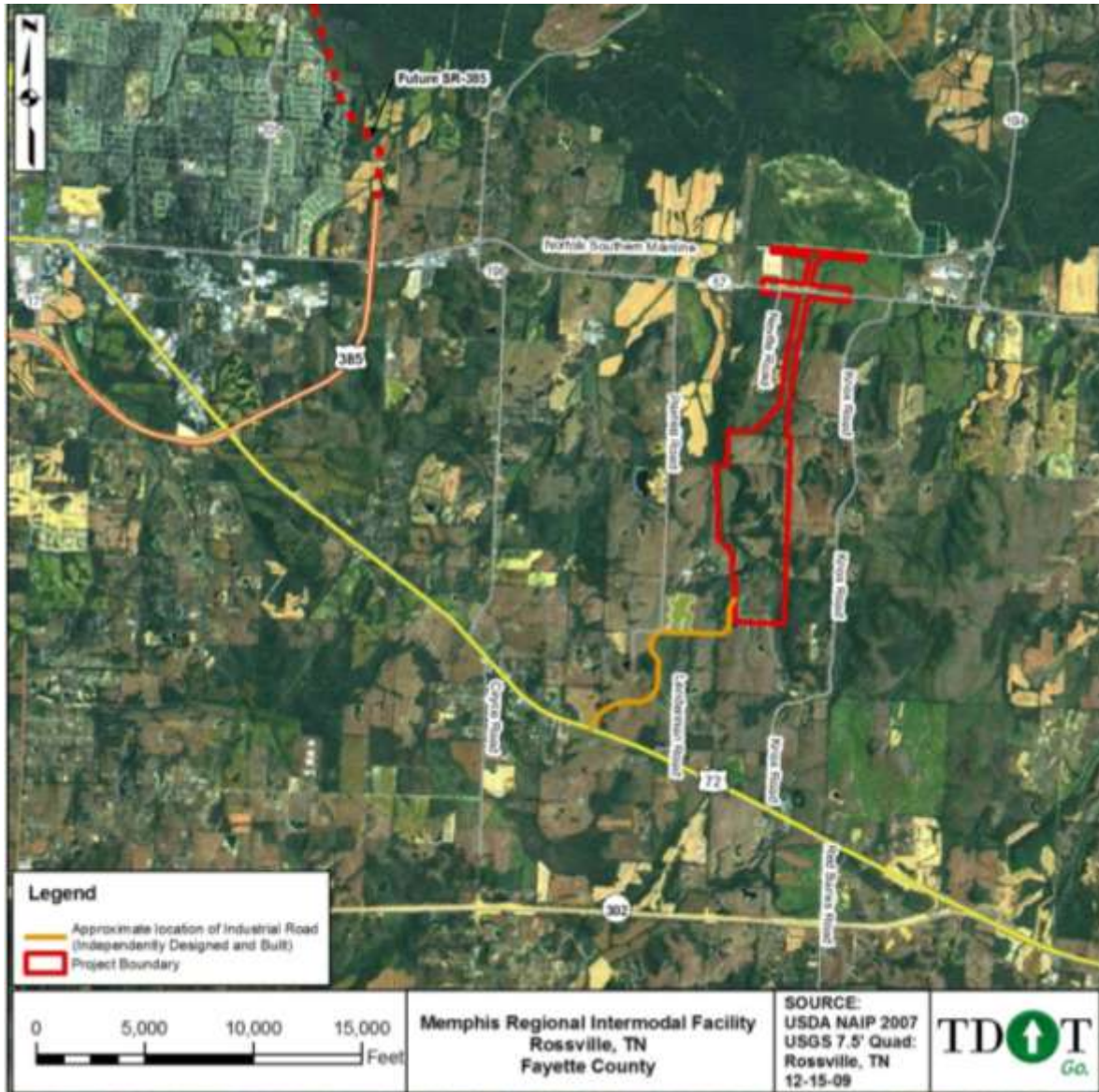
Build Alternative 1 was developed following assessment of alternative site locations and taking a hard look at environmental impacts in accordance with NEPA. During field reviews in the project development process, sensitive areas were noted and avoided and impacts minimized to the extent possible. Comments received in response to coordination activities from federal, state, and local agencies and other interested parties including the public were also considered in the NEPA process and development of the EA.

3.1 Preferred Build Alternative – Build Alternative 1

Build Alternative 1 consists of constructing and operating a new IMF in southern Fayette County, Tennessee, approximately 25 miles east of Memphis to handle trailers and containerized freight. The Memphis Regional IMF would be located approximately 1.5 miles south of State Route (SR) 57 and 0.5 mile west of Knox Road in the City of Rossville. The facility would occupy about 380 acres on a 650-acre parcel. The facility would include lead tracks from the NSR mainline, a loop track, container and trailer transfer and storage yard, SR-57 overpass and an access road. The overpass would create a grade separation between the lead tracks and SR-57. The loop track at the south end of the facility would allow trains to reverse direction to return to the mainline. Industrial Road, the access road to the IMF, would connect the facility to U.S. Highway (US Hwy) 72. Industrial Road is being built by the adjacent property owner (Developer) to not only provide vehicle and truck access to the Memphis Regional IMF from US Hwy 72, but facilitate industrial and commercial

development in the immediate area of the road. While Industrial Road is being developed with non-Federal funds, the direct, indirect and cumulative impacts of Industrial Road were evaluated as part of the EA.

Figure 1 – Preferred Build Alternative



TDOT has selected Build Alternative 1 as the Preferred Build Alternative for the following reasons:

- Sufficient land is available to develop the facility, meet intermodal demand, and support the infrastructure, operations, and storage requirements. The rectangular 650-acre property has adequate width and length for facility layout and provides suitable land for effective intermodal operations.
- The site is located a reasonable distance (approximately 2 miles) from the NSR mainline and can be accessed via connection (lead) tracks under SR-57.

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- The proposed site is located near adequate highway infrastructure with connection to US Hwy 72 provided by Industrial Road. From US Hwy 72, the Memphis Regional IMF truck traffic would have connectivity to a four-lane road, SR-385. Both of these roads have available capacity and would allow trucks to make easy trips between the facility and customers throughout the Memphis metropolitan area.
- The facility's customer base is generally moving eastward and southward in the Memphis metropolitan area. Locating the Memphis Regional IMF east of Memphis matches the region's industrial and commercial area for economic activity.

In accordance with NEPA, the assessment of impacts of Build Alternative 1 and any adverse effects, including indirect and cumulative effects, was performed in consultation with other Federal and State agencies that have jurisdiction by law or special expertise regarding particular resource areas and impacts. No significant impacts were identified by the NEPA studies, analysis and Environmental Assessment. Mitigation was developed to address some impacts that would remain following avoidance and minimization measures as appropriate in accordance with NEPA and 40 C.F.R. § 1508.2 identified specifically below. Mitigation implementation and monitoring are provided in applicable permits and authorizations. Site design, construction, and facility operation alternatives are proposed to lessen environmental effects. Additional environmental enhancement measures are proposed to minimize remaining effects as discussed in the July 8 EA sections 3.3 Traffic, 3.8 Noise, 3.12 Natural Resources, 3.14 Visual, and 3.15 Energy. Build Alternative 1 is among several alternative sites reviewed and was chosen following the evaluation of purpose and need and other criteria.

3.2 No-Build Alternative

The No-Build Alternative would continue to use the existing Forrest IMF in Memphis without expansion. The No-Build Alternative would not cause any immediate direct impacts to the human or natural environment in the project area.

The No-Build Alternative would fail to satisfy the demand for much needed additional IMF capacity within the Memphis region:

- The projected requirement for intermodal freight is approximately 2-½ times the capacity of the Forrest IMF;
- The Forrest IMF cannot be expanded due to physical space limitations (surrounded by streets and houses) in an urbanized area of Memphis;
- The supplemental capacity to perform the projected lifts and to meet the additional transportation demands would not be available at the Forrest IMF;
- Growth in the freight market would cause an increase in long-distance highway truck traffic rather than an increase in environmentally preferable rail-truck intermodal service;⁵

⁵ FHWA Freight Analysis Framework (FAF) [Version 2.2", 2002 http://ops.fhwa.dot.gov/freight/freight_analysis/faf/index.htm] forecasts that the tons of freight transported will likely almost double by 2035 from its 2006 level.

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- Without adequate rail-truck intermodal service, economic growth would be hampered; and
- Inadequate IMF capacity eliminates the public benefits of intermodal transportation by decreasing transportation⁶ and energy efficiency⁷ and increasing emissions.⁸

4 Summary of Project Impacts

The primary beneficial effects of Preferred Alternative include:

- Meets the current and future demand for intermodal (rail/truck) transportation in the Memphis region through expanded capacity, consistent with the project's purpose and need.
- Improved efficiency in transporting freight by slowing the increase in truck traffic and associated congestion and emissions between the eastern U.S. and Memphis by diverting an estimated 186 million loaded truck vehicle miles per year from highways between Memphis and the Northeast.⁹
- Creation of approximately 140 new full-time jobs directly associated with the operation of the IMF plus temporary construction jobs to build the IMF.
- Cumulative economic impact of \$2.7 billion and 6,186 new, saved, or benefited jobs by 2020 in the Memphis Area.¹⁰
- Estimated annual savings of up to 23.8 million gallons of fuel due to intermodal transportation mode.¹¹
- Additional annual benefits attributable to the Memphis Regional IMF including reduction of costs for pavement maintenance (\$16.1 million); for highway delays (\$81.4 million); from fuel consumption and emissions (\$20.9 million); and for highway crashes and fatalities (\$20.7 million).¹²

The primary adverse effects of Preferred Alternative include:

- As a direct impact of the site, traffic is expected to increase in the vicinity of the IMF's entrance on US Hwy 72. The level of service (LOS) for the current 2-lane section of US Hwy 72 would be LOS D. With the MDOT planned widening of US Hwy 72, this would improve to LOS C.

⁶ ATA estimates long-haul truck productivity has decreased since 2002 due to a number of factors including congestion, fuel costs and regulation changes. [ATA, "Truck Weights and Lengths: Assessing the Impacts of Existing Laws and Regulations," 9 Jul 2008.]

⁷ A train loaded with containerized freight can carry equivalent to about 280 trucks loaded with freight. [AAR, Freight Rail Works 280 Fact Sheet, 2009, <http://www.freightrailworks.org/280.html>]

⁸ AAR estimates that on average, moving freight by rail as compared with moving freight by truck reduces greenhouse gas (GHG) emissions by 75%. [AAR, "Rail Intermodal Keeps America Moving," November 2009. <http://www.aar.org/Economy>.]

⁹ *Analysis of Truck to Rail Diversion Benefits – Memphis*, Cambridge Systematics, Inc., January 20, 2010.

¹⁰ *Proposed Intermodal Facilities, Fayette County, TN, Twelve-Year Impact Analysis: Analysis of Economic, Employment and Tax Revenue Impacts 2009-02020*, Insight Research Corporation, May 27, 2009.

¹¹ *Analysis of Truck to Rail Diversion Benefits – Memphis*, Cambridge Systematics, Inc., January 20, 2010.

¹² Cambridge Systematics, Inc., January 20, 2010.

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- Minor increase in emissions of criteria pollutants and Mobile Source Air Toxics (MSATs) are expected within the EPA limits.
- Minor noise impacts predicted for 1 affected site with 3 residents.
- Converting land use from agricultural to industrial within Rossville Urban Growth Boundary and an area zoned industrial.
- Maximum predicted stream and wetland impacts include: 5,352 linear feet of streams, 10 acres of ponds, and 7.31 acres of wetlands. These impacts will be minimized during design and mitigated as required by regulatory agencies.

Table 1: Summary of Potential Impacts from Preferred Alternative

IMPACT CATEGORY	POTENTIAL IMPACTS
<i>Estimated Area</i>	Property is 650 acres; Facility is 380 acres; 233 acres of paved surface; 76 acres of track and 71 acres open (green space).
<i>Land Use</i>	Conversion from agricultural to industrial. Facility within Rossville Urban Growth Boundary and zoned industrial. Industrial Road and surrounding ~1,500 acres zoned commercial/industrial.
<i>Transportation</i>	Improved efficiency in transporting freight. Reduced truck traffic and associated congestion and emissions between eastern U.S. and Memphis. In 2032, US Hwy 72 will operate at Level of Service (LOS) C including direct, indirect, and cumulative impacts.
<i>Farmland</i>	311 acres of prime and unique farmland/330 acres total farmland.
<i>Social/Community Cohesion</i>	No Adverse Effects.
<i>Community Services</i>	No Adverse Effects.
<i>Environmental Justice</i>	No Adverse Effects.
<i>Residential Relocations / Business Displacements</i>	No Relocations. No Displacements.
<i>Economic</i>	Approximately 140 new full-time jobs directly associated with the IMF plus temporary construction jobs. Cumulative economic impact of \$2.7 billion and 6,186 new, saved, or benefited jobs by 2020 in the Memphis Area.
<i>Air Quality</i>	No Adverse Effects; Minor increase in emissions of criteria pollutants and Mobile Source Air Toxics (MSATs) expected.
<i>Noise</i>	No Adverse Effects; 1 affected site with 3 residents.
<i>Architectural/Historic</i>	No Adverse Effects.
<i>Archaeological Sites</i>	No Adverse Effects.
<i>Recreational Resources</i>	No Adverse Effects.
<i>Section 4(f) / 6(f)</i>	No Section 4(f) Resources Used. No Section 6(f) Funded Land On-site.

Table 1: Summary of Potential Impacts from Preferred Alternative

IMPACT CATEGORY	POTENTIAL IMPACTS
<i>Floodplains</i>	Zone A – 32 acres within project boundary; less than 1 acre of impact to be minimized in design. No rise certification issued for project. Zone AE – 4 acres within project boundary; 0 acre of impact.
<i>Ponds</i>	6 ponds totaling approximately 10 acres of impact; however, 3 ponds (totaling 5.6 acres) are non-jurisdictional waters of the U.S. Impacted lengths to jurisdictional ponds are included as stream impacts.
<i>Stream Impacts (Feet)</i>	5,352 linear feet; impacts will be mitigated.
<i>Wetlands (Wetland/Acres Impacted)</i>	9 wetlands / 7.31 acres potentially impacted; impacts will be mitigated.
<i>Federally Threatened or Endangered Species</i>	None On-site.
<i>State-Listed Species</i>	No Adverse Effects.
<i>Invasive Species</i>	No Adverse Effects.
<i>Wild & Scenic Rivers</i>	None On-site.
<i>Aquifer/Groundwater</i>	No Adverse Effects. A Geotechnical investigation of the site included the completion of 79 borings. Based on the borings and the planned elevation of the IMF, the soil type representative of Memphis Sand aquifer may be exposed in two locations: at pad tracks 5/6 and the maintenance building. Based on available data and studies, most recharge occurs in the streams. The facility would be developed primarily in the upland area. Consequently, the relatively small footprint combined with its upland location should not affect the overall recharge in the area. Over 40% of project area would be left undisturbed. Construction techniques would provide protective layer over any exposed portions of the aquifer.
<i>Stormwater</i>	No Adverse Effects. Stormwater system would allow positive control of discharges from the site and that would mimic pre-development hydrology.
<i>Visual</i>	No Adverse Effects.
<i>Pedestrian and Bicycle</i>	No Adverse Effects.
<i>Energy</i>	Construction will require diesel fuel for equipment. Operations will require diesel fuel and electricity. However, 23.8 million gallons of fuel are estimated to be saved on an annual basis due to utilization of intermodal transportation.
<i>Hazardous Materials</i>	No Adverse Effects. No existing hazardous materials sites identified within footprint. Only minor quantities of hazardous materials transported through IMF.
<i>Construction</i>	Temporary traffic detours would be necessary for SR-57 Overpass. Temporary utility disruptions could occur. The use of Best Management Practices (BMPs) could avoid or minimize air/noise and sedimentation/erosion impacts.

Table 1: Summary of Potential Impacts from Preferred Alternative

IMPACT CATEGORY	POTENTIAL IMPACTS
<i>Permits</i>	(1) NPDES Construction General Permit (if needed). (2) NPDES Stormwater Individual Permit for Construction. (3) USACE Individual or Nationwide Permit for Impacts to Waters of the U.S. (including wetlands and aquatic resources). (4) ARAP (TDEC) for Construction and Removal of Minor Road Crossings. (5) ARAP (TDEC) - General Permit for Minor Alterations to Wetlands.

5 Public and Agency Involvement

5.1 Agency Involvement

5.1.1 NEPA Participating Agencies

A Coordination Package was distributed to agencies, organizations and interested parties on September 11, 2009. Agencies and organizations receiving the coordination package are listed below. Agencies or organizations with a (C) and/or (P) by their names indicate whether the group is a cooperating (C) or participating (P) organization in the NEPA process for the project. Agencies without a designation by their names did not elect to participate in the NEPA process.

Federal Agencies

- U.S. Department of Transportation Federal Highway Administration (C) (P)
- U.S. Army Corps of Engineers (USACE) (C) (P)
- Water Resources Division, U.S. Department of the Interior (DOI) (P)
- U.S. Fish and Wildlife Service (FWS) (P)
- Natural Resources Conservation Services (NRCS), U.S. Department of Agriculture (P)
- Wetland Reserve Program Coordinator, U.S. Department of Agriculture (USDA) (P)
- Tennessee Valley Authority (TVA) (P)
- Environmental Protection Agency (EPA) Region 4 (P)
- Federal Emergency Management Agency (FEMA)
- Office of Environmental Policy and Compliance, DOI
- U.S. Geologic Survey (USGS), DOI
- Office of Surface Mining, DOI
- National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce (DOC)
- Federal Aviation Administration (FAA), Memphis Airport District Office

State Agencies

- Mississippi Department of Transportation (C) (P)

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- Tennessee Department of Environment and Conservation (TDEC) (P)
- Tennessee Wildlife Resource Agency (TWRA) (P)
- Tennessee Department of Agriculture (P)
- Tennessee State Historic Preservation Office (SHPO)
- Tennessee Department of Education
- Mississippi State Historic Preservation Office (SHPO)

Local Agencies

- Department of Economic & Community Development, Local Planning Assistance Office, West Tennessee Region (P)
- West Tennessee Regional Planning Office (RPO) (P)
- Regional Planning Office (RPO) Southwest Tennessee Development District (P)
- RPO, Memphis Area Association of Governments (P)
- Memphis Metropolitan Planning Office (MPO), Memphis-Shelby County Department of Regional Services (P)
- Fayette County (P)
- Fayette County Planning and Development Office (P)
- Fayette County Chamber of Commerce (P)
- Town of Rossville (P)
- City of Piperton (P)
- Town of Collierville (P)

• **Organizations:**

- Tennessee Trails Association
- Tennessee Chapter of the Sierra Club
- Chickasaw Group, Sierra Club (Memphis Area)
- The Nature Conservancy
- Tennessee Wildlife Federation
- Tennessee Environmental Council
- Southeast Rivers and Streams Projects, World Wildlife Fund

Section 106 Consulting Parties:

- Town of Rossville
- Fayette County
- Alabama-Quassarte Tribal Town
- The Chickasaw Nation
- Choctaw Nation of Oklahoma
- Eastern Band of Cherokee Indians
- Eastern Shawnee Tribe of Oklahoma

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- Jena Band of Choctaw Indians
- Kialegee Tribal Town
- Mississippi Band of Choctaw Indians
- Muscogee (Creek) Nation
- Poarch Band of Creek Indians
- Quapaw Tribe of Oklahoma
- Shawnee Tribe
- Thlopthlocco Tribal Town
- Tunica-Biloxi Indians of Louisiana, Inc
- United Keetoowah Band of Cherokee Indians

Table 4-1 of the July 8 EA summarizes comments received from the agencies before starting the Tennessee Environmental Streamlining Agreement (TESA) Process.

5.1.2 TESA Process

The Tennessee Environmental Streamlining Agreement (TESA) is a cooperative agreement between TDOT, FHWA, various resource and regulatory agencies, and Metropolitan Planning Organizations within the State of Tennessee. TESA sets forth the responsibilities of the signatory agencies relative to the priority review of transportation projects. TESA has the goal of achieving timely planning, development, design and implementation of adequate, safe and economical transportation improvements while also assuring such planning, development, design and implementation is sensitive to the protection and improvement of the resources for which each agency is responsible under Federal or State statute and regulation. TESA establishes "one decision-making process" to identify and address agency issues at four (4) key points, termed concurrence points, during the planning and NEPA process for transportation projects.

5.1.2.1 TESA Concurrence Point #1/#2

The combined TESA Concurrence Point #1 (*Purpose & Need*) and TESA Concurrence Point #2 (*Proposed Actions & Alternatives*) package was distributed to all TESA-participating/cooperating agencies with the lead agencies (FHWA/TDOT) requesting formal concurrence for the Memphis Regional IMF. All participating and cooperating TESA agencies concurred with the combined TESA Concurrence Point #1 (*Purpose & Need*) and TESA Concurrence Point #2 (*Proposed Action and Alternatives*) sections of the draft EA. A copy of agency correspondence and a summary of comments received from the reviewing agencies are included in the Summary of Comments for Concurrence Point #1 and #2 document, dated January 2010, included as Appendix A to this FONSI.

5.1.2.2 TESA Concurrence Point #3

The TESA Concurrence Point #3 (*Preliminary EA package*) was distributed to the TESA agencies and other NEPA participating and cooperating agencies listed in Appendix B, with a request for formal concurrence by March 25, 2010. A summary of comments

received from the reviewing agencies is included in the Summary of Comment for Concurrence Point #3 document, dated May 2010, included as Appendix B to this FONSI.

5.1.2.3 TESA Concurrence Point #4

The TESA Concurrence Point #4 (*Preferred Alternative and Preliminary Mitigation*) was distributed to the TESA agencies listed in Appendix C. A courtesy copy was provided to Environmental Division Administrator, Mississippi Department of Transportation (MDOT).

All agencies concurred on TESA Concurrence Point #4 (*Preferred Alternative and Preliminary Mitigation*) for the Memphis Regional IMF. MDOT provided an email response and EPA provided advisory comments with their concurrence signature page. A summary of comments received from the reviewing agencies is included in the Summary of Comment for Concurrence Point #4 document, dated October 2010, included as Appendix C to this FONSI.

5.1.3 Comments Received on the Environmental Assessment

Outside of the TESA process, the only comments received from an agency on the July 8 EA were from the EPA. The EPA letter dated August 20, 2010, indicated that they remain concerned regarding the project's possible impacts to air quality, groundwater, and floodplain hydrology. Particularly highlighted concerns were the mobile source air toxics (MSATs), the Memphis Sand Aquifer, and uncertainty as to whether NSR will comply with state and local floodplain laws and ordinances. These comments are recorded in Table 3 with the responses. A copy of the comment letter and Table 3 are included as Appendix D to this FONSI.

5.2 Circulation of the Environmental Assessment

The EA was approved on July 8, 2010 by the FRA. Notices of Availability were published in three 3 newspapers covering the region in the project vicinity: *The Commercial Appeal* with Memphis area distribution, *The Fayette Falcon* with Fayette County TN distribution and *The Southern Reporter* with Marshall County MS distribution. Local agencies were provided with hard copies of the July 8 EA. An electronic link to the July 8 EA was sent to all TESA and participating/cooperating agencies. The location of the July 8 EA was mailed to everyone who attended the public meeting, requested information about the project, and lived in the local area.

Copies of the July 8 EA were available for inspection at:

- TDOT, Environmental Division, Nashville, TN
- MDOT District 2, Batesville, MS
- MDOT District 2, Holly Springs Project Office, Holly Springs, MS
- Collierville Public Library, Collierville, TN
- Ruth B. French Library, Byhalia, MS
- Rossville City Hall, Rossville, TN

5.3 Public Involvement

5.3.1 Public Informational Meeting

To provide information regarding the proposed Memphis Regional IMF and solicit public input, a public informational meeting was held in Piperton, Fayette County, Tennessee, on October 22, 2009, in the project area. Formal presentations were made, comments were solicited during the question-and-answer period following the presentation and informational displays were provided and staffed with individuals to answer questions before and after the presentation. Meeting attendees were encouraged to record their comments with the court reporter present at the meeting, and/or to provide written comments using a comment card either at the meeting or within twenty-one days following the meeting. Fifty-eight citizens signed in at the public informational meeting. A total of fifty-one comments were provided by twenty-seven individuals and one comment card was signed by eleven citizens living on Neville Road. A consolidated summary of the public comments received and responses is in the July 8 EA section 4.3.

5.3.2 Public Hearing

To obtain public input on the Memphis Regional IMF project and the July 8, EA, a public hearing was held in Collierville, Tennessee, on August 2, 2010. Formal presentations were made and comments were solicited during the question-and-answer period following the presentation. Hearing attendees were encouraged to record their comments with the court reporter present at the hearing, and/or to provide written comments using a comment card either at the hearing or within twenty-one days following the hearing. Ninety-one citizens signed in at the public hearing. A total of forty-two comments were provided by thirty-four different individuals or groups. The notice of the public hearing, correspondence relating to the public hearing and availability of the July 8 EA, materials provided at the public hearing, including the presentation materials and displays, as well as copies of the comment cards, a transcript of the public hearing and a summary of the public comments received and responses is included as Appendix E to this FONSI.

5.3.3 Summary of Public Hearing Comments

Of the fourteen individuals who spoke at the public hearing, eleven expressed concerns or asked questions about the project and three expressed support of the project. On the comment cards, seventeen of the nineteen noted what they liked or disliked about the No-Build Alternative and/or Build Alternative 1, eleven participants commented in favor of the No-Build Alternative and four commented in favor of Build Alternative 1, while one provided both pros and cons for each alternative, one commented on Build Alternative 1 without indicating they were in favor of that alternative, and two did not comment in this section.

Below is a summary of comments received at the public hearing:

- Support Build Alternative 1.
- Requests for Environmental Impact Statement (EIS) vs. Environmental Assessment (EA).

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- Concerns about NSR’s knowledge of and method for protecting the aquifer.
- Concerns about traffic both directly related to the IMF and related to future development.
- Concerns about materials transported through the facility.

On the comment cards, participants were asked if there were any issues or concerns not addressed in the July 8 EA and if so, what was not addressed. The comments that were received mirrored the areas of concern expressed at the public hearing. All comments received are categorized in Table 2 and summarized in Table 4, included in Appendix E of this FONSI.

Table 2 groups the various public comments into general categories aligned with the July 8 EA topics.

Table 2: Public Comments Grouped by EA Topics

Applicable EA Section	Comment Category	Number of Comments Made
1	Operations	1
2	Alternatives*	20
3.1	Land use	7
3.2	Farmland	2
3.3	Traffic	32
3.4	Social**	15
3.6	Economy	1
3.7	Air	9
3.8	Noise	8
3.9	Cultural/Historic	1
3.12	Natural Resources***	45
3.13	Soils	1
3.14	Visual	4
3.16	Hazardous Material	20
3.18	Indirect/Cumulative	8
3.19	Construction	8
4	Public Involvement	2
NA	NEPA Evaluation	11
NA	Other	7
	TOTAL	202
Notes:		

Table 2: Public Comments Grouped by EA Topics

Applicable EA Section	Comment Category	Number of Comments Made
* Under 2 Alternatives, comments were: 11 in favor of No-Build Alternative 9 in favor of Build Alternative 1		** Under 3.4 Social, comments were: 9 about property values/community impacts 6 about taxes and/or taxpayer services
*** Under 3.12 Natural Resources, 3.12 – General: 1 3.12.2 – Water Quality: 5 3.12.3 – Wetland: 1 3.12.6 – Aquifer: 31	Comments were further broken down to :	3.12.7 – Stormwater: 3 3.12.8 – Threatened and Endangered Species: 1 3.12.12 – Environmental Permit: 3

6 Revisions to Environmental Assessment

Numerous changes were made to the draft EA based on the agency comments received (Appendices A and B of this FONSI) before the document was signed by FRA. Based on comments received after the document was signed, the following revisions are made to the July 8 EA:

- The July 8 EA incorrectly stated the number of planned above ground storage tanks (AST).
 - On page 3-107: Included in this area would be *seven (7)* ASTs ranging in size from 300 to 3,000 gallons.
 - On Page 3-133: Included in this area would be *seven (7)* ASTs ranging in size from 300 to 3,000 gallons. The larger AST would be for storage of diesel fuel. The other *six (6)* ASTs would hold gasoline, 40W motor oil, anti freeze, transmission oil, used oil, and hydraulic oil.
- At a follow-up meeting on July 27, 2010, the Ground Water Institute (GWI) stated that it could not verify the estimated percentage of aquifer recharge along the streams and therefore, the specific figure needed to be removed from the text.
 - On Page 3-108: According to the University of Memphis, Groundwater Institute, *a majority* of the recharge of the aquifer occurs through the area’s streams.

7 Basis for Finding of No Significant Impact

Based upon a detailed study of the proposed project as documented in the July 8 EA, comments received from federal, state, and local agencies, and public comments, it is the finding of the FHWA and the FRA that this project will not have a significant adverse impact upon the human or natural environment.

The construction and operation of the Memphis Regional IMF will increase freight transportation capacity in the Memphis, Tennessee, region and meet current and future demands for intermodal (rail/truck) transportation in the Memphis region through expanded capacity. Completion of the project will allow improved efficiency in transporting freight by slowing the increase in truck traffic and associated congestion

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and emissions between the eastern U.S. and Memphis reducing pavement maintenance, highway delays, fuel consumption and emissions, and highway crashes and fatalities. In addition, the project will create, save, and benefit area jobs.

No significant impacts to natural, ecological, cultural, or scenic resources are anticipated. The project will result in the conversion of farmland to industrial use. There will be minor impacts from noise and emissions. The project will have impacts to wetlands and streams, which have been minimized and will be mitigated. Adverse impacts have been avoided and/or minimized using avoidance, minimization, and mitigation techniques, and multiple modifications to the design of the Memphis Regional IMF reduced or avoided potential adverse impacts.

In consideration of the above evaluation, it has been determined that a FONSI is applicable for this project. Therefore, neither an EIS nor further environmental analysis will be required.

Finding of No Significant Impact

Appendix A - Summary of Comments for CP #1 and #2

Summary of Comments Tennessee Environmental Streamlining Agreement (TESA) Concurrence Points #1 and #2

Purpose & Need and Proposed Actions & Alternatives

For
NORFOLK SOUTHERN RAILWAY
MEMPHIS REGIONAL INTERMODAL FACILITY
FAYETTE COUNTY, TN

PREPARED BY:
TENNESSEE DEPARTMENT OF TRANSPORTATION



January 2010



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1.0 INTRODUCTION

On October 2, 2009, the Tennessee Department of Transportation (TDOT), pursuant to the *Tennessee Environmental Streamlining Agreement (TESA)*, distributed copies of the *Purpose and Need and Proposed Action and Alternatives to be Evaluated Package* to the following TESA Agencies:

- U.S. Army Corps of Engineers, Memphis District
- U.S. EPA, Region 4
- U.S. Fish and Wildlife Service
- U.S. Department of Agriculture, NRCS
- Tennessee Valley Authority
- Tennessee Department of Environment and Conservation
- Tennessee Wildlife Resources Agency
- Tennessee Dept. of Economic & Community Development
- Southwest TN Development District
- Memphis Area Association of Governments
- Memphis-Shelby County Department of Regional Services

The following participating (non-TESA) agencies also received copies of the Concurrence Points #1 and #2 Package.

- Federal Railroad Administration, Office of Economic Analysis,
- Local Planning Assistance Office, West Tennessee Region
- Fayette County TN
- Fayette County Planning and Development Office
- Town of Rossville TN
- Fayette County Chamber of Commerce
- City of Piperton TN

A courtesy copy was provided to Environmental Division Administrator, Mississippi Department of Transportation.

The Federal Highway Administration (FHWA) also received a copy of *TESA Concurrence Points #1 and #2 Package*. The *Purpose and Need and Proposed Action*

and Alternatives including materials and information required for *TESA Concurrence Points #1 and #2*.

The deadline for agencies to submit comments and/or indicate concurrence or non-concurrence was November 17, 2009. Concurrence with *TESA Concurrence Points # 1 and #2* were assumed for any agency not responding in writing by the November 17, 2009 deadline. None of the agencies requested as extension past the November 17 deadline.

2.0 AGENCY CONCURRENCE

All agencies concurred on *TESA Concurrence Point #1 and #2 Purpose and Need/ Proposed Action and Alternatives* for the Norfolk Southern Railway (NSR) Memphis Regional Intermodal Facility (IMF). The following TESA agencies signed and returned their concurrence signature page.

- U.S. EPA, Region 4
- U.S. Fish and Wildlife Service
- Tennessee Valley Authority
- Tennessee Department of Environment and Conservation
- Tennessee Wildlife Resources Agency
- Southwest TN Development District
- Tennessee Department of Economic and Community Development

The following TESA agencies concurred in a letter format without including the signature page.

- U.S. Army Corps of Engineers, Memphis District
- U.S. Department of Agriculture, NRCS

One agency (Transportation Planning Coordinator, Memphis-Shelby County Department of Regional Services) did not return their concurrence signature page, but replied by email that they had no comments. One agency (Memphis Area Association of Governments) did not return their concurrence signature page nor reply to email.

Those not returning signature pages are automatically assumed to concur. Copies of signed responses and letters can be found in the Appendix.

3.0 TESA AGENCY COMMENTS SUMMARY

This section describes responses received from *TESA* agencies regarding the *TESA Concurrence Points #1 and #2 Package*. Copies of the comments received are contained in the Appendix.

Agency	Date of Response	Agency Comments	Responses
EPA (1)	10/23/2009	<p>1. NEPA Level of Analysis: EPA is concerned with TDOT FHWA pursuing an Environmental Assessment (EA) as opposed to an Environmental Impact Statement (EIS). The proposed project will have a large imprint of 570 acres and will increase traffic within the community. The project also has the potential to significantly impact water resources and increase air toxics. EPA recognizes the expeditious timeline of pursuing this project; however, environmental and socioeconomic impact analysis and public outreach should be proportional with the level of impacts. EPA recommends that TDOT/FHWA conduct a robust analysis of environmental and socioeconomic impacts (direct, indirect and cumulative), comprehensive mitigation planning and pursue an aggressive public outreach campaign. EPA also recommends that TDOT/FHWA fully articulate the rationale for pursuing an EA versus an EIS in the NEPA document.</p>	<p>TDOT and FHWA determined that an Environmental Assessment (EA) is the appropriate NEPA document based upon a preliminary assessment of impact. EA Section 3 provides a robust analysis of environmental and socioeconomic impacts, indicating that the project will comply with all EPA requirements protecting water, air, and other environmental resources. A robust direct, indirect, and cumulative impact analysis in accordance with EPA, FHWA, CEQ, and other NEPA guidance has been performed, and a robust comprehensive mitigation package addressing the proposed impacts, has been developed. Robust public input procedures have been followed. Upon review of the final draft of the EA, FHWA will make a determination as to whether the project will result in significant impacts warranting elevation to an Environmental Impact Statement (EIS) and articulate its rationale</p>
EPA (2)	10/23/2009	<p>2. Mobile Source Air Toxics: Evaluation of project of this magnitude should include consideration of the impacts of air toxics emissions on nearby population centers and sensitive populations. The environmental assessment should include a detailed inventory of air toxics emissions (including diesel emissions) from both stationary and mobile sources that serve the facility, including the locomotives, switchers, tractors, and support equipment, etc. It should also include a screening level evaluation of the potential impacts of these emissions on neighboring populations at each of the locations being considered for the facility in order to allow an informed comparison of the level of acceptability of each of the locations being considered. The screening level evaluation could be conducted using the approach described in EPA's Air Toxics Risk Assessment Reference Library (ATRA Library). We refer the sponsor of the project to the ATRA Library, Volume 1 Section 3.3.3 for further details (http://epa.gov/ttnlfera/risk_atra_main.html). The evaluation should include a description of the recent literature concerning the impact of air toxics emissions on near-roadway receptors, including sensitive receptors such as children and the elderly. The evaluation should also describe the methods that will be used to mitigate any unavoidable emissions and impacts.</p>	<p>A Mobile Source Air Toxics (MSAT) analysis was completed pursuant to the FHWA's Interim Guidance Update on MSAT Analysis in NEPA Documents, September 30, 2009. MSAT analysis is summarized in the EA Section 3.6 and presented in the Air Quality Technical Report on file with TDOT.</p>

Agency	Date of Response	Agency Comments	Responses
EPA (3)	10/23/2009	<p>3. Flood and storm-water drainage: the proposed action represents significant increase in impervious surfaces and associated storm-water runoff and water quality issues. The EA should describe how the facility will impact local streams and other water bodies. Furthermore, will flooding events harm or damage downstream properties and infrastructure? Will there be any potential traffic hazards associated by any flooding events resulting from construction and associated operation of the proposed action. All too often the commonly used storm-water solution is to construct sediment settlement basins that potentially represent vector issues, e.g., mosquito and potential disease transmissions. These basins will have to be cleaned out as the sediment fills them. The likely hood of the sediments testing as polluted requiring appropriate disposal is high. EPA would like to see the rail yard designed to collect storm water runoff and see if the runoff can be constructively used, e.g., landscape watering or grey water use in the infrastructure, i.e., flushing toilets or locomotive/rail car cleaning, etc.</p>	<p>EA Section 3.11 discusses floodplain and stormwater impacts. During the project design, floodplain and stormwater drainage impacts, restrictions, and regulations will be considered.</p>

Agency	Date of Response	Agency Comments	Responses
EPA (4)	10/23/2009	<p>4. TMDL: The project area is in the Wolf River Watershed, which is impaired for E. Coli and Chlordane and PCBs (reference Total Maximum Daily Loads (TMDLs) For Chlordane And Polychlorinated Biphenyls (PCBs) in the Wolf River, Wolf River Watershed (HUC 08010210), Shelby County, Tennessee, December 13, 2007). Of particular concern to EPA in reference to this project is the pollutant Chlordane. Historically the State of Tennessee's 303(d) "impaired waters" lists the Wolf River as not supporting its designated use classifications due, in part, to elevated levels of chlordane in fish tissue samples. Contaminated sediment has been identified as the source of pollutant causes associated with Chlordane impairment. Chlordane was a chemical that was used as a pesticide for agricultural purposes. Chlordane can persist in the environment for many years and loading is expected to fluctuate according to the stream flow and distribution of rainfall. Chlordane is an environmentally persistent and bioaccumulative substance, which has been classified as a probable human carcinogen. Although it can still be manufactured in the United States, the Environmental Protection Agency canceled commercial use of chlordane in 1988. Large amounts of chlordane were already widely distributed throughout the environment by the time its usage ended. According to EPA's Toxicological Review of Chlordane residues still exist in soils and sediments and chlordane bioaccumulates in fatty tissue of fish and humans; this bioaccumulation is a source of current concern. The fish & aquatic life designated use classification provided the basis for the chlordane TMDL for the Wolf River approved by EPA in 2007. Under the fish & aquatic life designated use classification, the Tennessee water quality criterion continuous concentration (CCC) for chlordane is 0.0043 ug/L and the criterion maximum concentration (CMC) is 2.4 g/L (ppb). Due to the bioaccumulative nature of the chlordane impairment, the more stringent continuous concentration criterion serves as the appropriate target for the Wolf River TMDLs. Since the current and past land use of the preferred alternative has been for agricultural purposes, there is a potential that there is Chlordane present in the soil. EPA is concerned that during the construction of the facility Chlordane might be released during a stormwater event. The preferred alternative project area is upstream of the Chlordane impaired segment of the Wolf so it is plausible that Chlordane could be released in to the impaired segment of the Wolf. EPA recommends that Storm Water Sampling of all Outfalls include chlordane as part of the Norfolk Southern's Environmental Monitoring and Compliance Program. We also recommend that after site scarification and stripping of all topsoil is complete, the stockpiled material be evaluated for the presence of chlordane before its reuse in landscaping and non-structural areas. We further recommend that site-specific BMPs be employed to control stormwater runoff from being contaminated with chlordane. The grading plan should be developed with a goal of minimizing potential chlordane contamination of the stormwater runoff.</p>	<p>The TMDLs and TDEC's authorized NPDES program include implementation programs to address the E. Coli and Chlordane and PCB impairments and TMDLs for those pollutants.¹ Regulated discharges will receive and obtain NPDES permits from TDEC. NPDES regulations provide that where a discharge may cause or contribute to an impairment or violation of water quality standards appropriate limitations will be included by the permitting agency. We anticipate that any issues with impairment will be addressed by TDEC. NSR does not anticipate that the project will cause or contribute to any impairment of water quality standards, particularly E. Coli, PCBs or Chlordane as those pollutants would not be expected to be present as the result of the construction or operation of the IMF. To minimize sedimentation and runoff impacts, Erosion Control (EC) plans are part of project construction plans. TDOT Standard Specifications for Road and Bridge Construction, which includes EC standards for use during construction, will be implemented. A site-specific Storm Water Pollution Prevention Plan (SWPPP) will be implemented to control sediment run-off from the site. All soil that is excavated on-site will be used elsewhere on-site. No waste material is expected from this project and no soil will be transported off-site. Additional detail is provided in the EA.</p>

¹ In accordance with Section 303(d) for the Clean Water Act (CWA)

Agency	Date of Response	Agency Comments	Responses
EPA (5)	10/23/2009	<p>4. Noise: Construction sites and intermodal terminals can produce substantial noise impacts mainly from vehicles, heavy equipment and machinery. High noise levels can be distracting and annoying and can also lead to sleep disturbances, stress, increased blood pressure and hearing loss. The NEPA document should indicate what noise levels can be expected from the project, and the distance to the closest residence/receptor. Background noise levels should also be included in the document. The NEPA evaluation should estimate the projected incremental increase of noise. Generally, EPA considers all increases over 10 dBA at any given noise level as a significant increase. Comparisons to any noise guidelines (e.g., FHWA, HUD) or city ordinances are also appropriate. EPA has a target noise level (not a guideline or standard) of 55 dBA DNL for outdoor areas where people spend a varying amount of time (such as residences). All construction equipment should be equipped with noise attenuation devices, such as mufflers and insulated engine housings. In addition, OSHA regulations apply for all employees affected by job noises. Forms of noise mitigation include, but are not limited to, vegetative screens, vegetated earthen berms, and fabricated noise barriers. If noise impacts are significant at residences just outside the normal width of the right-of-way, relocation of residents should also be considered at the discretion of the affected residents. Avoiding noise impacts via alignment shifts is frequently more effective than mitigation. The proposed project does have communities that are located within the vicinity of the project area. The NEPA document should indicate how the construction and ongoing operational activities will affect existing area residents and schools. In addition, the document should also disclose how noise impacts will be minimized and mitigated.</p>	<p>The Noise Study is on file with TDOT. EA Section 3.7 discusses noise impacts using both FTA/FRA guidelines for rail impacts and FHWA guidelines for traffic.</p>
EPA (6)	10/23/2009	<p>5. Light Pollution: Lighting associated with the proposed intermodal facility is likely to be used on a continuous basis. The NEPA document should discuss the type, magnitude and duration of the lighting. It should also indicate what measures will be made to minimize and mitigate lighting related issues on the neighboring community. The proposed lighting represents significant energy expenditure and it is important to discuss the potential natural or depletable energy requirements. In addition, the document should also disclose the energy conservation potential of various alternatives including the selected alternative.</p>	<p>EA Section 3.14 discusses lighting impacts and Section 3.15 discusses energy expenditures and conservation efforts.</p>
EPA (7)	10/23/2009	<p>6. Visual Impacts: Is the industrial nature of the proposed action inconsistent with the zoning restrictions and the nature of the rural community? The NEPA document should indicate the measures that will be taken (e.g., building design, layout, landscaping, etc) to make the proposed action look less industrial, and more fitting to the surrounding rural character.</p>	<p>The Viewshed Letter Report is on file with TN State Historic Preservation Officer (SHPO). EA Section 3.14 discusses visual impacts.</p>

Agency	Date of Response	Agency Comments	Responses
EPA (8)	10/23/2009	7. Emergency Response Provisions: The NEPA document should address issues related to potential accidents that may occur related to the proposed intermodal facility. What are the emergency response plans to address issues associated with potential hazardous cargo accidents, e.g., tractor trailer traffic bringing in the cargo or cargo container transfer incidents between the truck and the train?	Hazardous materials and potential impacts are addressed in the EA Sections 3.16 and 3.18.10. The spill prevention plan, addresses training requirements and hazardous materials handling and will meet or exceed EPA requirements for spill prevention, control and countermeasures.
EPA (9)	10/23/2009	8. Environmental Justice (EJ) - Consistent with Executive Order 12898 (2/11/94), potential EJ impacts should be considered in the NEPA document. An EJ survey is to ensure equitable environmental protection regardless of race, ethnicity, economic status or community, so that no segment of the population bears a disproportionate share of the consequences of environmental pollution attributable to a proposed project.	Draft EA Section 3.4.2 discusses Environmental Justice impacts. The analysis of potential environmental justice impacts in the draft EA included considerations in EPA's, Final Guidance For Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analyses U.S. EPA Apr. 1998; No adverse impacts to a minority or low-income population have been identified as a result of Build Alternative 1
EPA (10)	10/23/2009	9. Cultural Resources - A cultural resource survey concurrence should be coordinated with the State Historic Preservation Officer (SHPO). Besides the consideration of listed historical sites, the NEPA document should also discuss procedures for events such as unearthing archaeological sites during prospective construction. Such procedures should include work cessation in the area until SHPO and/or Tribal approval of continued construction.	The Cultural Resource Survey is at TDOT for review. Once finalized, TDOT will coordinate with the State Historic Preservation Officer (SHPO). The EA Section 3.8 includes listed cultural resources and discusses procedures for events such as unearthing archaeological sites during construction. Project specifications will include special provisions to address this potential.
EPA (11)	10/23/2009	10. Cumulative Impacts: The NEPA document should estimate cumulative impacts associated with the proposed project. Cumulative impacts include the additive effects of a given parameter for all contributing projects in the area, as well as the cumulative impact of all parameters for all projects in the area. The document should define what environmental and social cumulative impacts would result from implementation of the proposed project. Existing or future projects (federal and non-federal projects) with attendant pollutants should also be considered.	EA Section 3.18 addresses Indirect and Cumulative Impacts. The cumulative impacts analysis was prepared in accordance with EPA, CEQ, and DOT regulations and guidances and considers existing and future, as well as past projects with cumulative impacts on resources potentially affected by the proposed IMF.
EPA (12)	10/23/2009	11. Coordination and Public Input: Since the proposed project is very close to the Mississippi state line. TDOT should coordinate and conduct public outreach not only with Tennessee, but with Mississippi communities. It also appears that the closest residential community to the facility is in Mississippi and approximately 2 miles from the preferred alternative. EPA recommends TDOT coordinate extensively with the state of Mississippi and impacted Mississippi communities.	TDOT and NSR have contacted MDOT to participate in the NEPA process. As an outreach to MS residents potentially impacted by the project, the Public Meeting notice was published in both the Marshall County (MS) and Fayette Co (TN) local newspapers along with the Memphis Commercial Appeal.

Agency	Date of Response	Agency Comments	Responses
EPA (13)	10/23/2009	<p>1. In Section 2.1 Background, page 5, TDOT cites a 2002 FHWA Freight Analysis Framework study that identifies economic growth, population growth and other factors in determining the feasibility of constructing the IMF. Is this data still applicable given the current downturn in the economy? EPA recommends that TDOT consider more recent developments in the economy as well as discuss and cite more recent studies that would strengthen justification for the purpose and need for the project.</p>	<p>The FHWA Freight Analysis Framework (FAF), Version 2.2 takes into account changes in commodity flows and related freight transportation activity based on shifts in economic conditions. The FAF analysis is performed to assist DOT in its long-term planning for the nation's transportation infrastructure. The most recent FAF (2008) forecasts freight demand to 2035, and DOT revises its FAF analyses frequently. In light of the scope and depth of FAF analysis, temporary economic effect are not likely to significantly affect the analysis,</p>
EPA (14)	10/23/2009	<p>2. In Section 2.3 Need for Proposed Action, page 6, TDOT cites an "IHS Global Insight data, modified with proprietary data shared by four large NSR domestic truckload customers". Does this mean that NSR will not share this data with the TESA agencies or the public? Please clarify if this data will be disclosed. This data is cited heavily to justify the need for the project and should be disclosed to the public and TESA agencies. EPA recommends that the proprietary nature of the data be better discussed in the NEPA document. If at all possible, this data should be transparent to the public and state and federal agencies.</p>	<p>The IHS Global Insight study will be made available to TESA agencies and the public.</p>
EPA (15)	10/23/2009	<p>3. In Section 3.1 Proposed Action, page 12, TDOT discusses the proposed action, but doesn't list the total impacted acres or foot print of the construction site. EPA recommends that TDOT state the construction site in acreage and the total facility site in acres.</p>	<p>The EA Section 3.1. includes the construction site in acreage and the total facility site in acres. Total impacted acreage on the 590 acre site is 380 acres. Within the 330 acres of disturbed area, a substantial amount of acreage will be vegetated or be used for environmental measures (e.g. storm water management) following construction.</p>
EPA (16)	10/23/2009	<p>4. On page 18, Figure 3.8 NSR "The Green Machine" Calculator of Carbon Footprint Analyzer, is not discussed and it is confusing as to the purpose of this figure. In going to the website cited, Modalgistics doesn't provide a link to the "The Green Machine". EPA recommends that TDOT describe the purpose of the "The Green Machine" and also give readers a link to the actual Green Machine.</p>	<p>While the NSR "The Green Machine" Calculator of Carbon Footprint Analyzer, easily calculates the carbon footprint difference between long-haul truck and trains, it did not fit well into the document, so it was removed from the Draft EA.</p>

Agency	Date of Response	Agency Comments	Responses
EPA (17)	10/23/2009	5. In Figure 3.9 Preliminary Property Boundary Memphis Regional IMF, page 19, TDOT displays the "Proposed Independently Developed Access Road (not part of MRIMF development)". The impacts of this proposed access road, which leads directly and solely to the IMF, should be considered in the impacts analysis (to include direct, indirect and cumulative impacts). EPA recommends that it should be considered a part of the IMF project since it is a main access road to the facility. Since this access road will impact Mississippi natural resources and because of the close proximity of the project to the state line, EPA also recommends that TDOT coordinate with Mississippi state agencies and conduct public outreach to Mississippi residents and businesses.	EA Section 2 includes a discussion of the Industrial Road, and it's direct, indirect, and cumulative impacts are assessed in Section 3 along with all other impacted areas of the site. TDOT has contacted MDOT to participate in the NEPA process. As an outreach to MS residents potentially impacted by the project, the Public Meeting notice was published in both the Marshall County (MS) and Fayette Co (TN) local newspapers along with the <i>Memphis Commercial Appeal</i> .
NRSC	12/7/2009	At this time there are no Wetlands Reserve Program (WRP) easements or agreements currently located with in or adjacent to the proposed 570 acre facility.	Acknowledge that there are no Wetlands Reserve Program (WRP) easements or agreements within the Build Alternative 1.
NRSC	10/16/2009	Farmland Rating Form	Completed Farmland Rating Form scoring Build Alternative 1 at less than 160. EA Section 3.2 discusses farmland impacts.
TDEC (1)	11/17/2009	The Division of Air Pollution Control (APC) has reviewed the combined TESA Concurrence Points 1 and 2 Package for the Environmental Assessment for the Memphis Regional Intermodal Facility (IMF) near Rossville, Fayette County, Tennessee. This project is in an area designated as attainment/unclassified for the National Ambient Air Quality Standards (NAAQS), therefore, a transportation conformity determination is not required.	Acknowledge that a Transportation Conformity determination is not required. The EA Section 3.7 discusses Transportation Conformity.
TDEC (2)	11/17/2009	This agency's other interests, above what would be addressed through the standard NEPA process, concerns the control of fugitive dust and equipment exhaust emissions during the construction phase, and the assurance that any structures requiring demolition are asbestos free, as per the requirements of Chapter 1200-3-11, Hazardous Materials. The open burning regulations have changed dramatically. Before burning any wood waste, please refer to Chapter 1200-3-4, Open Burning rules at: http://www.state.tn.us/sos/rules/1200/1200-03/1200-03.htm . APC also suggests contacting other applicable regulatory agencies.	The EA Section 3.18.12 and the Air Quality Technical Report on file with TDOT discuss measures to mitigate air quality construction impacts and confirm that construction of the facility will comply with TDEC Division of Air Pollution Control regulations including Open Burning (Chapter 1200-3-4), Fugitive Dust (Chapter 1200-3-8), and Hazardous Materials (Chapter 1200-3-11).
TDEC (3)	11/17/2009	In addition, as this intermodal facility may have a large number of diesel engines running at the facility at one time, APC would like to encourage the use of technologies to minimize diesel emissions. Also, APC would like to encourage the consideration of anti-idling measures and policies where possible.	NSR is evaluating the potential use of technologies to minimize holster trucks, lift machines, and locomotive emissions as well as appropriate anti-idling policies.
TDEC (4)	11/17/2009	The Division of Geology has reviewed the CP 1 & 2 information and has no advisory comments on the plans provided.	Acknowledge concurrence with CP 1 and CP 2.

Agency	Date of Response	Agency Comments	Responses
TDEC (5)	11/17/2009	<p>The Division of Remediation (DoR) has reviewed the CP1 & 2 information. DoR has one site within approximately ½ mile of the Preferred Alternative project area. This site is as follows: Ross Metals (DoR# 24-501) -- 100 North Railroad Street, Rossville, TN 38066</p> <p>The Ross Metals site is currently on the Environmental Protection Agency's (EPA) National Priorities List (NPL). In addition to DoR files, additional information about the Ross Metals site is available on the US EPA's Envirofacts Data Warehouse at the following web address: www.epa.gov/enviro.</p>	<p>The Phase 1 - ESA on file with TDOT. one inactive National Priorities List (NPL) site, Ross Metals (DoR # 24-501), was identified within 1 mile of Build Alternative 1 and zero National Priorities List (NPL) sites were identified within the study area for Industrial Road.</p>
TDEC (6)	11/17/2009	<p>Attached is a map of the proposed project location. The map represents the American Society of Testing Materials (ASTM) suggested one-mile radius search for remediation sites and captures current active DoR sites within the search radius of the subject property referenced above. Although DoR routinely updates its database of current active remediation sites, DoR does not have knowledge of all hazardous material activity within Shelby, Tipton, and Fayette County area (i.e. illegal dumping activities). Additionally, DoR sites are represented by a point located at the approximate center of each site. Information regarding the extent of DoR site boundaries is available in DoR files. If additional DoR information is needed, please contact Ms. Merrie Embry, Memphis Environmental Field Office DoR, at 901-368-7956.</p>	<p>The Phase 1 - ESA on file with TDOT, zero hazardous material activities were identified within 1 mile of Build Alternative 1 or the study area for Industrial Road.</p>
TDEC (7)	11/17/2009	<p>The Division of Solid Waste Management (DSWM) has reviewed the CP 1 & 2 information and has no advisory comments on the plans provided.</p>	<p>Acknowledge concurrence with CP 1 and CP 2.</p>
TDEC (8)	11/17/2009	<p>As with any project, the Division of Water Pollution Control (WPC) expects the range of build alternatives to avoid or minimize, either through consideration of different alignments or different design elements, impacts to waters of the state. Where impacts to waters of the state cannot be avoided, reasonable alternatives with social and economic considerations for each proposed water and/or wetland impact to satisfy Tennessee's Antidegradation Statement Rule 1200-4-3-.06 will be required to complete an ARAP application. It is recommended that the EA list the waters of the state to be impacted with each build alternative, provide details of proposed impacts, and describe mitigation for proposed impacts. WPC staff is available to participate in onsite inspections, in coordination with TDOT or their designee, to verify hydrologic determinations and wetland assessments for waters of the state that would be subject to TDEC regulatory authority. If additional information is needed regarding aquatic resource identification, antidegradation, and/or alteration avoidance, minimization, and mitigation, please contact Mr. Brian Canada, WPC Natural Resources Section, at 615-532-0660.</p>	<p>The Ecology Report, on file with TDOT, includes the stream determination by the Memphis TDEC Environmental Field Office (EFO). Impacts to natural environment will be avoided, minimized or mitigated during project design. Additional explanation is in EA Section 3.12. NSR will submit an Individual ARAP application for impacts to Streams and Wetlands using in-lieu fee and wetland bank credit for mitigation.</p>

Agency	Date of Response	Agency Comments	Responses
TDEC (9)	11/17/2009	Safe Dams Program: A file review was conducted of all registered sites in the Safe dam program. There is one registered dam in the proposed alternative 1 project area. The contact for information in the Safe Dams Program can be obtained from Mr. Lyle Bentley Manger of the Safe Dams Section in the Division of Water Supply. Mr. Bentley may be reached by e-mail lyle.bentley@tn.gov or by telephone at (615) 532-0154.	The one registered dam in the vicinity of Build Alternative 1 is outside of the property boundary and should not be impacted. Mr. Bentley was contacted about the design of the sediment basins on the constructed fill behind the noise berms. AECOM, the design engineer, is exploring alternative designs to avoid registered sites in the Safe Dam Program. The one registered dam in the vicinity of Build Alternative 1 is outside of the property boundary.
TDEC (10)	11/17/2009	Source Water Protection Program: A review of the community and non-community water supplies in the area shows that there is one potential non community water system in the Alternative 1 project area. Also alternative 4 and 5 are located adjacent to large ground water users. Also this area is very important to the recharge of the Memphis Sand. Any information on theSource Water/Wellhead Protection areas can be directed to Mr. Scotty D. Sorrells Manager Groundwater Management Section. Mr. Sorrells may be reached by e-mail scotty.sorrells@tn.gov or by telephone at (615) 532-9224.	Mr. Sorrells was contacted to discuss that Build Alternative 1 is within the recharge area of the Memphis Sand. EA Section 3.12.10 discusses the Memphis Sand aquifer.
TDEC (11)	11/17/2009	Water Well Program: A file review was conducted of all the registered private water wells within this proposed route. Please contact Mr. Luke Ewing with the names of the topographic quads. There are private water supplies in the proposed area. Please be advised that not all the water wells that are in existence are on this database and that there may be older wells that DWS have no record of as well as hand dug wells whose existence DWS would not have recorded. All water wells that are encountered should be plugged and abandoned by a licensed well contractor. Any information related to the Water Well Program can be directed to Mr. Luke Ewing Manager Water Well Program. Mr. Ewing can be reached by e-mail luke.ewing@tn.gov or by telephone at (615) 532-0176.	Mr. Ewing was contacted concerning water wells in the area. TDEC DWS provided a map along with database information for the project area. During the initial survey of Build Alternative 1, no water wells were identified. The grading plans will include a note that: "All water wells that are encountered should be plugged and abandoned by a licensed well contractor."
TDEC (12)	11/17/2009	Underground Injection Control: A file review was conducted of all the registered Underground injection Control (UIC) points within the area of review. No registered UIC sites are within the proposed area. Please be advised that not all old large capacity septic systems or stormwater injection points that are in existence are on this database. All UIC wells that are encountered should be plugged and abandoned according to approval from the UIC program. Any information on the UIC programs can be directed to Ms. Carolyn Sullivan UIC Program Groundwater Management Section. Ms. Sullivan may be reached by e-mail carolyn.sullivan@tn.gov or by telephone at (615) 532-0180.	Based on the site geology, no karst features are expected. The Geotechnical Report will be filed with TDOT when completed by AECOM, the design engineer. The grading plans will include a note that: "All UIC wells that are encountered should be plugged and abandoned according to approval from the UIC program."

Agency	Date of Response	Agency Comments	Responses
TDEC (13)	11/17/2009	DIVISION OF UNDERGROUND STORAGE TANKS -- The Division of Underground Storage Tanks (DUST) has reviewed the provided information and found no known registered facilities within the designated area. There are two facilities that are between Alternative 2 and the other alternatives but do not appear to be in the actual area. They are 8-240108 (Mrs. Smith's Frozen Food), and 8-240103 (Gurkin's #3), but neither has an active contamination case with this Division.	Based on the Phase 1 - ESA on file with TDOT, zero UST were found within Build Alternative 1 or the study area for Industrial Road,
TWRA	10/21/2009	Current concerns are potential stream and wetland impacts.	Impacts to natural resources will be avoided, minimized or mitigated during project design and construction. EA Section 2.5 discussions sub-alternatives which discussions minimization of impacts to streams and wetlands.

4.0 NON-TESA PARTICIPATING AGENCY COMMENT SUMMARY

This section describes responses received from *Non-TESA Agencies* regarding the *TESA Concurrence Points #1 and #2 Package*.

The only non-TESA agency comment was received from the Local Planning Assistance Office of West Tennessee Region. Copy of the comment received is contained in the Appendix.

Agency Comments	Responses
Floodplain -- Alternative 1 is located in the federally identified base flood area in Fayette County. If Alternative 1 is chosen as the actual building site, the Memphis Regional IMF should be built in accordance with the National Flood Insurance Program standards.	AECOM, the design engineer, has met with the Fisher and Arnold, Inc., the Town of Rossville's consulting engineers and planners, to discuss potential flood plain issues. Impacts to the Zone A floodplain will be avoided, minimized or mitigated during project design. Additional explanation is in EA Section 3.12.5.
UGB -- The preferred site is in Rossville's southwestern Urban Growth Boundary.	Rossville Urban Growth Boundary (UGB) is included in EA Section 3, Figure 3-3.
Zoned Industrial -- The preferred site is currently zoned Industrial.	Zoning in areas included in EA Section 3, Figure 3-2.
Comply with County MRP -- The preferred site does comply with the Fayette County Major Road Plan.	Major Road Plan (MRP) information included in EA Sections 2 and 3.

APPENDIX -- AGENCY RESPONSES

**Tennessee Environmental Streamlining Agreement (TESA)
Combined TESA Concurrence Point #1 and #2
Memphis Regional Intermodal Facility near Rossville, Fayette County, Tennessee**

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Assessment (EA) for the Memphis Regional Intermodal Facility (Memphis Regional IMF) near Rossville, Fayette County, Tennessee. This EA is being developed by TDOT to document the impacts of the subjected project in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement (TESA)*. In accordance with TESA, we are requesting your review and concurrence on the Combined Concurrence Point #1 and #2, Purpose and Need and Proposed Actions and Alternatives.

The *Purpose and Need* and *Proposed Actions and Alternatives* package was sent to you on October 2, 2009 for a 45-day review period. Once you have had the opportunity to review the above-referenced document, please sign the attached form. In signing this document, you are indicating your concurrence on the purpose and need and actions and alternative in the environmental document.

Please sign and return this form to Tom Love at the address below by November 17, 2009.

Mr. Tom Love
TDOT Environmental Division
Suite 900
James k Polk Building
505 Deaderick Street
Nashville, TN 37243-0334

If you feel all provisions of the *TESA Concurrence Point #1 and #2* have been satisfied, please acknowledge concurrence with the adequacy of the *Purpose and Need / Proposed Actions and Alternatives*.

AGENCY: U.S. Environmental Protection Agency

CONCURRENCE: JAMIE HIGGINS

DATE: 10-23-09

* Advisory Comments Attached

**Combined TESA Concurrence Point 1 and #2 Memphis Regional Intermodal
Facility near Rossville, Fayette County, Tennessee**

U.S. Environmental Protection Agency: Advisory Comments

General Scoping Comments:

1. **NEPA Level of Analysis:** EPA is concerned with TDOT/FHWA pursuing an Environmental Assessment (EA) as opposed to an Environmental Impact Statement (EIS). The proposed project will have a large imprint of 570 acres and will increase traffic within the community. The project also has the potential to significantly impact water resources and increase air toxics. EPA recognizes the expeditious timeline of pursuing this project; however, environmental and socioeconomic impact analysis and public outreach should be proportional with the level of impacts. EPA recommends that TDOT/FHWA conduct a robust analysis of environmental and socioeconomic impacts (direct, indirect and cumulative), comprehensive mitigation planning and pursue an aggressive public outreach campaign. EPA also recommends that TDOT/FHWA fully articulate the rationale for pursuing an EA versus an EIS in the NEPA document.

2. **Mobile Source Air Toxics:** Evaluation of project of this magnitude should include consideration of the impacts of air toxics emissions on nearby population centers and sensitive populations. The environmental assessment should include a detailed inventory of air toxics emissions (including diesel emissions) from both stationary and mobile sources that serve the facility, including the locomotives, switchers, tractors, and support equipment, etc. It should also include a screening level evaluation of the potential impacts of these emissions on neighboring populations at each of the locations being considered for the facility in order to allow an informed comparison of the level of acceptability of each of the locations being considered. The screening level evaluation could be conducted using the approach described in EPA's Air Toxics Risk Assessment Reference Library (ATRA Library). We refer the sponsor of the project to the ATRA Library, Volume 1 Section 3.3.3 for further details (http://epa.gov/ttn/fera/risk_atra_main.html). The evaluation should include a description of the recent literature concerning the impact of air toxics emissions on near-roadway receptors, including sensitive receptors such as children and the elderly. The evaluation should also describe the methods that will be used to mitigate any unavoidable emissions and impacts.

3. **Flood and storm-water drainage:** the proposed action represents significant increase in impervious surfaces and associated storm-water runoff and water quality issues. The EA should describe how the facility will impact local streams and other water bodies. Furthermore, will flooding events harm or damage downstream properties and infrastructure? Will there be any potential traffic hazards associated by any flooding events resulting from construction and associated operation of the proposed action. All too often the commonly used storm-water solution is to construct sediment settlement basins that potentially represent vector issues, e.g., mosquito and potential disease transmissions. These basins will have to be cleaned out as the sediment fills them. The

likely hood of the sediments testing as polluted requiring appropriate disposal is high. EPA would like to see the rail yard designed to collect storm water runoff and see if the runoff can be constructively used, e.g., landscape watering or grey water use in the infrastructure, i.e., flushing toilets or locomotive/rail car cleaning, etc.

4. **TMDL:** The project area is in the Wolf River Watershed, which is impaired for E. Coli and Chlordane and PCBs (reference Total Maximum Daily Loads (TMDLs) For Chlordane And Polychlorinated Biphenyls (PCBs) in the Wolf River, Wolf River Watershed (HUC 08010210), Shelby County, Tennessee, December 13, 2007) . Of particular concern to EPA in reference to this project is the pollutant Chlordane. Historically the State of Tennessee's 303(d) "impaired waters" lists the Wolf River as not supporting its designated use classifications due, in part, to elevated levels of chlordane in fish tissue samples. Contaminated sediment has been identified as the source of pollutant causes associated with Chlordane impairment. Chlordane was a chemical that was used as a pesticide for agricultural purposes. Chlordane can persist in the environment for many years and loading is expected to fluctuate according to the stream flow and distribution of rainfall. Chlordane is an environmentally persistent and bioaccumulative substance, which has been classified as a probable human carcinogen. Although it can still be manufactured in the United States, the Environmental Protection Agency canceled commercial use of chlordane in 1988. Large amounts of chlordane were already widely distributed throughout the environment by the time its usage ended. According to EPA's *Toxicological Review of Chlordane* residues **still exist in soils and sediments** and chlordane bioaccumulates in fatty tissue of fish and humans; this bioaccumulation is a source of current concern.

The fish & aquatic life designated use classification provided the basis for the chlordane TMDL for the Wolf River approved by EPA in 2007. Under the fish & aquatic life designated use classification, the Tennessee water quality criterion continuous concentration (CCC) for chlordane is 0.0043 µg/L and the criterion maximum concentration (CMC) is 2.4 µg/L (ppb). Due to the bioaccumulative nature of the chlordane impairment, the more stringent continuous concentration criterion serves as the appropriate target for the Wolf River TMDLs.

Since the current and past land use of the preferred alternative has been for agricultural purposes, there is a potential that there is Chlordane present in the soil. EPA is concerned that during the construction of the facility Chlordane might be released during a stormwater event. The preferred alternative project area is upstream of the Chlordane impaired segment of the Wolf so it is plausible that Chlordane could be released in to the impaired segment of the Wolf. EPA recommends that Storm Water Sampling of all Outfalls include chlordane as part of the Norfolk Southern's Environmental Monitoring and Compliance Program. We also recommend that after site scarification and stripping of all topsoil is complete, the stockpiled material be evaluated for the presence of chlordane before its reuse in landscaping and non-structural areas. We further recommend that site-specific BMPs be employed to control stormwater runoff from being contaminated with chlordane. The grading plan should be developed with a goal of minimizing potential chlordane contamination of the stormwater runoff.

4. Noise: Construction sites and intermodal terminals can produce substantial noise impacts mainly from vehicles, heavy equipment and machinery. High noise levels can be distracting and annoying and can also lead to sleep disturbances, stress, increased blood pressure and hearing loss. The NEPA document should indicate what noise levels can be expected from the project, and the distance to the closest residence/receptor. Background noise levels should also be included in the document. The NEPA evaluation should estimate the projected incremental increase of noise. Generally, EPA considers all increases over 10 dBA at any given noise level as a significant increase. Comparisons to any noise guidelines (e.g., FHWA, HUD) or city ordinances are also appropriate. EPA has a target noise level (not a guideline or standard) of 55 dBA DNL for outdoor areas where people spend a varying amount of time (such as residences). All construction equipment should be equipped with noise attenuation devices, such as mufflers and insulated engine housings. In addition, OSHA regulations apply for all employees affected by job noises.

Forms of noise mitigation include, but are not limited to, vegetative screens, vegetated earthen berms, and fabricated noise barriers. If noise impacts are significant at residences just outside the normal width of the right-of-way, relocation of residents should also be considered at the discretion of the affected residents. Avoiding noise impacts via alignment shifts is frequently more effective than mitigation. The proposed project does have communities that are located within the vicinity of the project area. The NEPA document should indicate how the construction and ongoing operational activities will affect existing area residents and schools. In addition, the document should also disclose how noise impacts will be minimized and mitigated.

5. Light Pollution: Lighting associated with the proposed intermodal facility is likely to be used on a continuous basis. The NEPA document should discuss the type, magnitude and duration of the lighting. It should also indicate what measures will be made to minimize and mitigate lighting related issues on the neighboring community. The proposed lighting represents significant energy expenditure and it is important to discuss the potential natural or depletable energy requirements. In addition, the document should also disclose the energy conservation potential of various alternatives including the selected alternative.

6. Visual Impacts: Is the industrial nature of the proposed action is inconsistent with the zoning restrictions and the nature of the rural community. The NEPA document should indicate the measures that will be taken (e.g., building design, layout, landscaping, etc) to make the proposed action look less industrial, and more fitting to the surrounding rural character.

7. Emergency Response Provisions: The NEPA document should address issues related to potential accidents that may occur related to the proposed intermodal facility. What are the emergency response plans to address issues associated with potential hazardous-

cargo accidents, e.g., tractor trailer traffic bringing in the cargo or cargo container transfer incidents between the truck and the train?

8. **Environmental Justice (EJ)** - Consistent with Executive Order 12898 (2/11/94), potential EJ impacts should be considered in the NEPA document. An EJ survey is to ensure equitable environmental protection regardless of race, ethnicity, economic status or community, so that no segment of the population bears a disproportionate share of the consequences of environmental pollution attributable to a proposed project.

9. **Cultural Resources** – A cultural resource survey concurrence should be coordinated with the State Historic Preservation Officer (SHPO). Besides the consideration of listed historical sites, the NEPA document should also discuss procedures for events such as unearthing archaeological sites during prospective construction. Such procedures should include work cessation in the area until SHPO and/or Tribal approval of continued construction.

10. **Cumulative Impacts:** The NEPA document should estimate cumulative impacts associated with the proposed project. Cumulative impacts include the additive effects of a given parameter for all contributing projects in the area, as well as the cumulative impact of all parameters for all projects in the area. The document should define what environmental and social cumulative impacts would result from implementation of the proposed project. Existing or future projects (federal and non-federal projects) with attendant pollutants should also be considered.

11. **Coordination and Public Input:** Since the proposed project is very close to the Mississippi state line. TDOT should coordinate and conduct public outreach not only with Tennessee, but with Mississippi communities. It also appears that the closest residential community to the facility is in Mississippi and approximately 2 miles from the preferred alternative. EPA recommends TDOT coordinate extensively with the state of Mississippi and impacted Mississippi communities.

Combined Concurrence Point #1 and 2 Package:

1. In Section 2.1 Background, page 5, TDOT cites a 2002 FHWA Freight Analysis Framework study that identifies economic growth, population growth and other factors in determining the feasibility of constructing the IMF. Is this data still applicable given the current downturn in the economy? EPA recommends that TDOT consider more recent developments in the economy as well as discuss and cite more recent studies that would strengthen justification for the purpose and need for the project.

2. In Section 2.3 Need for Proposed Action, page 6, TDOT cites an “IHS Global Insight data, modified with proprietary data shared by four large NSR domestic truckload customers”. Does this mean that NSR will not share this data with the TESA agencies or the public? Please clarify if this data will be disclosed. This data is cited heavily to justify the need for the project and should be disclosed to the public and TESA agencies. EPA recommends that the proprietary nature of the data be better discussed in the NEPA

document. If at all possible, this data should be transparent to the public and state and federal agencies.

3. In Section 3.1 Proposed Action, page 12, TDOT discusses the proposed action, but doesn't list the total impacted acres or foot print of the construction site. EPA recommends that TDOT state the construction site in acreage and the total facility site in acres.

4. On page 18, Figure 3.8 NSR "The Green Machine" Calculator of Carbon Footprint Analyzer, is not discussed and it is confusing as to the purpose of this figure. In going to the website cited, Modalgistics doesn't provide a link to the "The Green Machine". EPA recommends that TDOT describe the purpose of the "The Green Machine" and also give readers a link to the actual Green Machine.

5. In Figure 3.9 Preliminary Property Boundary Memphis Regional IMF, page 19, TDOT displays the "Proposed Independently Developed Access Road (not part of MRIMF development)". The impacts of this proposed access road, which leads directly and solely to the IMF, should be considered in the impacts analysis (to include direct, indirect and cumulative impacts). EPA recommends that it should be considered a part of the IMF project since it is a main access road to the facility. Since this access road will impact Mississippi natural resources and because of the close proximity of the project to the state line, EPA also recommends that TDOT coordinate with Mississippi state agencies and conduct public outreach to Mississippi residents and businesses.



DEPARTMENT OF THE ARMY
MEMPHIS DISTRICT, CORPS OF ENGINEERS
167 NORTH MAIN STREET B-202
MEMPHIS, TENNESSEE 38103-1894

REPLY TO

November 9, 2009

Operations Division
Regulatory Branch

Mr. Tom Love
TDOT Environmental Division
Suite 900
James K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243-0334

Dear Mr. Love:

This is in response to your Combined TESA Concurrence Point #1 and #2 Package, Environmental Assessment for Memphis Regional Intermodal Facility near Rossville, Fayette County, Tennessee received in a letter dated October 2, 2009.

As you requested, this information was reviewed by our office. Based on our review, our office acknowledges that the information provided in the *Purpose and Need / Proposed Actions and Alternatives* is adequate. Therefore, our office acknowledges concurrence with the submitted information.

If you have questions, please contact Mitch Elcan at (901) 544-0337 and refer to File No. MVM-2009-234.

Sincerely,

A handwritten signature in blue ink that reads "Tim H. Flinn".

Tim H Flinn, P.E.
Eastern Section Chief
Regulatory Branch

**Tennessee Environmental Streamlining Agreement (TESA)
Combined TESA Concurrence Point #1 and #2
Memphis Regional Intermodal Facility near Rossville, Fayette County, Tennessee**

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Assessment (EA) for the Memphis Regional Intermodal Facility (Memphis Regional IMF) near Rossville, Fayette County, Tennessee. This EA is being developed by TDOT to document the impacts of the subjected project in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement (TESA)*. In accordance with TESA, we are requesting your review and concurrence on the Combined Concurrence Point #1 and #2, Purpose and Need and Proposed Actions and Alternatives.

The *Purpose and Need* and *Proposed Actions and Alternatives* package was sent to you on October 2, 2009 for a 45-day review period. Once you have had the opportunity to review the above-referenced document, please sign the attached form. In signing this document, you are indicating your concurrence on the purpose and need and actions and alternative in the environmental document.

Please sign and return this form to Tom Love at the address below by November 17, 2009.

Mr. Tom Love
TDOT Environmental Division
Suite 900
James k Polk Building
505 Deaderick Street
Nashville, TN 37243-0334

If you feel all provisions of the *TESA Concurrence Point #1 and #2* have been satisfied, please acknowledge concurrence with the adequacy of the *Purpose and Need / Proposed Actions and Alternatives*.

AGENCY: US Fish and Wildlife Service

CONCURRENCE: Mary E Jennings

DATE: 10-6-09



United States Department of the Interior

FISH AND WILDLIFE SERVICE

446 Neal Street
Cookeville, TN 38501

November 9, 2009

Mr. Tom Love
Tennessee Department of Transportation
Environmental Planning and Permits Division
Suite 900, James K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243-0334

Subject: Concurrence Point 1. Proposal to develop the Memphis Regional Intermodal Facility (IMF) near Rossville, Fayette County, Tennessee.

Dear Mr. Love:

The Tennessee Department of Transportation (TDOT), in cooperation with the Federal Highway Administration (FHWA), is preparing an Environmental Assessment for the proposed construction of the Memphis Intermodal Facility (IMF) in Fayette County, Tennessee. The purpose of the project is to meet current and future demand for intermodal transportation in the Memphis region. The facility is proposed to serve future transportation needs and reduce congestion, provide for improved safety, and contribute to economic growth. Concurrence points 1 and 2 have been combined because public participation opportunities were presented early in the site selection process.

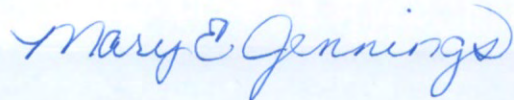
The *Purpose and Need* and *Proposed Actions and Alternatives Package* was developed by TDOT to justify this project and outline the preferred build alternative and its potential impacts in accordance with the National Environmental Policy Act and the Tennessee Environmental Streamlining Agreement (TESA). In accordance with TESA, TDOT has requested that the U.S. Fish and Wildlife Service review and provide concurrence (or non concurrence) on concurrence points 1 and 2, *Purpose and Need* and *Proposed Actions and Alternatives Package*.

Six build alternatives were evaluated against established criteria to meet the project's purpose and need. The Preferred Alternative (Alternative 1) meets all the criteria as summarized on Table 2 and was chosen based on its accessibility to the preferred highway infrastructure (U.S. Highway 72). This alternative and the No-Build Alternative will be carried forward under the NEPA process. The other build alternatives have been eliminated from further consideration.

We have reviewed the *Purpose and Need* and *Proposed Actions and Alternatives Package* and **concur** that it is adequate and that TDOT should proceed to Concurrence Point 3, *Draft Environmental Assessment*. The signed TESA concurrence points 1 and 2 package for this project is attached.

Thank you for the opportunity to review this document. If you have any questions regarding our comments, please contact John Griffith of my staff at 931/528-6481 (ext. 228) or by email at john_griffith@fws.gov.

Sincerely,



Mary E. Jennings
Field Supervisor

**Tennessee Environmental Streamlining Agreement (TESA)
Combined TESA Concurrence Point #1 and #2
Memphis Regional Intermodal Facility near Rossville, Fayette County, Tennessee**

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Assessment (EA) for the Memphis Regional Intermodal Facility (Memphis Regional IMF) near Rossville, Fayette County, Tennessee. This EA is being developed by TDOT to document the impacts of the subjected project in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement (TESA)*. In accordance with TESA, we are requesting your review and concurrence on the Combined Concurrence Point #1 and #2, *Purpose and Need* and *Proposed Actions and Alternatives*.

The *Purpose and Need* and *Proposed Actions and Alternatives* package was sent to you on October 2, 2009 for a 45-day review period. Once you have had the opportunity to review the above-referenced document, please sign the attached form. In signing this document, you are indicating your concurrence on the purpose and need and actions and alternative in the environmental document.

Please sign and return this form to Tom Love at the address below by November 17, 2009.

Mr. Tom Love
TDOT Environmental Division
Suite 900
James k Polk Building
505 Deaderick Street
Nashville, TN 37243-0334

If you feel all provisions of the *TESA Concurrence Point #1 and #2* have been satisfied, please acknowledge concurrence with the adequacy of the *Purpose and Need / Proposed Actions and Alternatives*.

AGENCY: _____

Tennessee Valley Authority

CONCURRENCE: _____

Kenneth P. P.

DATE: _____

10/21/09



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER POLLUTION CONTROL
7TH FLOOR, L&C ANNEX
401 CHURCH STREET
NASHVILLE, TENNESSEE 37243-1534

November 17, 2009

Mr. Tom Love
TDOT
Environmental Division
Suite 900, James K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243-0334

RE: Concurrence Points 1 & 2
Memphis Regional Intermodal Facility
Rossville, Fayette County, Tennessee

Dear Mr. Love:

The Tennessee Department of Environment and Conservation (TDEC) has reviewed the Concurrence Point 1 & 2 (CP1&2) documents, Purpose & Need and Proposed Actions & Alternatives, for the subject project. The signed TESA concurrence form is attached.

The following program information and advisory comments were received from TDEC Divisions/Offices and should be considered during development of the preliminary draft Environmental Assessment (EA) and design of the project to avoid, minimize, and mitigate impacts to the natural environment. Where environmental impacts cannot be avoided, information needed to complete the appropriate TDEC permit applications should be composed during project development. A summary of TDEC environmental permit requirements is available on the TDEC website, <http://state.tn.us/environment/permits>.

DIVISION OF AIR POLLUTION CONTROL

The Division of Air Pollution Control (APC) has reviewed the combined TESA Concurrence Points 1 and 2 Package for the Environmental Assessment for the Memphis Regional Intermodal Facility (IMF) near Rossville, Fayette County, Tennessee. This project is in an area designated as attainment/unclassified for the National Ambient Air Quality Standards (NAAQS), therefore, a transportation conformity determination is not required.

This agency's other interests, above what would be addressed through the standard NEPA process, concerns the control of fugitive dust and equipment exhaust emissions during the construction phase, and the assurance that any structures requiring demolition are asbestos free, as per the requirements of Chapter 1200-3-11, Hazardous Materials. The open burning regulations have changed dramatically. Before burning any wood waste, please refer to

Chapter 1200-3-4, Open Burning rules at: <http://www.state.tn.us/sos/rules/1200/1200-03/1200-03.htm>. APC also suggests contacting other applicable regulatory agencies.

In addition, as this intermodal facility may have a large number of diesel engines running at the facility at one time, APC would like to encourage the use of technologies to minimize diesel emissions. Also, APC would like to encourage the consideration of anti-idling measures and policies where possible.

DIVISION OF GEOLOGY

The Division of Geology has reviewed the CP1 & 2 information and has no advisory comments on the plans provided.

DIVISION OF REMEDIATION

The Division of Remediation (DoR) has reviewed the CP1 & 2 information. DoR has one site within approximately ½ mile of the Preferred Alternative project area. This site is as follows:

- Ross Metals (DoR# 24-501) 100 North Railroad Street
Rossville, TN 38066

The Ross Metals site is currently on the Environmental Protection Agency's (EPA) National Priorities List (NPL). In addition to DoR files, additional information about the Ross Metals site is available on the US EPA's Envirofacts Data Warehouse at the following web address: www.epa.gov/enviro.

Attached is a map of the proposed project location. The map represents the American Society of Testing Materials (ASTM) suggested one-mile radius search for remediation sites and captures current active DoR sites within the search radius of the subject property referenced above.

Although DoR routinely updates its database of current active remediation sites, DoR does not have knowledge of all hazardous material activity within Shelby, Tipton, and Fayette County area (i.e. illegal dumping activities). Additionally, DoR sites are represented by a point located at the approximate center of each site. Information regarding the extent of DoR site boundaries is available in DoR files.

If additional DoR information is needed, please contact Ms. Merrie Embry, Memphis Environmental Field Office DoR, at 901-368-7956.

DIVISION OF SOLID WASTE MANAGEMENT

The Division of Solid Waste Management (DSWM) has reviewed the CP1 & 2 information and has no advisory comments on the plans provided.

DIVISION OF WATER POLLUTION CONTROL

As with any project, the Division of Water Pollution Control (WPC) expects the range of build alternatives to avoid or minimize, either through consideration of different alignments or different design elements, impacts to waters of the state. Where impacts to waters of the

state cannot be avoided, reasonable alternatives with social and economic considerations for each proposed water and/or wetland impact to satisfy Tennessee's Antidegradation Statement Rule 1200-4-3-.06 will be required to complete an ARAP application.

It is recommended that the EA list the waters of the state to be impacted with each build alternative, provide details of proposed impacts, and describe mitigation for proposed impacts. WPC staff is available to participate in onsite inspections, in coordination with TDOT or their designee, to verify hydrologic determinations and wetland assessments for waters of the state that would be subject to TDEC regulatory authority.

If additional information is needed regarding aquatic resource identification, antidegradation, and/or alteration avoidance, minimization, and mitigation, please contact Mr. Brian Canada, WPC Natural Resources Section, at 615-532-0660.

DIVISION OF WATER SUPPLY

The Division of Water Supply (DWS) has received and reviewed the TESA CP 1&2 Package for the Memphis Regional Intermodal Facility Project and appreciates the opportunity to comment on this plan.

Safe Dams Program:

A file review was conducted of all registered sites in the Safe dam program. There is one registered dams in the proposed alternative 1 project area. The contact for information in the Safe Dams Program can be obtained from Mr. Lyle Bentley Manger of the Safe Dams Section in the Division of Water Supply. Mr. Bentley may be reached by e-mail lyle.bentley@tn.gov or by telephone at (615) 532-0154.

Source Water Protection Program:

A review of the community and non-community water supplies in the area shows that there is one potential non community water system in the Alternative 1 project area. Also alternative 4 and 5 are located adjacent to large ground water users. Also this area is very important to the recharge of the Memphis Sand. Any information on the Source Water/Wellhead Protection areas can be directed to Mr. Scotty D. Sorrells Manager Groundwater Management Section. Mr. Sorrells may be reached by e-mail scotty.sorrells@tn.gov or by telephone at (615) 532-9224.

Water Well Program:

A file review was conducted of all the registered private water wells within this proposed route. Please contact Mr. Luke Ewing with the names of the topographic quads. There are private water supplies in the proposed area. Please be advised that not all the water wells that are in existence are on this database and that there may be older wells that DWS have no record of as well as hand dug wells whose existence DWS would not have recorded. All water wells that are encountered should be plugged and abandoned by a licensed well contractor. Any information related to the Water Well Program can be directed to Mr. Luke Ewing Manager Water Well Program. Mr. Ewing can be reached by e-mail luke.ewing@tn.gov or by telephone at (615) 532-0176.

Underground Injection Control:

A file review was conducted of all the registered Underground injection Control (UIC) points within the area of review. No registered UIC sites are within the proposed area. Please be advised that not all old large capacity septic systems or stormwater injection points that are in existence are on this database. All UIC wells that are encountered should be plugged and abandoned according to approval from the UIC program. Any information on the UIC programs can be directed to Ms. Carolyn Sullivan UIC Program Groundwater Management Section. Ms. Sullivan may be reached by e-mail carolyn.sullivan@tn.gov or by telephone at (615) 532-0180.

This information represents a brief review of best available data sources and not a comprehensive field evaluation. Please verify all information in the field.

The issuance of this information/comments does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, State, or local laws or regulations.

If you have any questions, please contact Scotty Sorrells at (615) 532-9224 or email at scotty.sorrells@tn.gov.

DIVISION OF UNDERGROUND STORAGE TANKS

The Division of Underground Storage Tanks (DUST) has reviewed the provided information and found no known registered facilities within the designated area. There are two facilities that are between Alternative 2 and the other alternatives but do not appear to be in the actual area. They are 8-240108 (Mrs. Smith's Frozen Food), and 8-240103 (Gurkin's #3), but neither has an active contamination case with this Division.

Thank you for the opportunity to participate in the planning of this project. If you have any questions regarding the information provided, please email TDEC.TESA@tn.gov or contact Susannah Kniazewycz, Acting TDEC TESA Coordinator, at 615-889-6888.

Sincerely,



Daniel C. Eagar, Manager
WPC Natural Resources Section

Attachments (3)

**Tennessee Environmental Streamlining Agreement (TESA)
Combined TESA Concurrence Point #1 and #2
Memphis Regional Intermodal Facility near Rossville, Fayette County, Tennessee**

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Assessment (EA) for the Memphis Regional Intermodal Facility (Memphis Regional IMF) near Rossville, Fayette County, Tennessee. This EA is being developed by TDOT to document the impacts of the subject project in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement (TESA)*. In accordance with TESA, we are requesting your review of and concurrence of the Combined Concurrence Point #1 and #2, *Purpose and Need and Proposed Actions and Alternatives*.


The *Purpose and Need and Proposed Actions and Alternatives* package was sent to you on October 2, 2009 for a 45-day review period. Once you have had the opportunity to review the above-referenced document, please sign the form. In signing this document, you are indicating your concurrence on the purpose and need and actions and alternative in the environmental document.

Please sign and return this form to Tom Love at the address below by November 17, 2009.

Mr. Tom Love
TDOT Environmental Division
Suite 900
James K. Polk Building
505 Deaderick Street
Nashville, TN 37243-0334

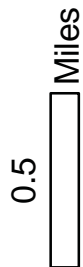
If you feel all provisions of *TESA Concurrence Point 1 & 2* have been satisfied, please acknowledge concurrence with the adequacy of the *Purpose and Need / Proposed Actions and Alternatives*.

AGENCY: Tennessee Department of Environment and Conservation

CONCURRENCE:  (comments in cover letter)

DATE: November 17, 2009

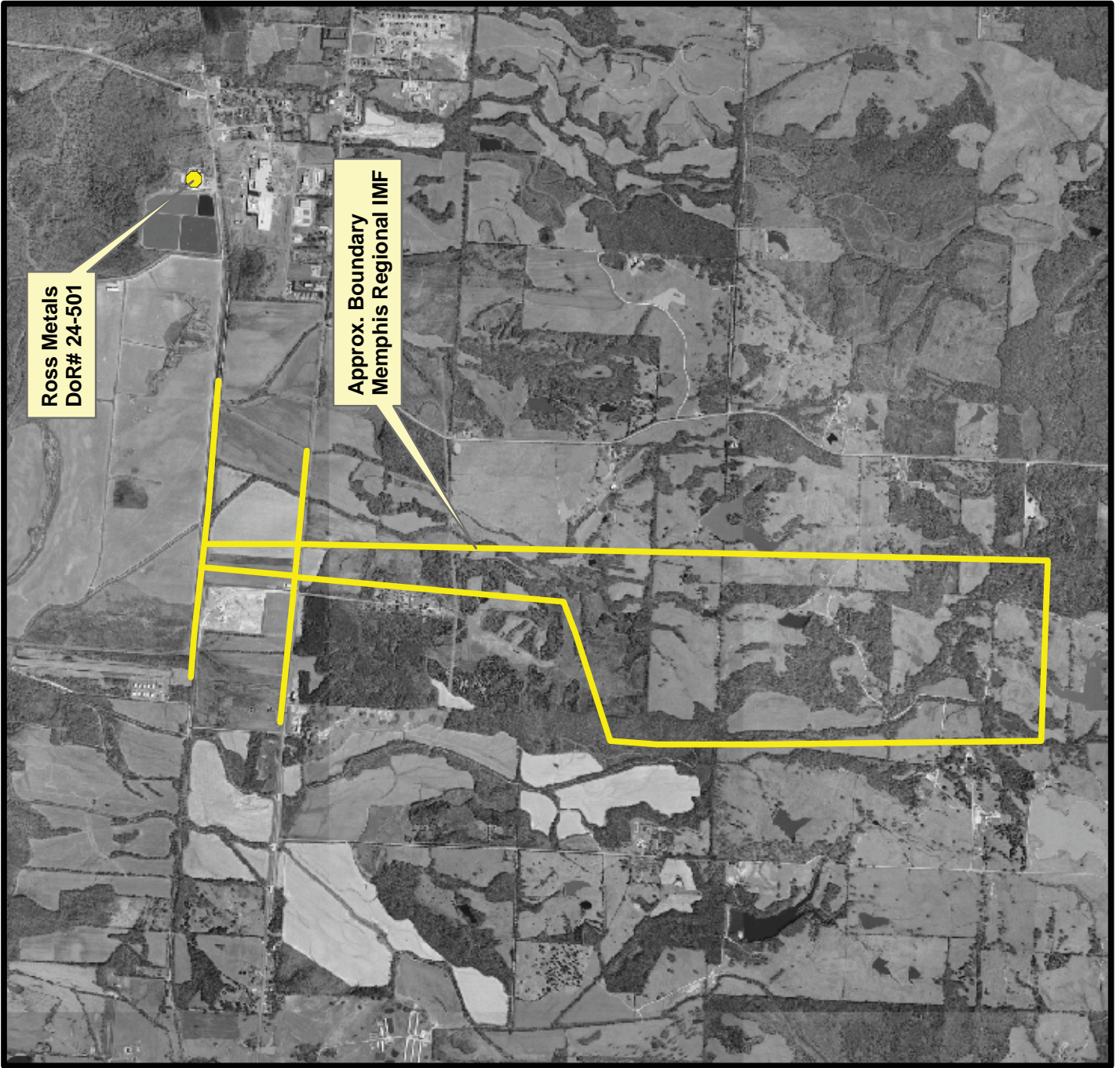
**DoR Sites within One Mile of
Approx. Boundary of Memphis
Regional Intermodal Facility (IMF)
Preferred Alternative
Fayette County, TN**



Legend	
	Pending
	State
	EPA
	VOAP
	Promulgated
	DSMOA
	DCERP

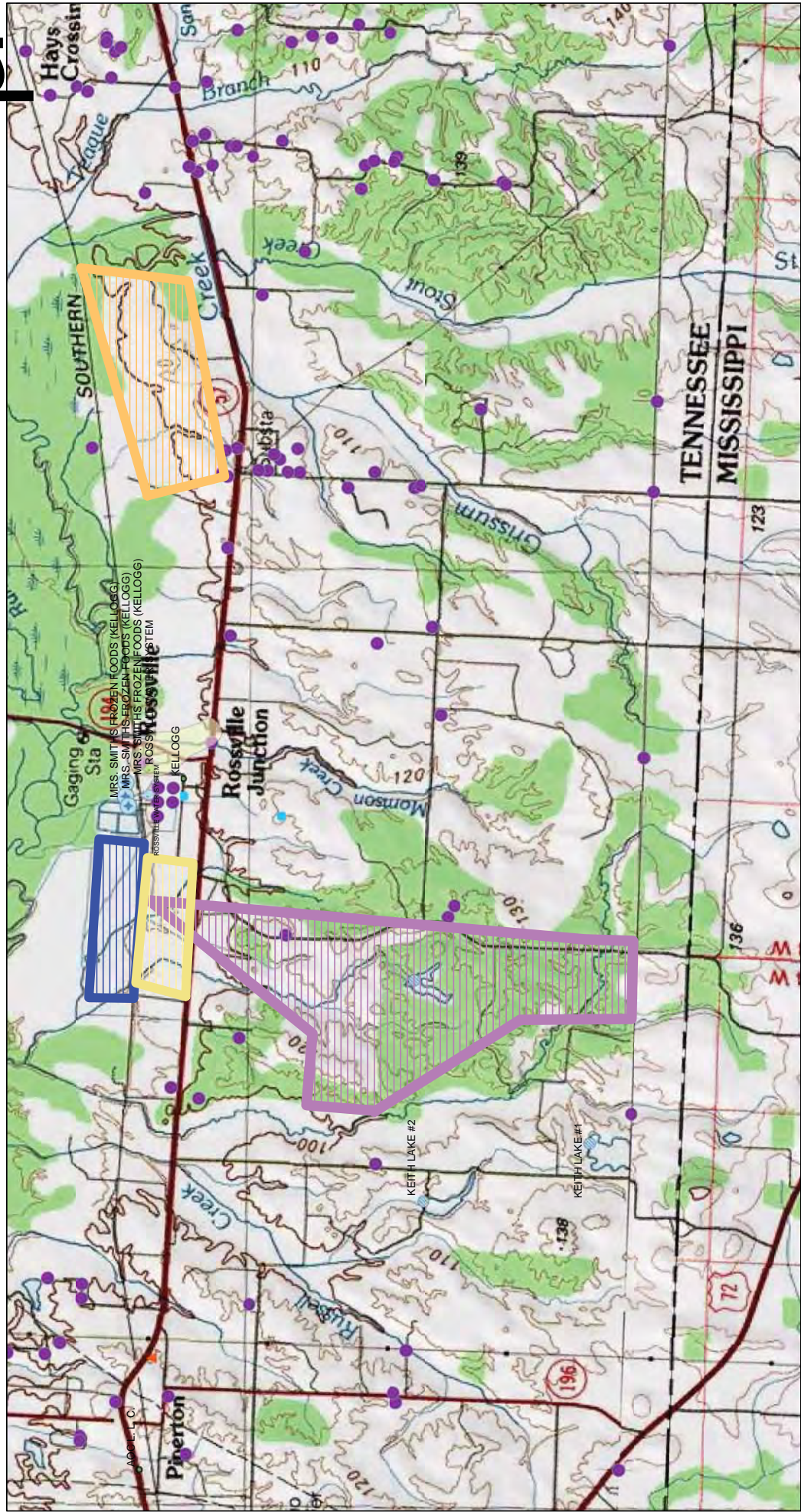
Prepared By: Merrie Embry
Date: October 12, 2009

*The information on this map is subject to revision without notice and is not valid for resale. Information was taken from United States Geological Survey maps.



Memphis Regional Intermodal Facility

H





Natural Resources Conservation Service
235 Oil Well Road
Jackson, Tennessee 38305

Date: October 16, 2009

Mr. Tom Love
Department Of Transportation, Environmental Division
Suite 900, James K. Polk Bldg.
505 Deaderick Street
Nashville, Tennessee 37243-0334

Re: Memphis Regional Intermodal Facility

Mr. Love:

Enclosed is the completed AD-1006 Farmland Conversion Impact Rating for the above-mentioned project. I should bring to your attention that within the boundary of your proposed project, the local soil survey indicates there are hydric soil map units. You should be aware that there may be wetland areas within your project boundary.

If you have any additional questions, please contact me at (731) 668-0700.

A handwritten signature in black ink that reads "Charles L. Davis". The signature is written in a cursive, flowing style.

Charles L. Davis
Resource Soil Scientist



FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)	Date Of Land Evaluation Request 9/25/09
Name Of Project Memphis Regional Intermodal Facility	Federal Agency Involved FHWA
Proposed Land Use Intermodal Facility	County And State Fayette County, TN

PART II (To be completed by NRCS)	Date Request Received By NRCS 10-5-2009
Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply -- do not complete additional parts of this form).	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Major Crop(s) CORN, SOYBEANS, COTTON	Acres Irrigated NA Average Farm Size 378
Name Of Land Evaluation System Used FAYETT CO	Farmable Land In Govt. Jurisdiction Acres: 321,141 % 71
	Amount Of Farmland As Defined in FPPA Acres: 193,476 % 60
	Name Of Local Site Assessment System NA
	Date Land Evaluation Returned By NRCS 10-16-2009

PART III (To be completed by Federal Agency)	Alternative Site Rating			
	Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	330.0			
B. Total Acres To Be Converted Indirectly	240.0			
C. Total Acres In Site	570.0	0.0	0.0	0.0

PART IV (To be completed by NRCS) Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	311			
B. Total Acres Statewide And Local Important Farmland	NA			
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted	0.16			
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value	17			

PART V (To be completed by NRCS) Land Evaluation Criterion				
Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)	0 79	0	0	0

PART VI (To be completed by Federal Agency)	Maximum Points				
Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))					
1. Area In Nonurban Use					
2. Perimeter In Nonurban Use					
3. Percent Of Site Being Farmed					
4. Protection Provided By State And Local Government					
5. Distance From Urban Builtup Area					
6. Distance To Urban Support Services					
7. Size Of Present Farm Unit Compared To Average					
8. Creation Of Nonfarmable Farmland					
9. Availability Of Farm Support Services					
10. On-Farm Investments					
11. Effects Of Conversion On Farm Support Services					
12. Compatibility With Existing Agricultural Use					
TOTAL SITE ASSESSMENT POINTS	160	0	0	0	0

PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)	100	0	0	0	0
Total Site Assessment (From Part VI above or a local site assessment)	160	0	0	0	0
TOTAL POINTS (Total of above 2 lines)	260	0	0	0	0

Site Selected:	Date Of Selection	Was A Local Site Assessment Used?
Reason For Selection:		Yes <input type="checkbox"/> No <input type="checkbox"/>



Natural Resources Conservation Service
675 US Courthouse
801 Broadway
Nashville, TN 37203

December 7, 2009

Mr. Tom Love:
Transportation Manager I
Tennessee Department of Transportation
Environmental Division
Suite 900 James K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243-0334

Dear Mr. Love:

Thank you for the opportunity to comment on the "Purpose and Need and Actions and Alternatives Environmental Assessment for Memphis Regional Intermodal Facility (IMF) near Rossville, Fayette County, Tennessee. The Agency has no authority or expertise in addressing the purpose and need of the construction of a new railway intermodal facility. The Agency does agree with the proposal's intent to select the least environmentally damaging alternative in the construction of the facility. Major streams, wetlands, and cultural resources should be avoided if at all possible. The fewest acres of these resources possible should be impacted. All negatively impacted areas should be fully mitigated. Any sites within the proposed facility subject to hazardous material transfer should be as far away from any possible receiving water and fully buffered against any possible spills.

At this time there are no Wetlands Reserve Program (WRP) easements or agreements currently located within or adjacent to the proposed 570 acre facility described in alternative 1. The Agency also has no pending WRP enrollment through fiscal year 2009 within the proposed area.

Sincerely,

A handwritten signature in cursive script that reads "Kevin Brown, Acting".

KEVIN BROWN
State Conservationist

cc: David Dees, DC, NRCS, Somerville, TN
Richard West, AC, NRCS, Jackson, TN



**Tennessee Environmental Streamlining Agreement (TESA)
Combined TESA Concurrence Point #1 and #2
Memphis Regional Intermodal Facility near Rossville, Fayette County, Tennessee**

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Assessment (EA) for the Memphis Regional Intermodal Facility (Memphis Regional IMF) near Rossville, Fayette County, Tennessee. This EA is being developed by TDOT to document the impacts of the subjected project in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement (TESA)*. In accordance with TESA, we are requesting your review and concurrence on the Combined Concurrence Point #1 and #2, Purpose and Need and Proposed Actions and Alternatives.

The *Purpose and Need* and *Proposed Actions and Alternatives* package was sent to you on October 2, 2009 for a 45-day review period. Once you have had the opportunity to review the above-referenced document, please sign the attached form. In signing this document, you are indicating your concurrence on the purpose and need and actions and alternative in the environmental document.

Please sign and return this form to Tom Love at the address below by November 17, 2009.

Mr. Tom Love
TDOT Environmental Division
Suite 900
James k Polk Building
505 Deaderick Street
Nashville, TN 37243-0334

If you feel all provisions of the *TESA Concurrence Point #1 and #2* have been satisfied, please acknowledge concurrence with the adequacy of the *Purpose and Need / Proposed Actions and Alternatives*.

AGENCY: TENNESSEE WILDLIFE RESOURCES AGENCY

CONCURRENCE: Robert Todd, FISH AND WILDLIFE ENVIRONMENTALIST

DATE: 10-21-2009



TENNESSEE WILDLIFE RESOURCES AGENCY

ELLINGTON AGRICULTURAL CENTER
P. O. BOX 40747
NASHVILLE, TENNESSEE 37204

October 21, 2009

Tom Love
State of Tennessee
Department of Transportation
Environmental Division
Suite 900, James K. Polk Building
505 Deaderick Street
Nashville, TN 37243-0334

Re: **Concurrence Points 1 & 2**, Purpose & Need and Project Alternatives for the Proposed Norfolk Southern Railway Memphis Regional Intermodal Facility in Fayette County, Tennessee

Dear Mr. Love:

The Tennessee Wildlife Resource Agency has received and reviewed the information your office provided to us regarding the proposed project listed above. Our current concerns are potential stream and wetland impacts that may occur due to the construction of this project.

We concur on Concurrence Points 1 & 2 for the proposed Norfolk Southern Railway Memphis Regional Intermodal Facility in Fayette County, Tennessee. We have completed the requested concurrence form, which is attached. We thank you for the opportunity to participate during the coordination process and look forward to working with Tennessee Department of Transportation personnel in the future to reduce potential impacts to fish and wildlife resources associated with this project.

Sincerely,

Robert M. Todd

Robert M. Todd
Fish and Wildlife Environmentalist

cc: Allen Pyburn, Region I Habitat Biologist
Alan Peterson, Region I Assistant Manager

The State of Tennessee

IS AN EQUAL OPPORTUNITY, EQUAL ACCESS, AFFIRMATIVE ACTION EMPLOYER

**Tennessee Environmental Streamlining Agreement (TESA)
Combined TESA Concurrence Point #1 and #2
Memphis Regional Intermodal Facility near Rossville, Fayette County, Tennessee**

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Assessment (EA) for the Memphis Regional Intermodal Facility (Memphis Regional IMF) near Rossville, Fayette County, Tennessee. This EA is being developed by TDOT to document the impacts of the subjected project in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement (TESA)*. In accordance with TESA, we are requesting your review and concurrence on the Combined Concurrence Point #1 and #2, Purpose and Need and Proposed Actions and Alternatives.

The *Purpose and Need* and *Proposed Actions and Alternatives* package was sent to you on October 2, 2009 for a 45-day review period. Once you have had the opportunity to review the above-referenced document, please sign the attached form. In signing this document, you are indicating your concurrence on the purpose and need and actions and alternative in the environmental document.

Please sign and return this form to Tom Love at the address below by November 17, 2009.

Mr. Tom Love
TDOT Environmental Division
Suite 900
James k Polk Building
505 Deaderick Street
Nashville, TN 37243-0334

If you feel all provisions of the *TESA Concurrence Point #1 and #2* have been satisfied, please acknowledge concurrence with the adequacy of the *Purpose and Need / Proposed Actions and Alternatives*.

AGENCY: TN Dept. of Economic & Community Development

CONCURRENCE: Concurrence
Acknowledged and adequate "Purpose and Need/Proposed Actions and Alternatives."

DATE: 10-20-2009 Michael Atchison

From: Lott, Martha [Martha.Lott@shelbycountyttn.gov]
Sent: Tuesday, November 17, 2009 8:50 AM
To: Hagerty, Robin L
Subject: Re: Memphis Regional IMF - Combined TESA Concurrence Point #1 and #2 Package (32)

Follow Up Flag: Follow up
Flag Status: Red

No comments at this time
Martha Lott, Administrator
Dept. Regional Services
Memphis MPO
1075 Mullins Station Rd.
Memphis, TN. 38134
(901-379-7860)

From: Hagerty, Robin L <robin.hagerty@amec.com>
To: Lott, Martha
Cc: Tom Love <Tom.Love@tn.gov>
Sent: Mon Nov 16 16:39:09 2009
Subject: FW: Memphis Regional IMF - Combined TESA Concurrence Point #1 and #2 Package (32)

The 45 day comment period for the attached Combined Concurrence Point #1 and #2, expires tomorrow. Sorry for not sending the 15-day reminder. If you need additional time to complete your review, please let Tom Love know. Otherwise, please returned your signed TESA Concurrence Form as soon as possible,
Thanks, Robin
Robin L. Hagerty, PE, CPESC®
Project Manager
AMEC Earth and Environmental
(615) 333-0630 x364

From: Hagerty, Robin L
Sent: Wednesday, October 07, 2009 4:39 PM
To: Martha.Lott@shelbycountyttn.gov
Cc: 'Tom Love'
Subject: Memphis Regional IMF - Combined TESA Concurrence Point #1 and #2 Package (32)

Ms. Martha Lott, Transportation Planning Coordinator, Memphis-Shelby County Department of Regional Services,

Attached is an electronic version of the package mailed to you on October 2, 2009.

**Tennessee Environmental Streamlining Agreement (TESA)
Combined TESA Concurrence Point #1 and #2
Memphis Regional Intermodal Facility near Rossville, Fayette County, Tennessee**

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Assessment (EA) for the Memphis Regional Intermodal Facility (Memphis Regional IMF) near Rossville, Fayette County, Tennessee. This EA is being developed by TDOT to document the impacts of the subjected project in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement (TESA)*. In accordance with TESA, we are requesting your review and concurrence on the Combined Concurrence Point #1 and #2, Purpose and Need and Proposed Actions and Alternatives.

The *Purpose and Need* and *Proposed Actions and Alternatives* package was sent to you on October 2, 2009 for a 45-day review period. Once you have had the opportunity to review the above-referenced document, please sign the attached form. In signing this document, you are indicating your concurrence on the purpose and need and actions and alternative in the environmental document.

Please sign and return this form to Tom Love at the address below by November 17, 2009.

Mr. Tom Love
TDOT Environmental Division
Suite 900
James k Polk Building
505 Deaderick Street
Nashville, TN 37243-0334

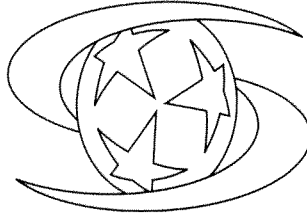
If you feel all provisions of the *TESA Concurrence Point #1 and #2* have been satisfied, please acknowledge concurrence with the adequacy of the *Purpose and Need / Proposed Actions and Alternatives*.

AGENCY: Southwest Tennessee Development District

CONCURRENCE: Whitney Jullion

DATE: 11/16/09

**STATE OF TENNESSEE
DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT**



**LOCAL PLANNING ASSISTANCE OFFICE
WEST TENNESSEE REGION
LOWELL THOMAS BUILDING, SUITE 420
225 MARTIN LUTHER KING DRIVE
JACKSON, TENNESSEE 38301
TELEPHONE: 731.423.5650 — FAX: 731.426.0640
HTTP://WWW.TNECD.GOV**

MEMORANDUM

TO: David Pechin
FROM: Brenda Scott, Community Planner II
DATE: October 30, 2009
SUBJECT: Memphis Regional Intermodal Facility

Mr. Pechin,

I have reviewed the Purpose & Need and Proposed Actions & Alternatives for the proposed Norfolk Southern Railway Memphis Regional Intermodal Facility in Fayette County. The preferred alternative is Alternative 1 – Memphis Regional IMF (Adair Property). Alternative 1 is located in the federally identified base flood area in Fayette County. If Alternative 1 is chosen as the actual building site, the Memphis Regional IMF should be built in accordance with the National Flood Insurance Program standards. The preferred site is in Rossville's southwestern Urban Growth Boundary and the property is currently zoned Industrial. The preferred site does comply with the Fayette County Major Road Plan. I have included information about the other sites that are also being considered. Please see Table 1 and the other supporting documents.

Sincerely,

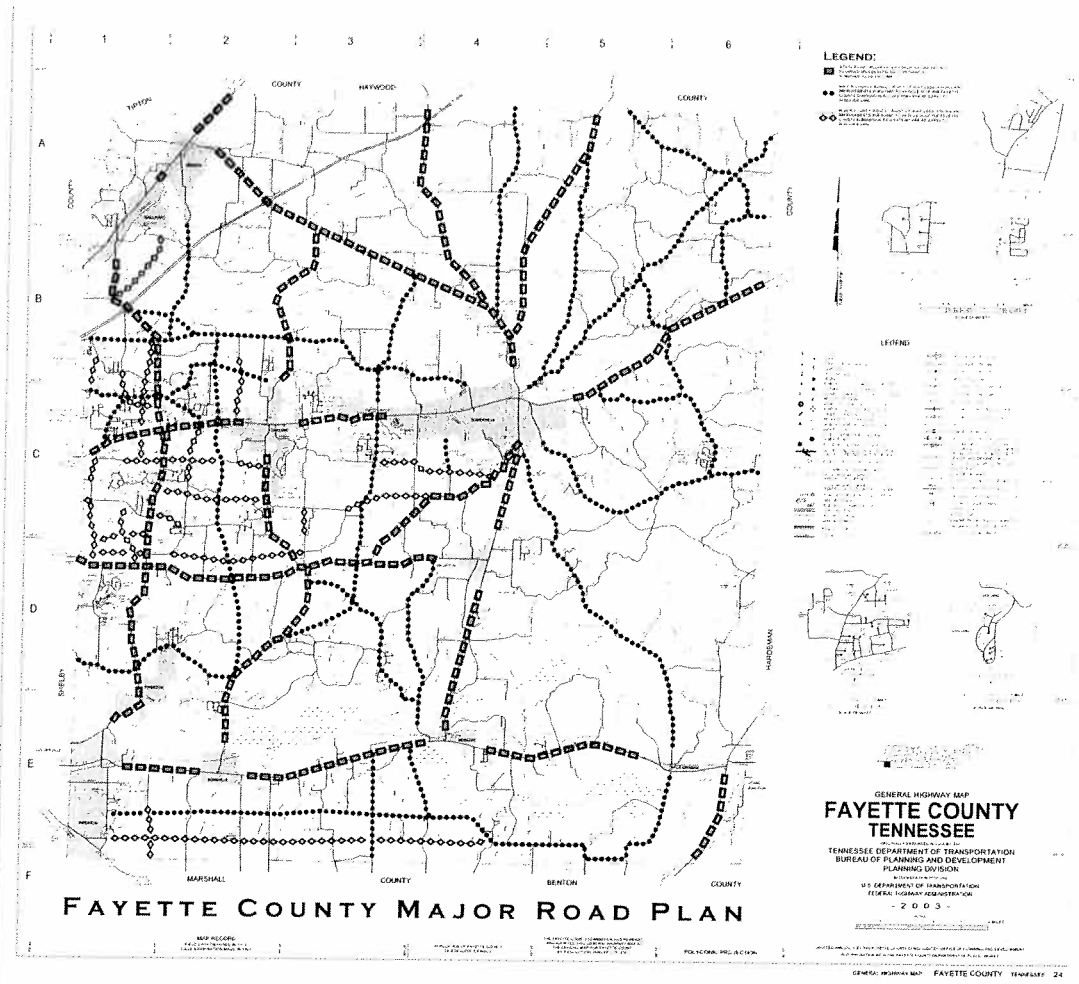
Brenda T. Scott

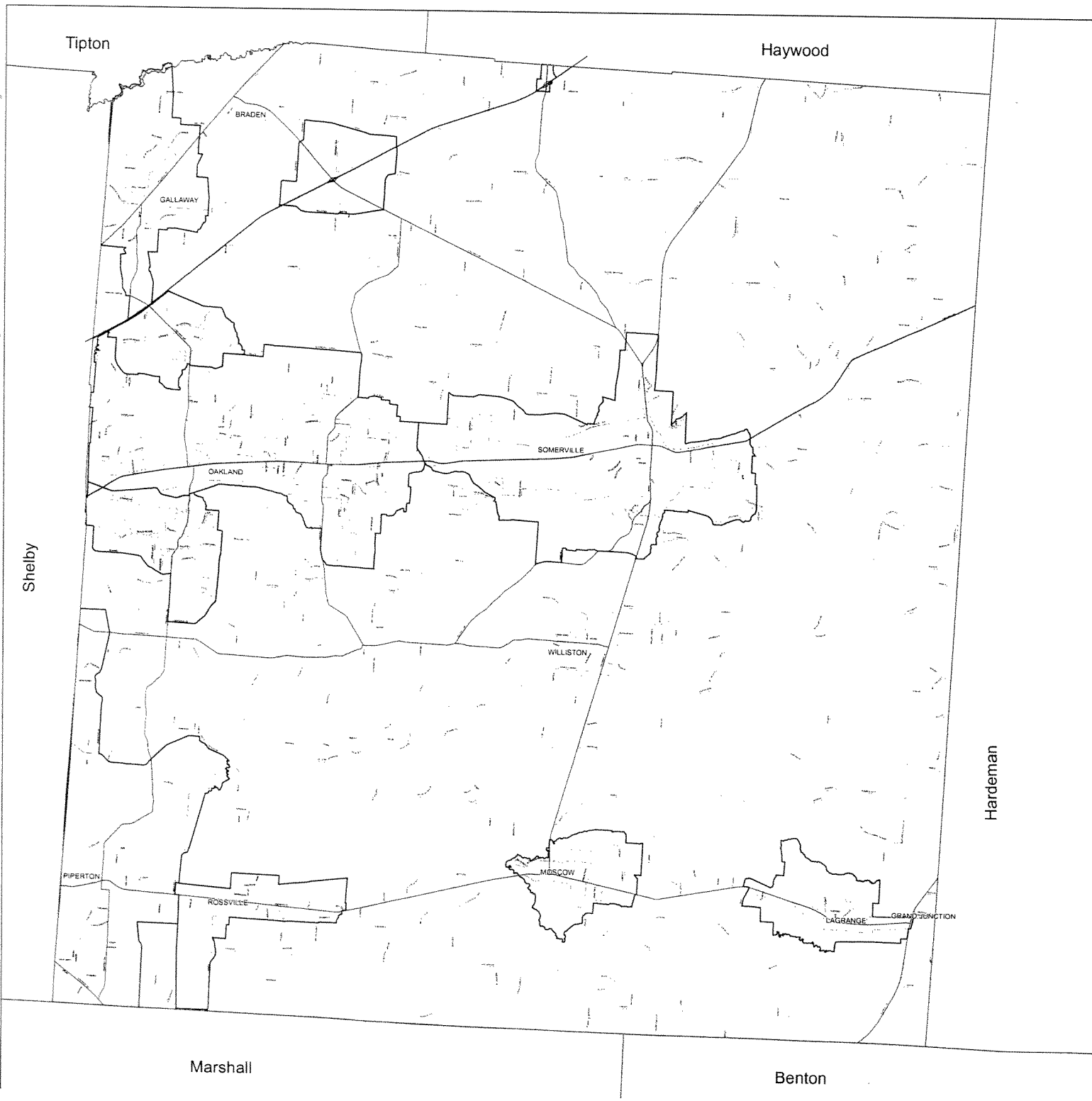
Brenda T. Scott
Community Planner II
State of Tennessee
Department of Economic and Community Dev.
225 Martin Luther King Drive, Suite 420
Jackson, TN 38301
Work: 731-423-5650
Fax: 731-426-0640
Email: brenda.scott@tn.gov

IMF ANALYSIS

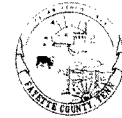
	Alt. 1	Alt. 2	Alt. 3	Alt. 4	Alt. 5	Alt. 6
Floodplain	Y	Y	N	Y	Y	Y
UGB	Y®	Y®	N	Y®	N	N
Zoned Industrial	Y	N	Y	Y	N	Y
Comply w/ County MRP	Y	Y	No, Not in Fayette County	Y	Y	No, Not in Fayette County

® = Rossville UGB









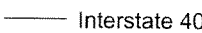


City & County Growth Plan






Fayette County Tennessee

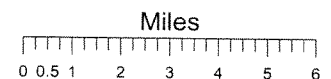
KEY

-  County
-  Planned Growth Area
-  Urban Growth Area
-  City Limit
-  Parcel
-  Road
-  Interstate 40

Flood Zone

-  500 year
-  100 year A
-  100 year AE

1 inch = 5,000 feet



This is NOT the official Fayette County Growth Plan adopted in August 2003. A record of the official map is recorder in the Fayette County Register's Office.

This map was prepared by the Fayette County Planning and Development Office

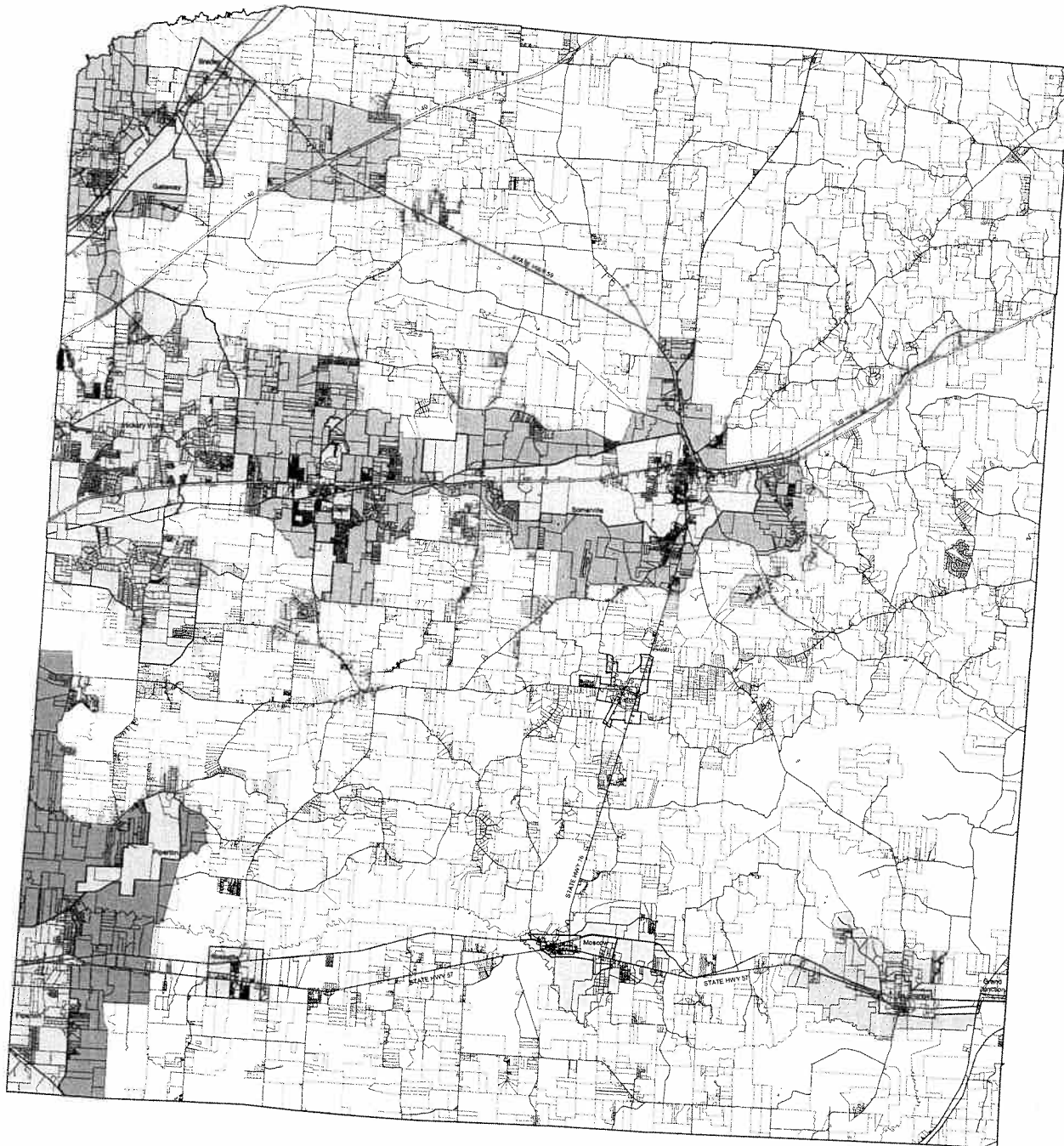
September 2009

Data at time of preparation believed to be accurate. For Mapping Purposes Only.

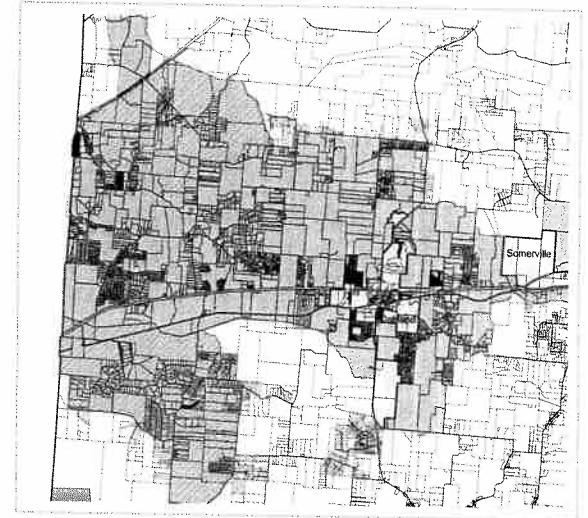
Projected in Lambert Conformal Conic.

Fayette County Growth Plan

August 2003



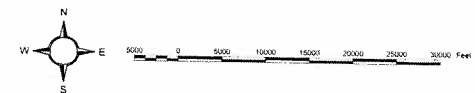
Alternative "A"



Alternative "B"

Alternatives A and B are identical with the exception of the Hickory Withe Area. Alternative A assumes that Hickory Withe continues as an incorporated municipality with identified Urban Growth Boundaries. Alternative B assumes that portions of the Hickory Withe area are within the Oakland Urban Growth Boundary, with the remaining territory identified as County Planned Growth Area.

- Fayette County
- Parcels
- Municipalities
- Gallaway Urban Growth Boundary
- Hickory Withe Urban Growth Boundary
- La Grange Urban Growth Boundary
- Moscow Urban Growth Boundary
- Oakland Urban Growth Boundary
- Piperton Urban Growth Boundary
- Rossville Urban Growth Boundary
- Somerville Urban Growth Boundary
- Planned Growth Area
- Rural



Map Prepared For
 State of Tennessee Secretary of State
 Administrative Procedures Division
 August 2003
 This is not an engineering map.







Zoning

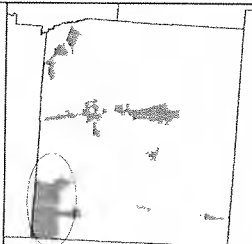
-  B1
-  B2
-  B3
-  IH
-  IL
-  RPED
-  R1
-  R2
-  R3
-  R4
-  R6
-  SA

Shelby County

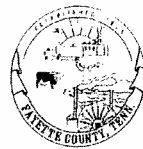


Legend

-  Road
-  UGB
-  City
-  Parcels

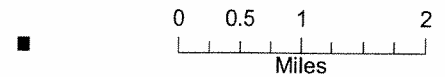


FAYETTE COUNTY

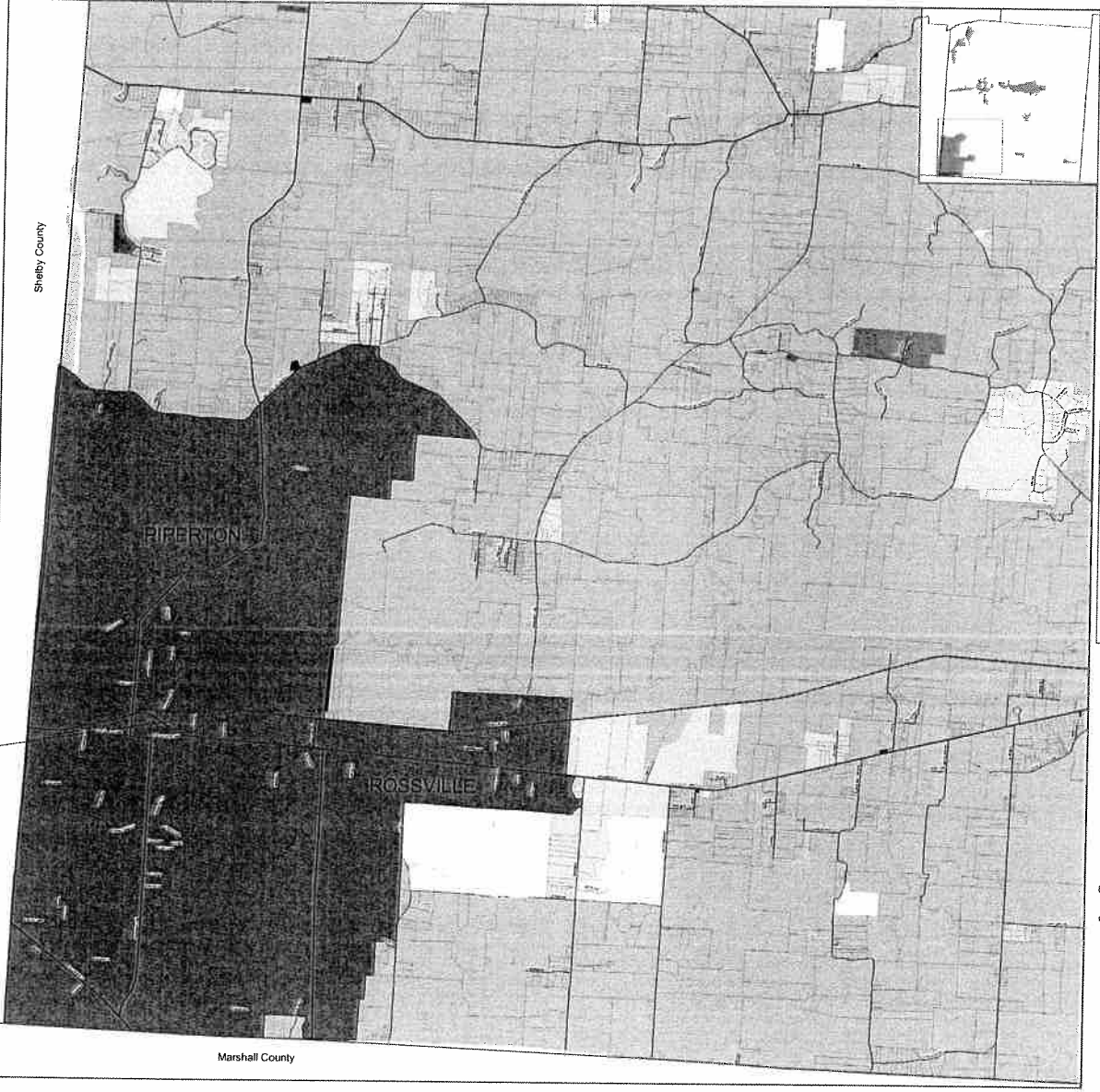


Property Attribute Map

1 inch = 2,000 feet

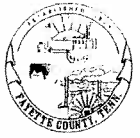


Map created July 2009 by the Fayette County Planning and Development Office.
 For Mapping Purposes only. NOT to engineering scale.
 Data believed to be accurate when entered on the map.



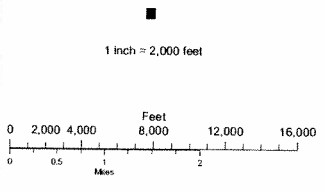
Zoning

Southwest Region of Fayette County



Fayette County Tennessee

	County Limit	No Data	R2
	City Limit	Zoning	R3
	Parcel	B1	R4
	Railroad	B2	R6
	Road	B3	RPED
		IH	SA
		IL	SA-AGB
		IL-APO	SA-COR
		R1	SA-I
		R1-APO	SA-MUD



This map was prepared by the Fayette County Planning and Development Office
 August 2009
 Data at time of preparation believed to be accurate.
 For official boundary information contact your local government.

NOT A PROFESSIONAL SCALE. FOR MAPPING PURPOSES ONLY.
 Printed at 31" x 44" to achieve display format.
 Projected in Lambert Conformal Conic.

Map 8

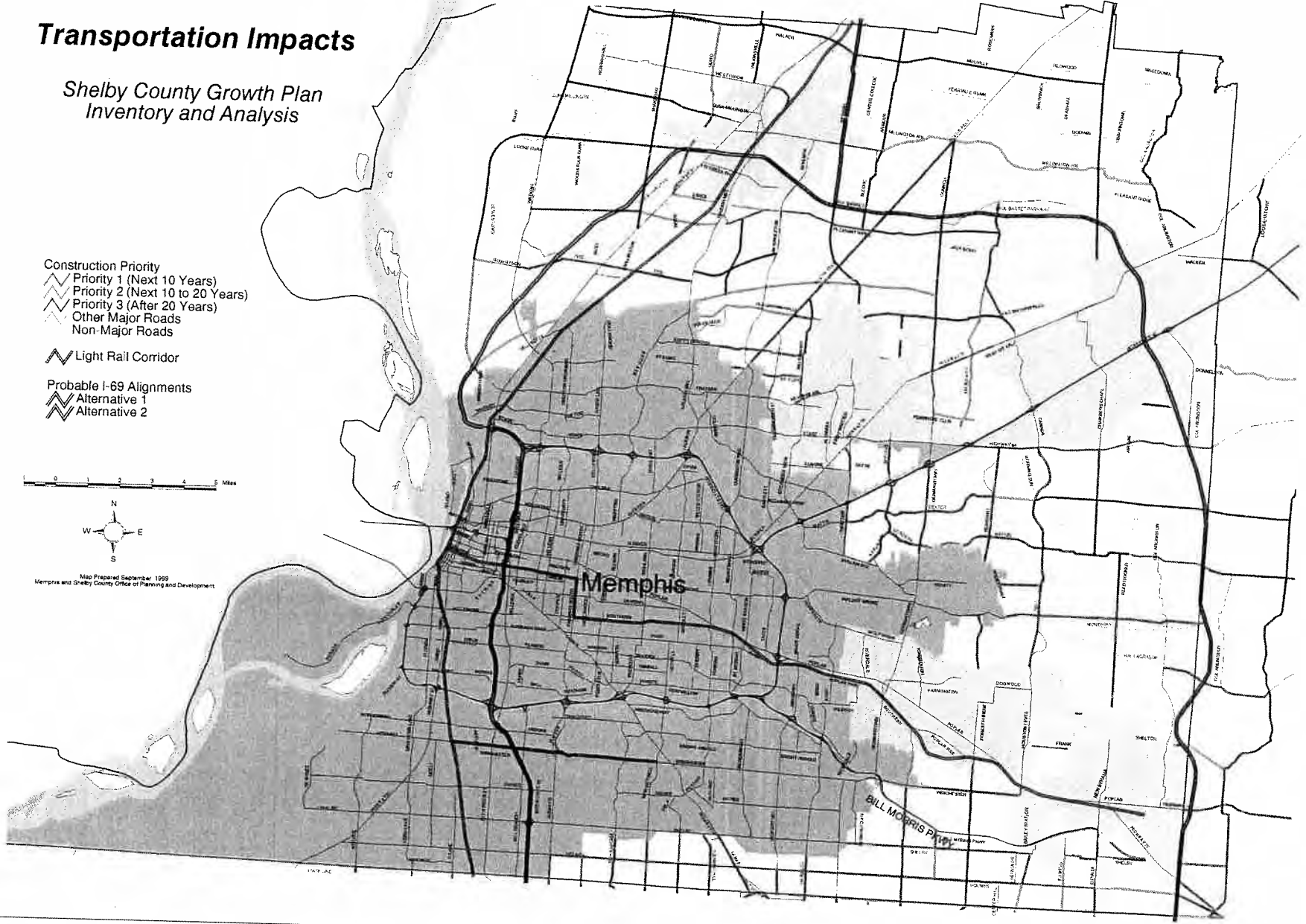
Transportation Impacts

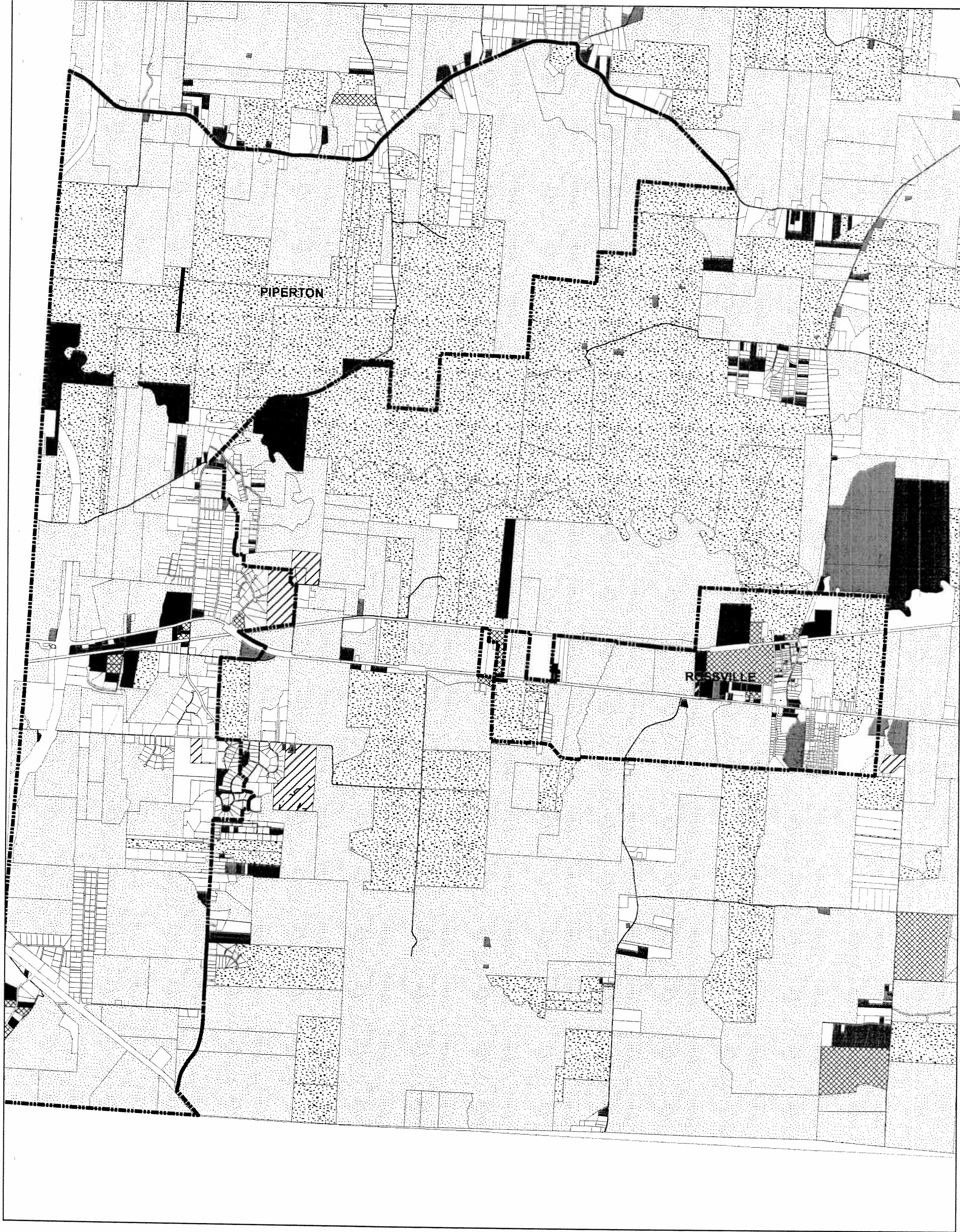
Shelby County Growth Plan
Inventory and Analysis

- Construction Priority
- Priority 1 (Next 10 Years)
- Priority 2 (Next 10 to 20 Years)
- Priority 3 (After 20 Years)
- Other Major Roads
- Non-Major Roads
- Light Rail Corridor
- Probable I-69 Alignments
- Alternative 1
- Alternative 2



Map Prepared September, 1999
Memphis and Shelby County Office of Planning and Development





FAYETTE COUNTY, TENNESSEE

Legend

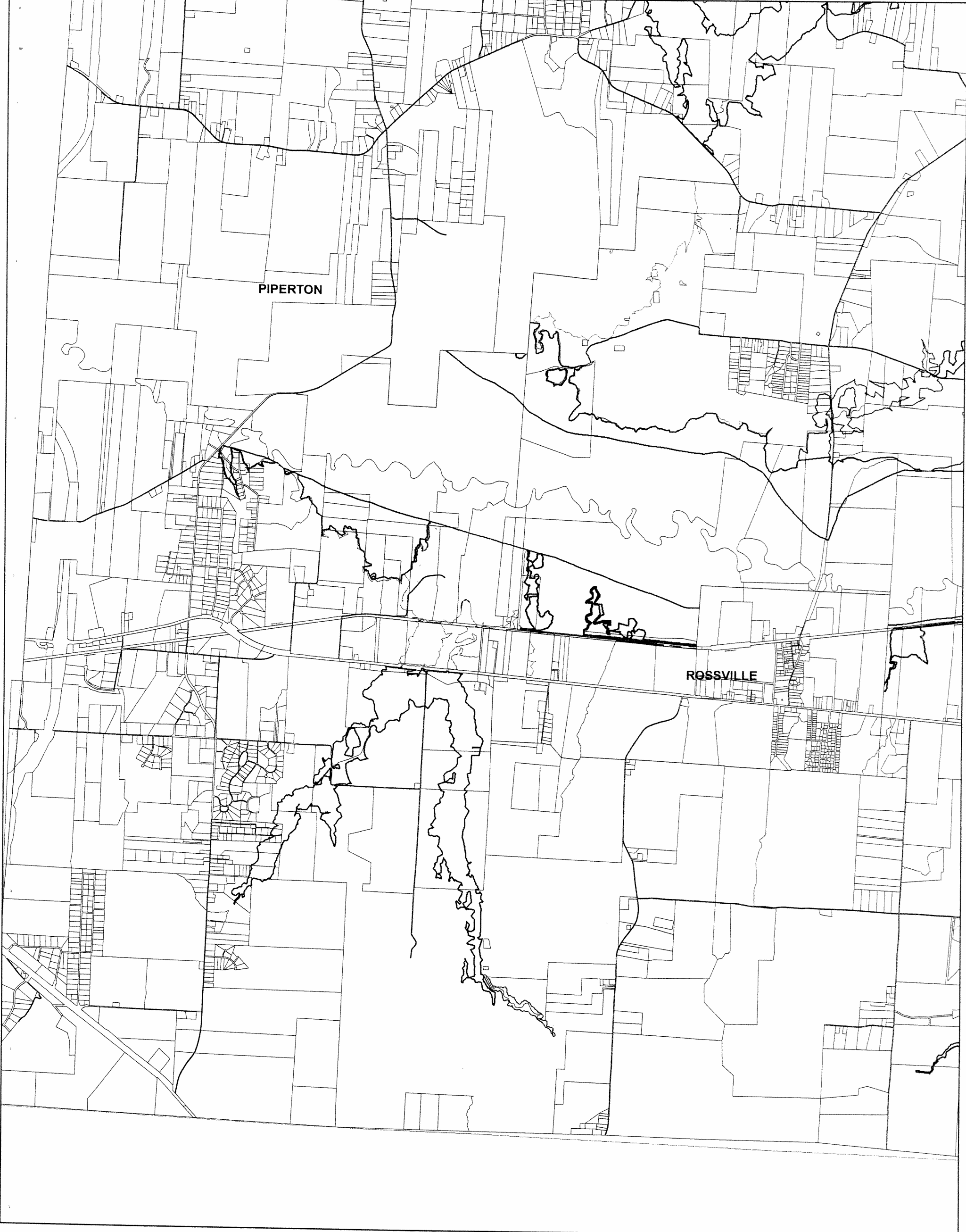
Limits024_Master	06 - Mobile Home Park (5 or more)	31 - Public Use	91; 91-92-93 - Road/Rail ROW; 93
Union_Parcets_Limits_024_2008	07 - Resort Residential	32 - Semi-Public Use	96 - Unclassified improvements <\$30,000
01 - SFR < 5 acres	11 - General Commercial	41 - Utilities	97 - Unclassified improvements >=\$30,000
02 - SFR >= 5 acres	12 - Office (Prof/Medical/Gen)	51-52-53 - Vacant	98 - CAAS data unavailable for parcel
03 - Duplex (2 units)	13-14-15-16-19 - Misc Commercial; 16	61-62-63-64-65 - Agricultural Tract *	99 - Uncoded by Land Use Model
04 - Multifamily (3 or more units)	21 - Light Industrial / Warehousing	71-72-73-74-75 - Timber Tract *	Limits024_Master
05 - Mobile Home (1-4)	22 - Heavy Industrial	81-82 - Water Feature	



3,500 1,750 0 3,500 Feet




THIS MAP IS FOR IN HOUSE USE ONLY, NOT TO BE USED IN THE COMMUNITIES.



FAYETTE COUNTY, TENNESSEE


Legend

 Limits024_Master

FLOODWAY

 FLOODWAY

FLOOD_ZONE

 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

 A

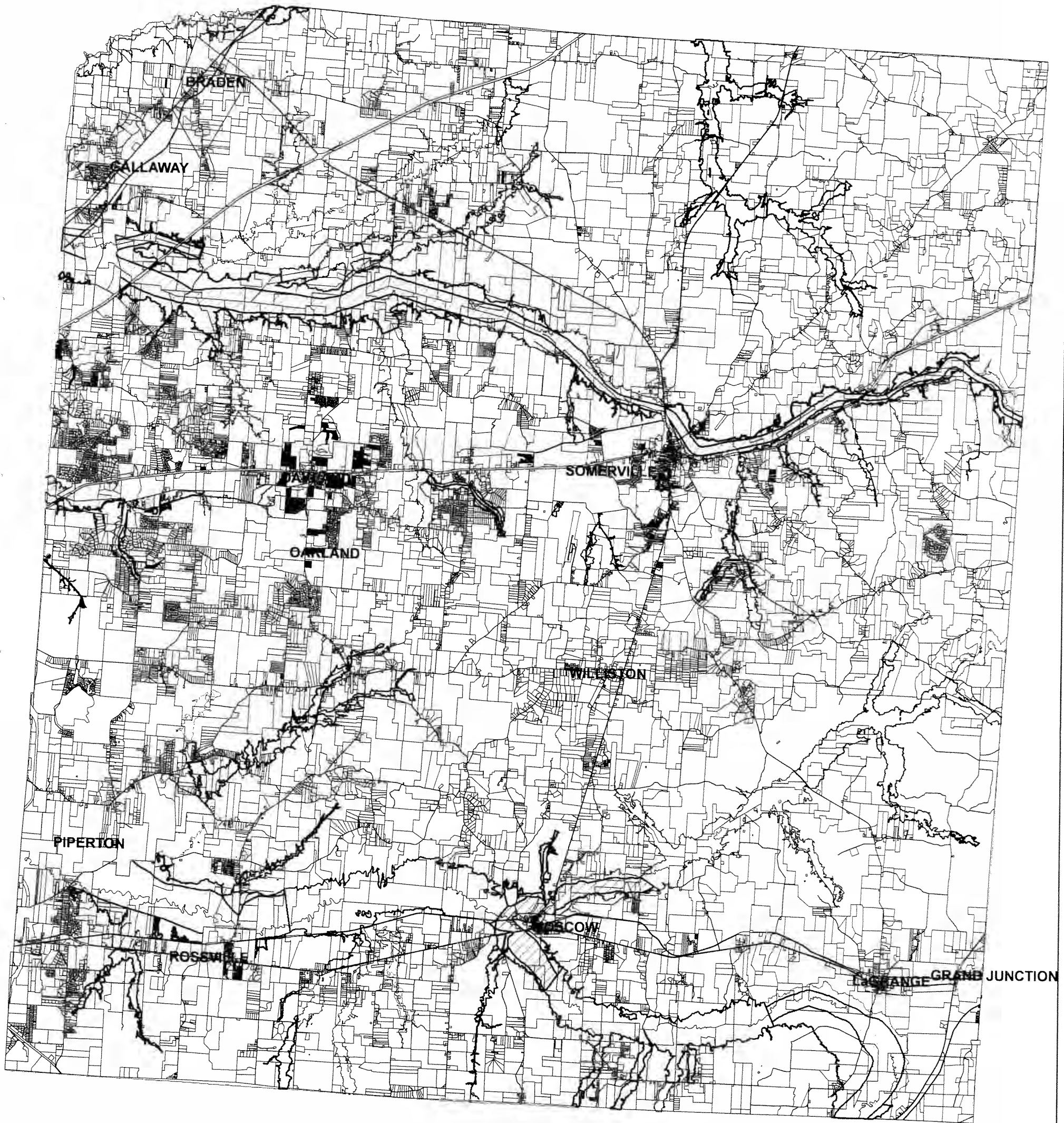
 AE

 X




14,000

7,000



FAYETTE COUNTY, TENNESSEE


Legend

 Limits024_Master

FLOODWAY

 FLOODWAY

FLOOD_ZONE

 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

 A

 AE

 X



14,000 7,000 0 14,000 Feet



THIS MAP IS FOR IN HOUSE USE ONLY, NOT TO BE USED IN THE COMMUNITIES.

Finding of No Significant Impact

Appendix B - Summary of Comment for CP #3

Summary of Comments
Tennessee Environmental
Streamlining Agreement (TESA)
Concurrence Point #3

Draft Environmental Assessment

For
NORFOLK SOUTHERN RAILWAY
MEMPHIS REGIONAL INTERMODAL FACILITY
FAYETTE COUNTY, TN

PREPARED BY:
TENNESSEE DEPARTMENT OF TRANSPORTATION



July 2010



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1.0 INTRODUCTION

On February 8, 2010, the Tennessee Department of Transportation (TDOT), pursuant to the *Tennessee Environmental Streamlining Agreement (TESA)*, distributed copies of the *Draft Environmental Assessment* to the following TESA Agencies:

- U.S. Army Corps of Engineers, Memphis District
- U.S. EPA, Region 4
- U.S. Fish and Wildlife Service
- U.S. Department of Agriculture, NRCS
- Tennessee Valley Authority
- Tennessee Department of Environment and Conservation
- Tennessee Wildlife Resources Agency
- Tennessee Dept. of Economic & Community Development
- Southwest TN Development District
- Memphis Area Association of Governments
- Memphis-Shelby County Department of Regional Services

The following participating (non-TESA) agencies also received copies of the Concurrence Point #3 Package.

- Federal Railroad Administration, Office of Economic Analysis,
- Local Planning Assistance Office, West Tennessee Region
- Fayette County TN
- Fayette County Planning and Development Office
- Town of Rossville TN
- Fayette County Chamber of Commerce
- City of Piperton TN

A courtesy copy was provided to Environmental Division Administrator, Mississippi Department of Transportation.

The Federal Highway Administration (FHWA) also received a copy of *TESA Concurrence Point #3 Package*. The *Draft Environmental Assessment* includes materials and information required for *TESA Concurrence Point #3*.

The deadline for agencies to submit comments and/or indicate concurrence or non-concurrence was March 25, 2010. Concurrence with *TESA Concurrence Point # 3* was assumed for any agency not responding in writing by the March 25, 2010, deadline. None of the agencies requested an extension past the March 25 deadline.

2.0 AGENCY CONCURRENCE

All agencies concurred on *TESA Concurrence Point #3 Draft Environmental Assessment* for the Norfolk Southern Railway (NSR) Memphis Regional Intermodal Facility (IMF). The following TESA agencies signed and returned their concurrence signature page.

- U.S. Army Corps of Engineers, Memphis District
- U.S. EPA, Region 4
- U.S. Fish and Wildlife Service
- Tennessee Valley Authority
- Tennessee Department of Environment and Conservation
- Tennessee Wildlife Resources Agency
- Southwest TN Development District
- Tennessee Department of Economic and Community Development
- Metropolitan Planning Organization, Memphis-Shelby County
- West Tennessee Regional Planning Organization

The following TESA agencies concurred in a letter format without including the signature page.

- U.S. Department of Agriculture, NRCS

One agency (Memphis Area Association of Governments) did not return their concurrence signature page nor reply to email.

Those not returning signature pages are automatically assumed to concur. Copies of signed responses and letters can be found in the Appendix.

3.0 TESA AGENCY COMMENTS SUMMARY

This section describes responses received from *TESA* agencies regarding the *TESA Concurrence Point #3 Package*. Copies of the comments received are contained in the Appendix.

Agency	Date of Comment	Agency Comments	Responses
CoE	03/11/2010	<p>1. In Section 3.12.10 Aquifer, the Draft EA states that detention ponds would be designed to reduce standing water and infiltration or recharge to groundwater. Please provide more detail with respect to the adequacy of these design features in preventing the potential for contaminants to infiltrate the underlying groundwater aquifer.</p>	<p>Additional discussion was added to the Draft EA Sections 3.12.6 Aquifer starting on page 3-101, 3.12.7 Stormwater starting on page 3-109, and 3.19 Construction Impacts starting on page 3-200 to clarify impacts to and protection of the aquifer including additional information about the detention basins and contamination.</p>
EPA	03/24/2010	<p>1. NEPA Level of Analysis: As stated in previous advisory comments (Concurrence Point 1 & 2, dated October 23, 2009), EPA remains concerned regarding the level of analysis of the NEPA document. Given the mounting public opposition (reference public comments) to this project and the likelihood of impacts, TDOT/FHWA should thoughtfully consider the significance of environmental and socioeconomic impacts related to this project.</p>	<p>TDOT and FHWA determined that an Environmental Assessment (EA) is the appropriate NEPA document based upon a preliminary assessment of impact. The Draft EA Section 3 provides a robust analysis of environmental and socioeconomic impacts. This analysis indicates that the project will comply with all EPA requirements protecting water, air, and other environmental resources. A thorough direct, indirect, and cumulative impact analysis in accordance with EPA, FHWA, FRA, CEQ, and other NEPA guidance has been performed, and a comprehensive mitigation package addressing the proposed impacts, has been developed. Federal and TDOT public input procedures have been followed, providing for various public meetings, and meetings with agencies and other groups, as well of review of and response to all agency and public comments. . If, following the analysis and comment on the EA, a decision is made that the impacts of the proposed project are not significant then a "Finding of No Significant Impact", or FONSI, will be prepared. This decision will take into account not only environmental factors but also economic considerations and other factors. If additional studies or information is required to make a decision then the lead agency may require additional activities be followed through an Environmental Impact Statement or EIS.</p>

Agency	Date of Comment	Agency Comments	Responses
EPA	03/24/2010	<p>2. Inclusion of Industrial Road in NEPA Document. a. EPA is uncertain as to whether Industrial Road has been considered within the direct, indirect, or cumulative impacts analysis. As stated in the Executive Summary, page iii, "Industrial Road is being built by the adjacent property owner (developer)." This statement seems to imply that Industrial Road is not being evaluated because it is being built by a developer. However, on page 2-14, 2.3.2.2. Description of Build Alternative, it states that "The impacts of the Industrial Road are evaluated as part of this EA." EPA recommends that the direct, indirect, and cumulative impacts associated with Industrial Road be included in the NEPA document especially since it is the sole entrance point into the facility for freight trucks.</p>	<p>The executive summary was revised to clarify that the direct, indirect, and cumulative impacts of the Industrial Road were evaluated as part of this EA on page iii.</p>
EPA	03/24/2010	<p>2b. Additionally, the traffic impact study doesn't analyze the traffic impacts generated by Industrial Road. EPA recommends that TDOT clarify whether or not Industrial Road is being evaluated in the NEPA document as part of the direct and cumulative impacts analysis.</p>	<p>The known traffic was used in the traffic study along Industrial Road onto US Hwy 72, per MDOT requirements. If required by MDOT, the developer will complete a follow-up traffic study, since this development would create the additional traffic along Industrial Road. Draft EA Section 3.3.3 Traffic Impact Evaluation was modified to clarify that Industrial Road was evaluated in the project starting on page 3-12.</p>
EPA	03/24/2010	<p>2c. It appears that the Noise Study doesn't include Industrial Road. On page 1 of the Noise Technical Report, TDOT states, "Industrial Road is not a direct component of the MRIMF and is being developed independently with non-federal funds. Industrial Road will have independent, stand-alone utility." EPA disagrees with this assertion because Industrial Road is the sole vehicular entry point to the IMF. The increased traffic could increase impacts within neighborhoods adjacent or near the proposed Industrial Road as well as along US 72 within Mississippi and Tennessee. EPA recommends that TDOT conduct noise analysis of the proposed Industrial Road.</p>	<p>The last version of the Noise Study provided to TDOT on March 11, 2010, included verbiage to clarify that the Industrial Road was included in the Noise Study as represented by Receptors R5, R9-14, and R17. The impacts to these receptors are also discussed in the Draft EA Section 3.8 Noise Impacts starting on page 3-60 and shown on Figure 3-17 Noise Receptors Location.</p>
EPA	03/24/2010	<p>3. Areas of Controversy and Unresolved Issues: On page iv, TDOT states, "There are no major areas of controversy or any substantial unresolved issues related to the proposed Memphis Regional IMF project." EPA disagrees with this assertion due to the public's concerns regarding the possible impacts of this project as well as concerns outlined in the Town of Collierville's October 29, 2009 letter. EPA recommends that TDOT recognize and address the publics and Town of Collierville's concerns within this section.</p>	<p>As part of the TESA process, the agency comments were addressed. There is public concern about protection of the Memphis Sand aquifer which outcrops in Fayette County and the additional traffic that will be placed on US Hwy 72. These issues are adequately addressed in various sections of the Draft EA in Chapter 3. Additional discussion was added to the Executive Summary on page iv to mention the public and agency concerns.</p>
EPA	03/24/2010	<p>4. Environmental Justice: a. EPA recommends that TDOT include a category within Table 2-2: Summary of Alternatives (page 2-19) that considers each alternatives impacts to Environmental Justice communities.</p>	<p>The categories were adjusted in Table 2-2: Summary of Alternatives to include different impacts to Environmental Justice communities on page 2-19.</p>

Agency	Date of Comment	Agency Comments	Responses
EPA	03/24/2010	4b. On page 3-23, 3.4.2.2 Minority Populations TDOT states, "Figure 3-9 illustrates the distribution of the minority population across the study area." However, Figure 3-9 is entitled, "Percent Poverty from 2000 Census". Perhaps, this is a misprint, but it is confusing. EPA recommends TDOT clarify this figure.	In the Draft EA Section 3.4, the figure and narrative were adjusted to clarify renumbered Figure 3-13 on page 3-36.
EPA	03/24/2010	4c. Continued on page 3-23, TDOT states, "Based on discussions with local officials, two neighborhoods in the area contain predominantly minority populations ..." How far are these neighborhoods from the proposed project site? Has TDOT talked with this community to solicit their feedback? Also, EPA requests that these isolated neighborhoods be depicted in Figure 3-9: Percent Minority from 2000 Census. EPA recommends TDOT outreach to these EJ communities and solicits their input. Their feedback should be included in the EA.	In the Draft EA Section 3.4, additional verbiage was added to clarify minority population within the study area on page 3-36. A symbol was added to Figure 3-13 Percentage Minority from 2000 Census on page 3-36 to show the location of the closest minority neighborhood. No minority populations are within the project area; therefore, outreach is not required.
EPA	03/24/2010	4d. On page 3-24, Figure 3-8 pictorially describes Block Group 3 as 44.8 - 67.88% minority, but the description on page 3-24 states that "Minority populations comprise 39.1% of Census Tract 9501 and 26% of Block Group 3." Perhaps, the color chart in Figure 3-8 is off, but it is confusing as to whether what data is correct. EPA recommends that TDOT clarify this.	In the Draft EA Section 3.4, the figure and narrative were adjusted to clarify renumbered Figure 3-13 on page 3-36.
EPA	03/24/2010	5. Traffic Analysis: Are the project's traffic volumes projections listed on page 3-13 (1668 trucks and 278 vehicles) correspond with the Figure 3-5 on page 3-15? A more accurate graphic might be to show the total traffic volumes rather than the individual traffic volumes on individual streets. EPA recommends that TDOT portray the total volume in terms of existing, background, and project projections in a graphic so that the public can clearly understand the magnitude of the traffic increase.	Additional information was added to the Draft EA Section 3.3 Transportation Impacts to clarify that the project traffic volumes projections were included in the renumbered Figure 3-7 on page 3-23.
EPA	03/24/2010	6. Flood Plain Impacts a. On page 3-70, 3.12.5 - Flood plain Impacts: TDOT states that the, "NSR sited the facility outside of the Wolf River floodplain..." Although the facility might not be in the floodplain, how will the stormwater discharge affect the hydrology of the flood plain?	In the Draft EA Section 3.12.7 Stormwater Impacts, additional information was added to clarify the potential effect of the site on flood plain hydrology including percentage of site within drainage area and post-construction stormwater discharge rate starting on page 3-109.
EPA	03/24/2010	6b. Also on page 3-71, TDOT states, "NSR will voluntarily comply with Fayette County floodplain management regulations and EO 11988, as long as such regulations and the EO do not provide to unduly burdensome or unreasonably interfere with timely construction." TDOT is implying that NSR might not comply with local and applicable flood plain management laws. During the recent floods in metro Atlanta, the NSR Austell Georgia facility has been harshly criticized by the public and local government for possibly contributing to the flooding of local homes. Given the large impervious surface footprint of this facility and recent controversy associated the NSR Austell, Georgia facility, EPA recommends that NSR and TDOT fully comply with all applicable (state and local) flood plain regulations.	Consistent with local ordinances, the facility has been designed to ensure that pre- and post-hydrology, including stormwater discharge, will not change significantly due to the project. NSR has incorporated the construction and maintenance practices outlined in the local floodplain practices, to the extent practicable, and does not anticipate floodplain impacts. For this project, NSR has incorporated all construction and maintenance practices, aside from the permitting and approval requirements, in Fayette County's floodplain management regulations.

Agency	Date of Comment	Agency Comments	Responses
			<p>In accordance with EO 11988, the analysis of floodplain impacts includes provisions of the Clean Water Act, the National Flood Insurance Act, the Flood Disaster Protection Act, and other applicable provisions relating to floodplain impacts. NSR has obtained the appropriate zoning authorizations from Fayette County for this project; however, as noted in Section 1 of the Draft EA, in recognition of the importance of rail transportation in interstate commerce, Congress has enacted legislation providing that federally regulated railroads operating in interstate commerce are not subject to otherwise applicable local and state laws.¹ In accordance with these and other similar federal laws, most state and local regulations are preempted by railroads in order to ensure barriers to interstate commerce are not created. This includes local planning, zoning and similar laws and ordinances. While NSR plans to voluntarily comply with such local criteria whenever possible, there may be instances where those criteria are incompatible with rail operations.</p> <p>The recent flooding in metro Atlanta was part of a 500-year flood event. Interstate 285 was underwater at some locations and flooding in response to this exceptionally rare level of rainfall as rampant across metro Atlanta. During the flooding, water from the local area back-flowed onto the Austell Facility. There is no indication that the design of the facility or compliance with floodplain management regulations resulted in the flooding of local homes, but rather local flooding was the result of the 500 year storm event.</p>

¹ See Interstate Commerce Commission Termination Act of 1995 ("ICCTA"), 49 U.S.C. § 10501 and the Federal Railway Safety Act of 1970 ("FRSA"), 49 U.S.C. § 20101 et seq.

Agency	Date of Comment	Agency Comments	Responses
EPA	03/24/2010	6c. The flood plain analysis within the Draft EA isn't commensurate with the scale and scope of the proposed project. EPA recommends that TDOT conduct further analysis to ensure that the facility will not negatively impact the flood plain habitat and local residents and businesses.	Additional discussion was added to Sections 3.12.5 Floodplain Impacts starting on page 3-96 and 3.18.7.2 Cumulative Impacts to Floodplain starting on page 3-185 to clarify impacts to and protection of the floodplain including additional information about the detention basins and watershed characteristics. Additional discussion was also added in Section 3.12.7 Stormwater starting on page 3-109 and 3.18.6.2 Cumulative Impacts to Aquatic Resources starting on page 3-173.
EPA	03/24/2010	7. Indirect and Cumulative Impacts to Transportation: a. On page 3-110 (3.18.2 Indirect and Cumulative Impacts to Transportation), TDOT discusses the foreseeable traffic congestion impacts in Tennessee, but there is very little mention of foreseeable traffic congestion impacts in Mississippi. How will the increased IMF traffic affect other roads within Mississippi? How will the increased truck traffic affect the small community of Mount Pleasant in Mississippi, which is the closest community to the IMF truck entrance? Since the point of entry into the facility is along 72 in Mississippi, EPA recommends that TDOT better describe the cumulative impacts regarding traffic along 72 in Mississippi.	Additional discussion was added to the Draft EA Section 3.18.2 Indirect and Cumulative Impacts to Transportation starting on page 3-152 to discuss planned highway improvements in Mississippi and traffic impacts from potential development around the IMF and existing industrial park(s). When the 20% of the projected IMF traffic heads east on US Hwy 72 toward Mt Pleasant, MS, the highway changes from 2-lanes to 4-lanes before it reaches Mt. Pleasant. A portion of the IMF traffic is also expected to access MS 302 versus entering Mt Pleasant. The IMF traffic does not change the Level of Service (LOS) on US Hwy 72.
EPA	03/24/2010	7b. On page 3-110, TDOT discusses the industrial development to be built along Industrial Road. What type of commercial and industrial development to be built along Industrial Road. What type of commercial and industrial businesses will be located in this new industrial park? The types of businesses and related traffic should be evaluated and discussed in the cumulative impact section.	IMF sites attract warehouses and distribution centers that would use the IMF to transport their goods. Additional information was added to the Draft EA Sections 3.18.1 Indirect and Cumulative Impacts to Land Use starting on page 3-139 about the type of industrial development which has occurred around IMFs.
EPA	03/24/2010	7c. It appears that the Chickasaw Industrial Park has not been included in the indirect and cumulative analysis for transportation impacts. Since this is a large industrial park (2600 acres), EPA recommends that Chickasaw Industrial Park be included within the indirect and cumulative impact analysis.	Additional discussion was added to the Draft EA Section 3.18.2 Indirect and Cumulative Impacts to Transportation starting on page 3-152 to discuss traffic impacts from the predicted economic development in the area.
EPA	03/24/2010	8. Indirect and Cumulative Impacts to Social and Community Resources: a. There is very little discussion regarding the IMF impacts on the local communities within MS. Mt Pleasant, MS, is the closest community to the IMF Freight truck entrance, but there is no mention of this community and the direct, indirect, or cumulative impacts to this community. EPA recommends that TDOT and NSR better evaluate the impacts to MS communities especially Mt Pleasant.	Additional information was added to the Draft EA Section 3.18.4 Economic Impacts starting on page 3-166 to discuss potential impacts of the IMF to the closest community in MS, which is Mt. Pleasant.

Agency	Date of Comment	Agency Comments	Responses
EPA	03/24/2010	8b. TDOT does not discuss the impacts of the IMF on Property Value. EPA recommends that TDOT discuss the possible impacts of the IMF on property value in both nearby communities in MS and TN.	<p>During construction, there would be the potential for temporary impacts to adjacent residential and institutional property values while NSR is clearing the site, constructing the access road, and installing the visual barriers. Any additional effect on property values in the area would be expected to be minimal during construction. Installation of barrier berms would also be completed during the initial stages of construction to provide visual buffers to the extent possible for local viewsheds.</p> <p>The Transportation Research Board (TRB) has acknowledged the difficulty in observing and predicting property values in Section 11 of - Guidebook for Assessing the Social and Economic Effects of Transportation Projects (NCHRP RPT456, Part B). TRB methods for assessing effects on property values hinge on some form of observation of the property-value effects associated with similar types of projects in similar types of areas. To be useful, such observations require observable changes or differences in property values, reflecting a competitive and efficient market for land and buildings, unbiased by subsidies, price controls, or location restrictions. In short, it is exceptionally difficult to find a corresponding example that is appropriate from a location, time and market perspective.</p> <p>Following the announcement date of the Whitaker IMF in Austell, an independent MAI (Member of the Appraisal Institute) appraiser concluded that there should be negligible, if any, impact on prevailing residential property values or rate of sales as a result of the announcement or construction of the Norfolk Southern intermodal facility. Current findings suggest the same trend exists for sales prices of homes within the neighborhood closest to the facility as that of the remaining zip code.</p> <p>While local residential property values have declined throughout the US due to economic conditions, it is anticipated that regional economic benefits stimulated by the project would support the local and regional economy including residential and institutional property values.</p>

Agency	Date of Comment	Agency Comments	Responses
EPA	03/24/2010	<p>9. Indirect and Cumulative Impacts to Wetlands, Water Quality and Aquatic Resources: TDOT/NSR did not include groundwater in the indirect and cumulative impacts to water resources (starting on page 3-121). Considering that the aquifer is an unconfined aquifer, TDOT and NSR must carefully consider the cumulative affects of their project and other proposed industrial developments industrial development's (Industrial Road and Chickasaw Industrial Park) impacts on the aquifer. There should also be a discussion regarding the cumulative impacts of residential drinking water wells. EPA recommends that TDOT include a section an analysis dedicated to the Indirect and Cumulative Impacts of Groundwater impacts.</p>	<p>Additional discussion was added to the Draft EA Section 3.18.6.2 Cumulative Impacts to Aquatic Resources starting on page 3-173 to clarify indirect and cumulative impacts to and protection of groundwater including additional information about the water wells and the unconfined aquifer.</p>
EPA	03/24/2010	<p>10. Indirect and Cumulative Impacts to Floodplain: On page 3-130, there is a discussion regarding the indirect and cumulative impacts of the floodplain. On page 371, NSR implied that they would disregard Fayette County's floodplain ordinances and Executive Order 11988 should the ordinance or EO interfere in meeting construction deadlines. What would be the cumulative impact of TDOT and NSR disregarding the local ordinances and EO?</p>	<p>NSR has incorporated the construction and maintenance practices outlined in the local floodplain practices, to the extent practicable, and do not anticipate floodplain impacts. For this project, NSR has incorporated all construction and maintenance practices, aside from the permitting and approval requirements, in Fayette County's floodplain management regulations. The wording in the Draft EA was revised to better explain compliance with floodplain regulations. See also above response to EPA Comment 6.b.</p>
EPA	03/24/2010	<p>10b. Also, the discussion doesn't include other proposed industrial developments (Industrial Road and Chickasaw Industrial Park) that will increase impervious surfaces, which could lead to more stormwater run-off and possible increases in flooding. In metro Atlanta, the NSR Austell IMF is currently being criticized by the local community and political officials for increasing the flooding of the local community. EPA recommends that TDOT and NSR conduct a more thorough analysis regarding the indirect and cumulative impacts of the floodplain hydrology.</p>	<p>Additional discussion was added to the Draft EA Section 3.18.7.2 Cumulative Impacts to Floodplain starting on page 3-185 to clarify indirect and cumulative impacts to the flood plain hydrology.</p>

Agency	Date of Comment	Agency Comments	Responses
EPA	03/24/2010	<p>11. Public Outreach and Coordination in Mississippi. All of the public meetings are being held in Tennessee despite the fact that the sole freight truck entrance point is in Mississippi. The citizens of Mississippi will have the burden of dealing with increased truck traffic and congestion. What has NSR or TDOT done to coordinate and solicit input from the local residents in Mississippi? Specifically, has TDOT and NSR coordinated with the community leaders within Mount Pleasant, MS, which is located just outside of the IMF entrance? EPA recommends that conduct a public meeting in Mississippi and solicit input from residents and community leaders in Mount Pleasant.</p>	<p>As an outreach to MS residents potentially impacted by the project, the Public Meeting notice was published in both the Marshall County (MS) and Fayette Co (TN) local newspapers along with the Memphis Commercial Appeal. Additionally mailers were sent out to surrounding residences.</p> <p>A similar process will occur for announcement of the Public Hearing. The EA will be available for public review in the Byhalia (MS) and Collierville (TN) Public Libraries, Batesville and (location to be provided) MDOT offices, and Rossville (TN) City Hall.</p> <p>Additional discussion was added to the Draft EA Section 4.3 Public Involvement on page 4-12 to 14 to separate participation at the public meeting by MS vs. TN residences.</p>
EPA	03/24/2010	<p>12. Agency Comments: In Table 4-1: Agency Comments, several of EPA comments from previous concurrence points were omitted from this table. EPA requests that these comments and TDOT's responses be included in this table.</p>	<p>As part of the TESA process, comments received after the Concurrence Point process starts are addressed within the document and in the Summary of the Concurrence Point. The Summary document is shared with all TESA agencies. Any items which an agency does not feel was adequately addressed can be brought up in the next Concurrence Point. Based on this process, TDOT does not feel all the agency comments from the Concurrence Points should be included in the EA.</p>
EPA	03/24/2010	<p>Page 3.62 -- The impacts of contaminants from the activities of the IMF operation and construction would likely be a much larger issue, especially when considering the disturbance of the overlying material above this unconfined aquifer (at least in some places).</p>	<p>The subsections in 3.12 were re-arranged to place the Aquifer and Stormwater impacts behind Section 3.12.5 Floodplain Impacts to better organize these cross-references. Re-numbered section:</p> <ul style="list-style-type: none"> 3.12.5. Floodplain Impacts 3.12.6 Aquifer 3.12.7 Stormwater 3.12.8. Threatened and Endangered Species 3.12.9. Invasive Species 3.12.10. Wild and Scenic River 3.12.11. ETW or ONR Waters 3.12.12 Environmental Permits <p>Additional discussion was added to the Draft EA Sections 3.16 Hazardous Materials starting on page 3-128 and 3.19 Construction Impacts starting on page 3-200 to clarify impacts of contaminants on the aquifer.</p>

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EPA	03/24/2010	Page 3.72 -- This is not an option for NSR to voluntarily comply with Fayette County floodplain management regulations and Executive Order (EO) 11988, as stated in the project. This is a regulation and an EO, so NSR does not have a choice to comply with regulation or EO.	NSR has incorporated the construction and maintenance practices outlined in the local floodplain practices, to the extent practicable, and does not anticipate floodplain impacts. For this project, NSR has incorporated all construction and maintenance practices, aside from the permitting and approval requirements, in Fayette County's floodplain management regulations. The wording in the Draft EA was revised to better explain compliance with floodplain regulations. See also above response to EPA Comment 6.b.
EPA	03/24/2010	Page 3.79 -- Paragraph 2: The wellheads are only part of the problem. The main issue is the overburden and its' ability to filter any contaminates that may enter the groundwater. This is especially important considering that the aquifer is unconfined and the wells are relatively shallow. If the use of the property doesn't employ activities to prevent removal of the overburden, the residential and municipal wells would be at risk of contamination. In the recent Groundwater Rule, the Groundwater System is responsible for correcting any contamination problems. One option is to remove the source of contamination. The Water System would have no ability to do that in this situation. As a result, the system may be forced to disinfect and incur the costs of the disinfection equipment plus comply with the disinfection by-product rules. For private well owners, this could mean either consuming potentially contaminated water or facing potentially expensive tie-ins to the nearest public water system. To prevent this, the specific BMPs should be provided as approved by the State Drinking Water Program and strictly followed.	Additional discussion was added to the Draft EA Sections 3.12.6 Aquifer Impacts starting on pages 3-101 and 3.19 Construction Impacts starting on pages 3-200 to clarify impacts to and protection of the aquifer and area water wells including specific BMPs and current regulator requirements.
EPA	03/24/2010	Page 3.79 -- Paragraph 4: This a weak argument for concrete. Concrete's ability to keep contaminants out is greatly outweighed by the fact that concrete prevents the aquifer from recharging at all times. This is taking a negative outcome and trying to spin it into a positive. The Water Protection Division (WAD) suggests that these statements be deleted because of the imbalance of the benefit vs. the impacts.	The IMF operations require the parking lot to be concrete. The key issue with the GWI was that the project must protect the aquifer. The concrete is one of the layers being created to protect the aquifer. Additional discussion was added to the Draft EA Sections 3.12.6 Aquifer Impacts starting on pages 3-101 and 3.19 Construction Impacts starting on pages 3-200 to clarify impacts to and protection of the aquifer including additional information about the low permeability layer below the concrete pad.
EPA	03/24/2010	Page 3.80 -- Paragraph 1: "Consequently, no adverse impacts are expected from Build Alternative 1 on the quantity and quality of Groundwater in the area." Although possible, the WPD disagrees that there will not be any adverse impacts.	Additional discussion was added to the Draft EA Section 3.12 starting on pages 3-82 to clarify impacts to and measures to taken to mitigate these impacts to the streams, wetlands, floodplain, aquifer, and stormwater.

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EPA	03/24/2010	Page 3.80 -- Paragraph 2 - Stormwater 3.12.11: it would be best if stormwater detention system is not located above the unconfined portions of the aquifer. NSR need to follow-up with local and state agencies regarding stormwater ordinances and requirements.	Based on the current available data, the entire facility along with 2,200 square mile of West Tennessee is located in the outcrop area of the Memphis Sand Aquifer. Therefore, it is not feasible to locate the site's stormwater system outside of the recharge area. Additional discussion was added to the Draft EA Sections 3.12.7 Stormwater Impacts starting on page 3-109 to clarify measures to be taken to control stormwater. NSR is applying for the required environmental permits as outlined in the Draft EA Section 3.12.12 starting on page 3-118.
EPA	03/24/2010	Page 3.81 -- Paragraph 2: "NSR proposes to use BMP for construction stormwater management in accordance with TDEC and EPA regulations to protect local waterbodies." NSR need to specify which BMPs will be utilized for stormwater.	Additional discussion was added to the Draft EA Sections 3.19 Construction Impacts starting on pages 3-200 to clarify the measures to be taken during construction including the individual NPDES construction permit with its SWPPP and EC Plans.
EPA	03/24/2010	Page 3.83 -- Geology 3.13.1: Not sure if this is a typographic error, should read sand. Currently, it reads and/silt/clay.	The identified typographic error was corrected within the Draft EA on page 3-120.
EPA	03/24/2010	Page 3.85 -- Impacts 3.13.5: The potential for long-term and temporary impacts should include hydrogeology (Also, see comments above, page 3.79)	Additional discussion was added to the Draft EA Sections 3.12.7 Stormwater Impacts starting on pages 3-109 and 3.18.6 Indirect and Cumulative Impacts to Floodplain starting on pages 3-185 to clarify long-term and temporary impacts including hydrogeology.
EPA	03/24/2010	Page 3.87: Paragraph 4 - Lighting: Use of some evergreen may help in shielding directional lighting since the light pollution would increase during the winter with deciduous trees.	Additional discussion was added to the Draft EA Section 3.14.2 Visual Impacts on page 3-125 to clarify the fact that evergreen trees will be planted in and around the site.
EPA	03/24/2010	Page 3.94 -- Paragraph 1: Petroleum products and equipment fluids release have the potential to impact the groundwater if it is not properly managed. Include a statement describing how this potential release and threat to human health would be addressed.	Additional discussion was added to the Draft EA Sections 3.12.6 Aquifer page 3-101 and 3.16 Hazardous Materials page 3-128 to clarify AST on-site, fueling operations, and measures taken to prevent/ remediate potential spills.
EPA	03/24/2010	Page 3.94 -- Paragraph 5: "Very few releases have occurred at NSR's IMF facilities." This is relative. How many releases were there and what measures will be/are being used to address the releases? What measures are being used to ensure that any releases would not escape the immediate area on the concrete?	Additional discussion was added to the Draft EA Sections 3.16 Hazardous Materials starting on page 3-132 to provide specific information on the number and size of spills which have occurred within NSR IMFs.

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EPA	03/24/2010	Page 3.95 Paragraph 2: What would be done to protect the underground sources of water specifically from hazardous material spills?	Additional discussion was added to the Draft EA Sections 3.12.6 Aquifer Impacts on page 3-101 and 3.16 Hazardous Materials on page 3-25 to clarify ASTs on-site, fueling operations, and measures taken to prevent/ remediate potential spills from maintenance and facility operations.
EPA	03/24/2010	Page 3.120 -- Cumulative Impacts 3.18.5.2: Significant development often doesn't cause a loss of wildlife habitat from an area until "anchoring" development occurs. The IMF is likely to be the anchoring development and would facilitate other industrial and commercial development. Therefore, the IMF would be responsible for some of the other development, at least indirectly. Often, support business will follow, such as restaurants, gas stations, etc... These support businesses would not be built without the input from IMF. This is often used as a selling point for projects, so the assessment should be equally honest about the related environmental impacts.	Additional discussion was added to the Draft EA Sections 3.18.5 Indirect and Cumulative Impacts to Terrestrial Resources starting on page 3-169 to clarify potential indirect and cumulative impacts to wildlife and other terrestrial resources.
EPA	03/24/2010	Page 3.121 -- Paragraph 1: "...land use would not be significantly changed by IMF..." The land use could be more adversely affected by the projected growth and development. (See comment above pg 3.120).	The identified paragraph was re-worded to better characterize the cumulative impacts of the potential development on the area land use starting on page 3-139.
EPA	03/24/2010	Page 3.121 -- Indirect Impacts 3.18.6: All of these activities would affect the natural resources, including potential contamination of the groundwater.	Additional discussion was added to the Draft EA Sections 3.18.6 Indirect and Cumulative Impacts to Aquatic Resources starting on page 3-173 to clarify potential impacts to aquatic resources based on indirect and cumulative developments.
EPA	03/24/2010	Page 3.124 -- "in the Ecology Report, lands in the project vicinity are previously disturbed and included forested ..." This is possible but not necessarily disturbed with regard to underground water sources, which would result from construction and operations of the IMF.	It is unclear if previous activities within the site specifically disturbed underground water sources or not. As discussed in the Draft EA Sections 3.12, 3.18 and 3.19, the construction and operation of the IMF is not expected to negatively impact underground water sources.
EPA	03/24/2010	Page 3.125 -- Paragraph 3: Industrial should be included. The conversion of lands to agricultural and commercial development...	The Draft EA was revised to reflect this revision on page 3-170, 173, 175, and 189.
EPA	03/24/2010	Page 3.129 -- Paragraph 3: "As noted in indirect impacts above, impacts are expected to be limited to construction and development, as the types of industrial ...". This is truly speculative, without a basis of explanation. NSR need to provide information describing the basis for this assumption.	Usually IMF sites attract warehouses and distribution centers that would use the IMF to transport its goods. The Draft EA Section 3.18.6.2 Cumulative Impacts to Aquatic Resources page 3-176 was modified to include more information about the type of industrial development which recently occurred around IMFs.

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EPA	03/24/2010	Page 3.133 -- Indirect Impacts 3.18.10.1. Fueling and lubrication materials are not considered an indirect impact. Plus a spill would not be minimal if it is in an area with little or no overburden, plus in an unconfined aquifer, such as is possible here. It could have a big impact if it results in chemical contamination of the aquifer. Expensive groundwater remediation could be possible.	The fueling and lubrication materials of the IMF operations were moved from the 3.18.10.1 Indirect impacts from Hazardous Material to 3.16 Hazardous Material section on page 3-128. The potential impacts of the chemical contamination to the aquifer were expanded in multiple sections of the Draft EA including 3.18.10 Indirect and Cumulative Impacts from Hazardous Materials starting on page 3-191.
EPA	03/24/2010	Page 3.134 -- Paragraph 3: What is the basis for assuming that it is unlikely that businesses with large hazardous material usage would be attracted to this area? For example, gas stations could be built with the potential for LUSTs. This seems significant with hazardous materials.	This assumption is based on past experience with the type of businesses that have developed around other IMF sites. The draft EA Section 3.18.10.2 Cumulative impacts from Hazardous Material on page 3-192 was revised to identify potential businesses based on previous development around other IMF sites. EPA standards for new fueling stations provide substantial protection from leaking underground (or aboveground) petroleum storage facilities, including overfill protection, double-hull tanks with spill detection, overfill alarms and catch basins. See 40 C.F.R. Part 280. Any new gas stations built would be required to utilize leak-detection, corrosion-protection and spill- and overfill-prevention equipment on all underground tanks.
EPA	03/24/2010	Page 3.134 -- Paragraph 6, Cumulative Impacts 3.18.10.2: "As noted in Section 3.16 and in the indirect impacts assessment above, the likelihood of potential effects of IMF are very low". WPD disagrees, there could be substantial impacts. (See comment above, pg 3.134)	Sections 3.16 Hazardous Materials starting on page 3-128 and Section 3.18.10.1 Indirect impacts from Hazardous Material on page 3-191 were expanded to better explain why the statement is true.
EPA	03/24/2010	Page 3.139 --Construction Impacts 3.19: It should be stated that there will also be impacts to streams and underground sources of water.	Additional discussion was added to the Draft EA Section 3.19 Construction Impacts starting on page 3-200 to clarify impacts to and protection of streams and the aquifer including additional information about construction techniques and BMP.
EPA	03/24/2010	Page 3.142 -- Erosion Control, paragraph 3: Construction of Build Alternative 1 BMPs. What and where specifically BMPs will be implemented? Location is important given that some unconfirmed aquifers exist. Also, more information/ definition is needed regarding the contractor's spill prevention control and countermeasure plan.	Additional discussion was added to the Draft EA Section 3.19 Construction Impacts starting on page 3-200 to clarify impacts to and protection of streams and the aquifer including additional information about the individual NPDES construction permit and its EC plans and SPCC plan.

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EPA	03/24/2010	Page 3.147 -- Natural Resources 3.19.9: Clearing and grading could have significant impacts on the groundwater quality and potential drinking water contamination of both groundwater and surface waters. Those placed most at risk would be those on residential wells.	<p>Clearing and grading should not have a significant impact to the groundwater. In accordance with the individual NPDES construction permit and its EC plans adequate measures will be required to protect surface and stormwater. These measures will also protect the outcrop areas of the aquifer.</p> <p>Additional discussion was added to the Draft EA Section 3.19 Construction Impacts starting on page 3-200 to clarify impacts to and protection of streams and the aquifer during construction.</p>
EPA	03/24/2010	Page 3.149 -- Table 3.16 Streams and Wetland Impacts: Some were set to be filled, will these be mitigated? It is unclear in the document how they will be addressed.	<p>The section of Stream 5 on page 3-92, which will be eliminated, and the section of Stream 4 on page 3-92, which will be rock filled. These impacts will be mitigated as described in the sub-alternative analysis in the draft EA Section 3.12.2 Water Quality and Aquatic Resources.</p> <p>In accordance with the TESA process, Mitigation is not a part of Concurrence Point #3. It is and will be addressed in Concurrence Point #4 and during the permitting process. Therefore, mitigation can not be added to the summary table.</p>
EPA	03/24/2010	Page 3.149 -- Table 3.16 Hazardous Materials: WPD disagrees that there will not be adverse effects and no on-site and transport of only minor quantities through IMF. Hazardous materials will be used on-site, such as, fuels...	<p>Additional description was added to the Potential Impacts for Hazardous materials in the renumbered Table 3-22 on page 3-189 to clarify that no existing hazardous material sites were identified within the project footprint (no on-site).</p> <p>Additional discussion was added to the Draft EA 3.16 Hazardous Material Impacts starting on page 3-128 to clarify the type of materials that will be on-site and what potential impacts this will have including more details of the DOT regulations, which limited number and type of hazardous materials that an IMF can handle.</p>
EPA	03/24/2010	Page 3.149 -- Table 3.16. Include an Impact Category and Potential Impact category for Fuel discussing the potential impact to groundwater. See comments above. For instance, it could result in significant impacts to those on residential wells.	<p>In the Draft EA Executive Summary and Section 3.20, a row was added the renumbered Table 3-23 on page 3-207 under Natural Resources to identify Aquifer/Groundwater as an impact category and its corresponding potential impacts.</p>

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EPA	03/24/2010	EA Page 3-32, the last paragraph says, "Construction-related MSAT emissions are not anticipated to be substantial for this project as construction is not planned to occur over an extended building period." A statement of this type should be contingent upon the results of an analysis as described below in the comments on the Air Quality Technical Report, which has not yet occurred.	Additional discussion was added to the Draft EA Section 3.7 Air Quality Impacts starting on page 3-40 to incorporate FHWA guidance language on MSAT and to clarify the air analysis for MRIMF was completed in compliance with the FHWA guidance.
EPA	03/24/2010	<p>EA Page 3-143, Section 3.19.7 notes several measures to control fugitive dust emissions during construction. Additionally, during construction and for the final project design, every effort should be made to avoid air quality impacts including, but not limited to:</p> <ol style="list-style-type: none"> 1. A ban on open burning - all materials that would normally be burned should be recycled to the extent feasible to avoid health and visibility impacts. 2. Minimizing dust and debris generated during construction. 3. Construction limited to the smallest footprint feasible to avoid environmental degradation and reduce the amount of dust generated during construction. 4. Maintenance of the maximum amount of trees feasible within the project right-of-way during construction to reduce footprint, noise and dust dispersion during construction. 5. Installation of the latest air pollution control devices on all construction equipment (see EPA's Verified Technologies List for diesel engines at http://www.epa.gov/otaq/retrofit/verif-list.htm). 6. Use of ultra low sulfur fuel exclusively for construction equipment. 7. Restriction on the time that engines involved in construction may be left to idle. 	<p>Although there is no requirement to do so, NSR has already committed to reducing its emissions by using Tier 4-engines for the overhead lift cranes at the proposed facility. The equipment operating at the site will also be using ULSD fuel, to the extent that it is available, which (as noted) should be the case following EPA's June 2010 fuel standard schedule. Also as noted by EPA, the ULSD fuel standard commences in 2010, providing for reduced sulfur content. Other mitigation measures are being considered as part of the environmental review process.</p> <p>The operation of the facility, in and of itself, can be characterized as an "environmentally beneficial project" since it will result in net annual reductions of more than 186 million truck miles and more than 23.8 million gallons of diesel fuel used nationwide. These reductions are consistent with national energy and environmental policy goals for congestion mitigation, dependence on fossil fuels, and air pollutant emission reductions (including greenhouse gases as discussed in Section 3.7.5).</p> <p>During the construction phase of the project, open burning (if required) would only be performed with the approval of the Tennessee Department of Environment and Conservation Division of Air Pollution Control. Fugitive dust emissions during construction would be minimized using appropriate Best Management Practices (BMP) as described in the Draft EA Section 3.19 Construction Impacts starting on page 3-200.</p>

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EPA	03/24/2010	<p>Air Report, Page 12, Section 2.3.2 of the air quality analysis includes a discussion of the 2007 mobile source air toxics rule. However, the reductions which will result from that rule are from sources (e.g., light duty vehicles and portable fuel containers) which are not the primary concern for this project. A discussion of reductions in diesel PM and other air toxics from EPA's 2008 locomotive and marine rule would be useful here. See the following links: http://www.epa.gov/otag/locomotives.htm#2008final (for the regulation) http://www.epa.gov/otag/regs/nonroad/420r08001a.pdf (for the regulatory impact analysis). This rule sets standards for PM and NOx, but reductions in gaseous air toxics are projected as well. Chapter 3 of the <i>Regulatory Impact Analysis: Control of Emissions Of Air Pollution from Locomotive Engines and Marine Compression Ignition Engines Less Than 30 Liters per Cylinder</i>, contains emission inventory impacts.</p>	<p>In the Draft EA, Sections 3.7 Air Quality Impacts was expanded to incorporate FHWA guidance language on MSAT and to clarify the air analysis for MRIMF was completed in compliance with the FHWA guidance starting on page 3-40. Addition discussion was added to the Draft EA Section 3.7.3.1 on page 3-45 to reference the projected reduction in locomotive emissions based on the new regulations.</p>
EPA	03/24/2010	<p>Page 14, Section 2.3.2.1 fourth paragraph states, "The increase in local emissions due to facility operation will be offset regionally by three factors: 1) the decrease in long-haul truck traffic due to the increased use of rail ...; 2) a reduction in MSAT emissions associated with future reductions in domestic cargo transfers at the NSR Forrest IMF in Memphis; and 3) decreased roadway congestion on area highways which would allow vehicles to consistently travel at posted speeds." The next paragraph goes on to say, "...one of the advantages of the project is that future long-haul highway truck traffic between Memphis and the Northeast would be reduced by an estimated 186 million loaded truck vehicle miles per year, thereby considerably reducing air emissions, including MSATs on a large-scale regional and national basis."</p> <p>These regional and national reductions in MSAT emissions are laudable. Attempting to justify increases in local emissions based on reductions of MSATs regionally or nationally seems to miss the point that MSATs are a local phenomenon. MSATs have local impacts which are the reason that modeling the concentrations at nearby locations is important.</p>	<p>Evaluation of MSAT emissions during facility operation has been performed and is described in the Draft EA Section 3.7.3.1 starting on page 3-45. The evaluation was based on a detailed emission inventory of all emission sources that will be operating at the facility, at maximum design capacity. The evaluation of MSAT emissions was performed consistent with FHWA and EPA guidance, as described in the Draft EA Section 3.7.3.1 starting on page 3-45.</p> <p>It is acknowledged that review of potential MSAT emissions indicates that the proposed project is expected to be associated with higher levels of MSAT emissions in the local study area during facility operation, relative to the No-Build Alternative. The increase in the emissions associated with the five individual MSATs, POM, and DPM is small by comparison to the county's existing emission totals, representing a less than 0.9% increase in each of the priority MSATs in Fayette County and less than 0.1% increase in Marshall County.</p> <p>It is also noted that pursuant to EPA, MSATs are a local phenomenon with elevated concentrations of pollutants emitted from motor vehicles near large roadways generally occurring within approximately 650 feet of the road, and concentrations returning to background levels beyond this distance. There are no sensitive receptors within this radius of the facility (e.g., schools, nursing homes, day cares, etc.). There are only approximately 55 residences located</p>

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			<p>within ½ mile of the project limits and 5 residences located within ¼ mile of the Industrial Road.</p> <p>Pursuant to FHWA guidance, a qualitative analysis is appropriate for the proposed facility.</p>
EPA	03/24/2010	<p>The first paragraph in Section 2.3.2.1 notes that there are currently 55 residences within 1/2 mile of the project limits, and another 5 within 1/4 mile of the Industrial Road. The Air Quality Technical Report notes that, "The increase in truck VMT and rail activity associated with the Build Alternatives would lead to higher MSAT emissions (particularly diesel particulate matter) in the vicinity of the proposed Memphis Regional IMF." (page 14, Section 2.3.2.1, 3rd paragraph). Therefore, statements that compare the projected emissions from the planned facility with countywide emissions for Fayette County, Tennessee, and Marshall County, Mississippi, (Section 2.3.2.2 page 16, and Tables 7 and 8) are specious.</p> <p>For a project of this magnitude, the air toxics analysis should include a quantitative inventory of emissions by location; dispersion modeling to estimate air toxics concentrations in areas along and outside the footprint of the project; and a screening level risk assessment of the potential impacts of the emissions on nearby groups.</p>	<p>In the Draft EA, Sections 3.7 Air Quality Impacts 3.7.3.1 starting on page 3-45 discussion was added to incorporate FHWA guidance language on MSAT and to clarify that the air analysis for MRIMF was completed in compliance with the FHWA guidance, which requires a qualitative analysis.</p> <p>The air toxics analysis included a quantitative inventory of emissions for the proposed facility. The estimated emissions were summed and compared to the countywide emissions for Fayette County, Tennessee and Marshall County, Mississippi, which represents the only available MSAT emissions data.</p> <p>The location of the MRIMF is rural with approximately 55 residences located within ½ mile of the project limits and 5 residences located within ¼ mile of the Industrial Road. Therefore, the project is considered to fall within the Level 2 category of projects with low potential MSAT effects that require a qualitative assessment of MSATs. To confirm this designation, both a qualitative and an initial quantitative analysis of MSAT emissions were conducted.</p>
EPA	03/24/2010	<p>It would be helpful for reviewers if the Draft EA presented maps that display the locations of residences and sensitive populations in relation to the intermodal facility and its support roads.</p>	<p>A figure was added to the Draft EA Section 3.7 Figure 3-14 on page 3-45 to illustrate locations of residences and sensitive populations in relation to the intermodal facility and its support roads.</p>
EPA	03/24/2010	<p>Diesel exhaust is of particular importance at an intermodal facility. Diesel exhaust is a complex mixture of hundreds of constituents in gaseous and particulate form. The particulate matter present in diesel exhaust consists primarily of fine particles, whose small size allows them to reach deeply into the lungs. EPA's 2002 final "Health Assessment Document for Diesel Engine Exhaust" classified exposure to diesel exhaust as likely to be carcinogenic to humans at environmental exposures. Recent studies continue to show that populations living near large diesel emissions sources are likely to experience greater diesel exhaust levels than the overall U.S. population, potentially placing them at greater health risk. (For example, see the diesel risk studies performed by the California Air Research Board at the ports of Los Angeles and Long Beach, California's rail yards, and West Oakland. Rail yard study at:</p>	<p>All the referenced studies are associated with rail yards, IMFs, ports and air analysis in California. As evidenced by California's unique environmental status as the only state with a waiver from EPA to enact stricter air pollution standards for motor vehicles than the federal government's, comparisons to air analysis and practices in California are not relevant to analysis of the MRIMF, which is being located in an area in attainment for all NAAQs. See California State Motor Vehicle Pollution Control Standards; Notice of Decision Granting a Waiver of Clean Air Act Preemption for California's 2009 and</p>

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		<p>http://www.arb.ca.gov/diesel/documents/rrstudy.htm Oakland Community diesel risk evaluation at: http://www.arb.ca.gov/ch/communities/ra/westoakland/documents/draftsummary031908.pdf. Ports of Los Angeles and Long Beach studies at: http://www.arb.ca.gov/regact/marine2005/portstudv0406.pdf Emissions associated with an intermodal facility involve not only those from line-haul and switching locomotives and cranes at the facility itself, but also emissions from many other sources such as trucks along the feeder routes to the IMF and at distribution centers serviced by the IMF.</p>	<p>Subsequent Model Year Greenhouse Gas Emission Standards for New Motor Vehicles, 74 FR 32744 (July 8, 2009). Additionally, most of the studies referenced are distinguishable from the MRIMF because the analysis is focused on rail yards, ports or a collection of multiple facilities, rather than individual IMFs. Further, even the studies related to IMFs are distinguishable from the MRIMF based on the size of the facilities (often much larger than the MRIMF), location of the facilities (all the IMFs are located in California with California's unique environmental characteristics and air quality as well as differing state regulations and local concerns), and the age of the facility (often older than the MRIMF, which is a new facility, committed to utilizing new technologies, such as Tier 4-engines for the overhead lift cranes). The Draft EA Sections 3.7, 3.18, and 3.19 provide analysis of potential impacts on air associated with the MRIMF.</p>
EPA	03/24/2010	<p>The environmental documents that inform the decision on which alternative should be pursued should</p> <ol style="list-style-type: none"> 1. disclose to the public all reasonably foreseeable, adverse impacts resulting from the project, 2. identify differences in impacts among the alternatives 3. identify possible mitigation measures, including actions that may be outside the jurisdiction of the lead agency, including possible changes to the project design. 	<ol style="list-style-type: none"> 1. The direct, indirect, and cumulative impacts are discussed in the Draft EA. After the EA is approved, it will be released to the public for their review and comment. 2. As part of the TESA process, Concurrence Point #2 is the Proposed Actions and Alternatives. The TESA and participating agencies concurred with the projects' actions and alternatives. The alternative analysis is Section 2 of the Draft EA. 3. Mitigation and sub-alternatives to reduce impacts are discussed throughout the Draft EA in Section 3 in direct and cumulative impacts sections.
EPA	03/24/2010	<p>Toxic inventories for nonroad support equipment can be developed using the National Mobile Inventory Model (NMIM). NMIM estimates toxic emissions for all sources in the NONROAD model. While NMIM is designed to estimate county level inventories, the user can replace county level equipment populations and activity with local data to develop a local inventory. Here is a link to NMIM: http://www.epa.gov/otag/nmim.htm.</p>	<p>Additional discussion was added to the Draft EA Section 3.7.3.1 starting on page 3-45 to include how the EPA's NONROAD2008a Emission Model and EPA's Emission Factors for Locomotives were used to estimate MSAT emissions for non-road support equipment and locomotives. Diesel particulate matter and diesel exhaust organic gases are considered the primary MSATs of potential concern and were conservatively evaluated for all emission units identified at the proposed facility.</p>

Agency	Date of Comment	Agency Comments	Responses
EPA	03/24/2010	For modeling impacts of this project, we would suggest use of AERMOD.	<p>As discussed in the Draft EA Section 3.7.3 starting on page 3-43, the MRIMF, and Industrial Road used to access the facility, are located in Fayette County, Tennessee and Marshall County, Mississippi. Both of these counties are in attainment for all applicable air pollutants. Therefore, a detailed analysis of the emission and subsequent dispersion of air pollutants was not required and neither AERMOD nor other available air dispersion models were used.</p> <p>As discussed in the Draft EA Section 3.7.3.1 starting on page 3-45 some air quality analysis was still undertaken to evaluate impacts using MOBILE6.2 and NONROAD.</p>
EPA	03/24/2010	<p>2. Identify other large sources of air toxics in the area, and other air toxics sources in the area whose emissions are likely to increase or decrease if the project moves forward (e.g. is the new facility likely to foster residential or business development that might be affected by emissions from the site or its support roads; will there be additional or expanded roadways or railways related to the IMF and distribution facilities, e.g., the Industrial Road, US Highway 72 in Mississippi, SR 385 in Tennessee, roads to nearby existing or anticipated distribution facilities, links to the existing Memphis area intermodal facility and port operations, etc.). The impact of these facilities and infrastructure, whose existence and/or size is related to the planned IMF, should be evaluated just as the proposed Memphis IMF itself. The evaluation should also cite existing relevant air monitoring data</p>	<p>As discussed in the Draft EA Section 3.7.2 starting on page 3-41 a comprehensive analysis was performed to quantify the facility's air emissions at maximum design capacity and to predict the impact of those emissions on ambient air quality in the vicinity of the facility. Under current conditions, there are no large sources of air toxics in the immediate vicinity of the proposed facility. Figure 3-14, shows the locations of nearby sensitive receptors, confirming the current lack of nearby development and/or receptors.</p> <p>In Section 3.18.12 Indirect and Cumulative Impacts for Air starting on page 3-193, the analysis of any impacts associated with the potential future development in the vicinity of the proposed facility is discussed.</p> <p>The EPA's AirData Database only identified countywide emissions with no relevant air monitoring data. No known monitoring stations have been identified in Fayette County, Tennessee.</p>

Agency	Date of Comment	Agency Comments	Responses
EPA	03/24/2010	<p>3. Evaluate the potential impact of emissions on nearby individuals and groups including sensitive populations such as those at schools, hospitals, day care facilities, nursing homes, etc. How many people live in the area, and are any nearby communities medically underserved or environmental justice communities? Are there populations with currently high rates of adverse health conditions that might be exacerbated by the air toxics emissions?</p>	<p>A discussion of the air quality analysis methodology, results, and conclusions is provided in the Draft EA Sections 3.7, 3.18 and 3.19.</p> <p>The proposed location of the facility is rural with only approximately 55 residences located within ½ mile of the project limits and 5 residences located within ¼ mile of the Industrial Road. As shown on Figure 3-14 on page 3-45, there are no sensitive populations (e.g. schools, hospitals, day care facilities, nursing homes, etc.) near the proposed facility.</p> <p>As concluded in the Draft EA Section 3.4.2 starting on page 3-33, no adverse impacts to a minority or low income population have been identified as a result of the MRIMF.</p> <p>The No-Build Alternative is in mid-town Memphis having a dense population with lower-income and large minority population.</p>
EPA	03/24/2010	<p>A screening-level analysis was done for EPA's 2008 locomotive and marine rule which addressed the local impacts of ports and rail yards on minority and low income populations as well as children. A summary of the analysis is found in Section 2.4.1 of the Regulatory Impact Analysis http://www.epa.gov/otaq/regs/nonroad/420r08001a.pdf . The analysis includes two rail yards in Tennessee.</p>	<p>The rail yards referenced in EPA's Screening Level Analysis are distinguishable from the MRIMF, primarily since the MRIMF is not a rail yard. With IMFs the trains are staged in the yard and containers/trailers are unloaded and loaded from non-moving trains. In a traditional rail yard, the train cars are assembled through a series of switches and multiple tracks, using locomotive (e.g., switch engines) to move and assemble the train cars into a complete train. In addition, these facilities normally include repair, maintenance and fueling areas for locomotives and train cars. Therefore, rail yards are higher contributors to air emissions than IMFs. Even with the different uses and impacts of rail yards versus IMFs, both of the rail yards analyzed are much larger than the MRIMF and are older facilities set in highly urbanized locations such as Nashville and Chattanooga.</p> <p>The Draft EA Sections 3.7, 3.18 and 3.19 and the above response to EPA Comment 3 discusses potential impacts on air associated with the proposed facility. As concluded in Section 3.4.2 of the Draft EA, no adverse impacts to a minority or low income population have been identified as a result of the MRIMF and the effects of the MRIMF on minority and/or low- income populations would be expected</p>

Agency	Date of Comment	Agency Comments	Responses
			<p>to be the same as those on non-minority and/or non-low-income populations. Construction and operation of the proposed facility will actually decrease emissions of criteria pollutants and MSATs at the Memphis location through the shift of a portion of the domestic intermodal shipments to the proposed MRIMF.</p> <p>The No-Build Alternative is in mid-town Memphis having a dense population with lower-income and large minority populations.</p>
EPA	03/24/2010	<p>4. Prepare an estimate of maximum impacts anticipated in the area around the proposed facilities, including an assessment of the potential impacts of both the construction and operation of each alternative considered.</p>	<p>Each alternative considered in Section 2 of the EA was analyzed as to whether or not the alternative met the purpose and need of the project and the minimum operational requirements. One alternative was determined to meet the need and purpose of the project, the Build Alternative. To meet the purpose and need for an intermodal facility, it must perform 327,000 lifts per year. The air quality technical report specifically addresses the one alternative carried forward into the Draft EA, the Build Alternative, including assessment of potential impacts.</p> <p>Emissions from any alternative would be comparable to the Build Alternative performing 327,000 lifts per year. The only difference between the alternatives is location. Of the alternatives not considered viable, two were in Shelby County in a non-attainment area while the four were in Fayette County in an attainment area.</p> <p>The No-Build Alternative is in mid-town Memphis having a dense population with lower-income and large minority populations.</p> <p>See also above response to FHWA Comment 2.</p>
EPA	03/24/2010	<p>5. Identify alternatives to avoid or minimize the impacts of the proposed project. For example:</p> <ul style="list-style-type: none"> a. A ban on open burning during construction- all materials that would normally be burned should be recycled to the extent feasible to avoid health and visibility impacts. b. Minimizing dust and debris generated during construction. c. Construction limited to the smallest footprint feasible to avoid environmental degradation and reduce the amount of dust generated during construction. d. Maintenance of the maximum amount of trees feasible to reduce footprint, noise and dust dispersion during construction. 	<p>The MRIMF was selected as the Build Alternative and many of EPA's suggestions were incorporated into the final MRIMF design. Regardless of the alternative selected, NSR would attempt to minimize the impacts of the proposed project, as discussed in Section 3.18 Construction Air Quality on page 3-201, through such measures as minimizing open burning, subject to local ordinances, minimizing fugitive dust through BMP such as wetting down the roads and utilizing new technologies to reduce air impacts.</p>

Agency	Date of Comment	Agency Comments	Responses
		<p>e. Installation of the latest air pollution control devices on all construction equipment (see EPA's Verified Technologies List for diesel engines at http://www.epa.gov/otag/retrofit/verif-list.htm).</p> <p>f. Use of ultra low sulfur fuel exclusively for construction equipment, trucks, locomotives, etc.</p> <p>g. Restriction on the time that engines may be left to idle.</p> <p>h. Etc.</p>	<p>Through the individual construction permitting process, BMP will be identified, implemented and maintained during construction.</p> <p>Mitigation and sub-alternatives to reduce impacts of the proposed project are discussed throughout the Draft EA in Section 3.</p> <p>See above response to EPA Comment.</p>
EPA	03/24/2010	<p>Page 15, last paragraph of Section 2.3.2.1 states, "However, the EPA-projected reductions are so significant (even after accounting for VMT growth) that MSAT emissions in the study area are likely to be lower in the future as well for the truck traffic associated (with) the proposed Memphis Regional IMF. In addition, EPA has promulgated increasingly more stringent emission standards for locomotive engines and support equipment such that MSAT emissions from rail activity in the study area are also likely to be lower in the future." It is important to note that projected emission reductions do not absolve the sponsor and FHWA from the responsibility to protect public health from emissions associated with this project by using appropriate mitigation measures.</p>	<p>A discussion of the air quality analysis methodology, results, and conclusions is provided in Sections 3.7, 3.18 and 3.19 of the Draft EA.</p> <p>The proposed location of the facility is rural with only approximately 55 residences located within ½ mile of the project limits and with another 5 residences located within ¼ mile of the Industrial Road. Within this radius as shown on Figure 3-14 on page 3-45, there are no sensitive populations. Section 3.4 discusses the lack of adverse impacts to a minority or low income populations associated with the MRIMF.</p> <p>The No-Build Alternative is in mid-town Memphis having a dense population with lower-income and large minority populations.</p> <p>Construction and operation of the proposed facility will actually decrease emissions of criteria pollutants and MSATs at the Memphis location through the shift of a portion of the domestic intermodal shipments to the new facility.</p> <p>Although there is no requirement to do so, NSR has already committed to reducing its emissions by using only Tier 4-engines for the overhead lift cranes)at the proposed facility. The equipment operating at the site will also be using ULSD fuel, to the extent that it is available. Other mitigation measures are being considered as part of the environmental review process.</p>
EPA	03/24/2010	<p>Section 2.3.2.2, Page 18 cites FHWA/EPA guidance. We are not aware of guidance for FHWA projects on which EPA has concurred. Please provide a full citation for this guidance so that we might locate it.</p>	<p>On March 2, 2010, TDOT provided the link and a pdf copy of the document to Jamie Higgins, Region 4 EPA. It listing EPA and FHWA under the title and has the following number: # EPA 420-B-06-902.</p> <p>http://www.fhwa.dot.gov/environment/conformity/pm/hotspotguid.htm</p>

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EPA	03/24/2010	<p>The FHWA's September 30, 2009, Interim Guidance Update on Mobile Source Air Toxic Analysis in NEPA Documents addresses the level of analysis that is warranted by different types of transportation projects. The guidance identifies three levels or tiers of analysis. The most rigorous level is tier 3 which includes, according to the guidance:</p> <p>(3) Projects with Higher Potential MSAT Effects This category include projects that have the potential for meaningful differences in MSAT emissions among project alternatives. We expect a limited number of projects to meet this two-pronged test. To fall into this category, a project must:</p> <ul style="list-style-type: none"> • Create or significantly alter a major intermodal freight facility that has the potential to concentrate high levels of diesel particulate matter in a single location; or • Create new or add significant capacity to urban highways such as interstates, urban arterials, or urban collector-distributor routes with traffic volumes where the AADT is projected to be in the range of 140,000 to 150,000 or greater by the design year. <p>And also</p> <ul style="list-style-type: none"> • Proposed to be located in proximity to populated areas <p>The Memphis Regional Intermodal Facility project is among the types specifically identified in this guidance from the FHWA, i.e., a new major intermodal freight facility that will involve heavy truck, train, and support equipment operations, and that is in a populated area. The September 30, 2009, guidance states that for these level 3 projects there should be "Quantitative analysis to differentiate alternatives for projects with higher potential MSAT effects." Is there a quantitative analysis that compares the different alternatives from an air toxics perspective?</p>	<p>Additional explanation added to the Draft EA Sections 3.7.3.1 Air Quality Impacts starting on page 3-37 to incorporate FHWA guidance language on MSAT and to clarify that the air analysis for MRIMF was completed in compliance with the FHWA guidance, which requires a qualitative analysis.</p> <p>The maximum expected increase in truck traffic at the proposed facility is 834 trucks per typical weekday (less on weekends) (1668 round trips), which is less than 1.5 percent of EPA's guidance for total AADT for particulate matter and less than 1.2 percent of FHWA's guidance for total AADT for MSATs. The emissions from rail activity as estimated for the MRIMF are not large enough to make up the remaining 98.5 percent of emissions associated with "air quality projects of concern." The completed evaluations support the identification of the proposed Memphis Regional IMF as a Level 2 project that requires a qualitative analysis of MSATs due to the low potential MSAT effects.</p> <p>In addition, the proposed location of the facility is rural with only approximately 55 residences located within ½ mile of the project limits and 5 residences located within ¼ mile of the Industrial Road. Within this radius as shown on Figure 3-14 on page 3-45, there are no sensitive populations (e.g., schools, hospitals, day care facilities, nursing homes, etc.). Therefore, the proposed project does not fulfill the second prong of the two-prong test which requires that the project be located in proximity to populated areas.</p> <p>An initial quantitative analysis of MSAT emissions was completed for the proposed project. An analysis that compares different alternatives from an air toxics perspective was not needed as only one alternative, the Build Alternative, meets the purpose and need for an intermodal facility including the ability to perform 327,000 lifts per year. Therefore, emissions from any alternative meeting the need and purpose would be comparable to the Build Alternative performing 327,000 lifts per year.</p>

Agency	Date of Comment	Agency Comments	Responses
EPA	03/24/2010	<p>Section 2.3.2.2, last paragraph of page 18 states that, "... the Build Alternative may result in increased exposure to MSAT emissions in certain locations, although the concentrations and duration of exposures are uncertain, and because of this uncertainty, the health effects from these emissions cannot be estimated." It should be noted that a screening level analysis using existing models and available toxicity information, can be conducted to compare the potential impacts of different alternatives. EPA published the Air Toxics Reference Library in order to assist in the screening evaluation of air toxics exposures for health impacts. That library is available at http://www.epa.gov/ttn/fera/risk_atra_main.html.</p>	<p>Draft EA Sections 3.7.3.1 Air Quality Impacts starting on page 3-45 was expanded to incorporate FHWA guidance language on MSAT and to clarify the air analysis for MRIMF was completed in compliance with the FHWA guidance.</p> <p>The No-Build Alternative is located in mid-town Memphis having a dense population with lower-income and large minority populations.</p> <p>Construction and operation of the proposed facility will actually decrease emissions of criteria pollutants and MSATs at the Memphis location through the shift of a portion of the domestic intermodal shipments to the new facility.</p> <p>Only one build alternative which met the purpose and need for an intermodal facility was carried forward into the EA, the Build Alternative. This and any alternative meeting the purpose and need would perform 327,000 lifts per year. Therefore, emissions from any alternative would be comparable to the Build Alternative performing 327,000 lifts per year.</p>
EPA	03/24/2010	<p>Given that Section 2.3.2.2, page 18 notes that the project will result in rail traffic and is expected to increase truck traffic up to 1668 round trips on a typical weekday, the DEIS should discuss the literature concerning near-roadway health impacts. There is a large and growing body of studies on the topic.</p>	<p>The document is a Draft EA not a DEIS.</p> <p>Discussion was added In the Draft EA, Section 3.7.3.1, page 3-45 about the near-roadway health impacts.</p>
TDEC	03/23/2010	<p>The Division of Resource Management (RMD), Natural Heritage Program, comment letter dated June 24, 2009 is attached. It appears that the rare species list was added to the EA, but RMD would like the balance of the comments included and addressed. The EA references the Natural Heritage Program letter in footnote 150, but does not appear to include the actual letter.</p>	<p>In accordance with the TESA process, the Natural Heritage Program letter is not included in the NEPA document.</p>
TDEC	03/23/2010	<p>The Division of Water Supply (DWS) agrees with the extra measures being taken for spill control and runoff in the sensitive area of outcrop of the Memphis sand aquifer. The Memphis Aquifer is one of the most important aquifers in the state and any activity in the recharge area could potentially cause pollution to the aquifer. We understand that a spill plan as physical barriers will be in place to attempt to stop pollution to the aquifer. The Memphis Regional Intermodal Facility will need to use extreme diligence in its spill and runoff management in protection of the Memphis aquifer from contamination.</p>	<p>Additional discussion was added to the Draft EA Sections 3.12.6 Aquifer Impacts starting on page 3-101, 3.12.7 Stormwater Impacts starting on pages 3-109, and 3.19 Construction Impacts starting on pages 3-200 to clarify potential impacts to and protection of the aquifer.</p>

Agency	Date of Comment	Agency Comments	Responses
TDEC	03/23/2010	The Division of Remediation (TDoR) is interested in the potential presence of AST' s and UST's (above/underground storage tanks) on-site, to be used for refueling. If these tanks are present, this further reinforces the need for low permeability liners in retention pond areas. Free-product (diesel) is a common problem for other intermodal/rail-yard facilities managed by our Division in the Memphis area (with confining unit present), and would be a more critical issue in recharge areas lacking the Jackson confining clay.	Additional discussion was added to the Draft EA Sections 3.16 Hazardous Materials starting on page 3-128 and 3.12. 6 Aquifer Impacts starting on page 3-101 to clarify AST on-site, fueling operations, and measures taken to prevent pollution.
TDEC	03/23/2010	Since the construction of the proposed facility lies within the known area of the Memphis Sand Recharge Zone, the Division has great interest in the project. The Memphis Sand Recharge Zone in the proposed construction location contains no upper confining unit, locally known as the Jackson Clay, to protect the integrity of the Memphis Sand aquifer from potentially contaminated infiltration. Therefore, TDoR respectfully requests that the Memphis Sand Recharge Zone itself is included in Table 8-1, recognized as a Natural Resource and be protected as such. Furthermore TDoR recommends the use of low permeability geo-textile liners or construction materials be used in the construction of the on-site retention ponds in order to prevent infiltration, along with best management practices (BMPs) as cited in the document.	In the Draft EA Section 3.20, a row was added the renumbered Table 23 on page 3-207 under Natural Resources to identify Aquifer/Groundwater as an impact category and its corresponding potential impacts. Additional discussion was added to the Draft EA Sections 3.12.10 Aquifer Impacts starting on page 3-101 and 3.19 Construction Impacts starting on page 3-200 to clarify potential impacts to and protection of the aquifer including additional information about a low permeability layer below the IMF and stormwater ponds.
TWRA	03/10/2010	1. On page 3-17, the first paragraph under Figure 3-7 should be modified to read as follows: "Traffic impacts on US Hwy 72 due to Build Alternative 1 are not expected to be substantial until beyond 2015." The word "to" was left out of the sentence.	The identified typographic and/or grammatical error was corrected within the Draft EA on page 3-28.
TWRA	03/10/2010	2. On page 3-63, we request that a row be added to "Table 3-11: Impacts to Aquatic Resources" at the bottom of the table and entitle this row "Estimated Cost of Stream Mitigation" and an estimated cost be entered based upon the cost that would be paid to the Tennessee Stream Mitigation Program. Since in U.S. Army Corps of Engineers Public Notice MVM 2009-234 (JME) it is stated that mitigation will be conducted by payment to the Tennessee Stream Mitigation Program; which would be approximately \$200.00 per linear foot for 5,352 linear feet or \$1,070,400.00. The U.S. Army Corps of Engineers Public Notice MVM 2009-234 (JME) states that there will be 3,946 linear feet of stream impacts instead of 5,352 linear feet as stated in the Environmental Assessment. The stream impact figures in the Environmental Assessment should reflex the most accurate figure and the most accurate cost.	In accordance with the TESA process, Mitigation is not a part of Concurrence Point #3. It is and will be addressed in Concurrence Point #4 and in the permitting process. The Draft EA stream impacts represent the maximum expected stream length impact of the IMF. The USACE and TDEC water quality permits represent the predicted impacts based on the design sketches. These numbers and their respective mitigation costs can be revised up or down as need for construction of the site. Stream mitigation is discussed in the Draft EA Section 3.12.2 Water Quality starting on page 3-88 and Section 3.12.6 Aquatic Resources starting on page 3-101.

Agency	Date of Comment	Agency Comments	Responses
TWRA	03/10/2010	3. On page 3-68, we request that a row be added to "Table 3-12: Impacts to Wetlands" at the bottom of the table and entitle this row "Estimated Cost of Wetland Mitigation" and an estimated cost be entered based upon the cost to purchase wetland mitigation credits from the Wolf River Mitigation Bank at a 2:1 ratio, since in U.S. Army Corps of Engineers Public Notice MVM 2009-234 (JME) it is stated that mitigation will be conducted by debiting available credits from the Wolf River Mitigation Bank.	<p>In accordance with the TESA process, Mitigation is not a part of Concurrence Point #3. It is and will be addressed in Concurrence Point #4 and in the permitting process.</p> <p>The Draft EA wetland impacts represent the maximum expected wetland area impact of the IMF. The USACE and TDEC water quality permits represent the predicted impacts based design sketches and their regulations. These numbers and their respective mitigation costs can be revised up or down as need for construction of the site.</p> <p>Stream mitigation is discussed in the Draft EA Section 3.12.2 Wetland Resources starting on pages 3-88.</p>
TWRA	03/10/2010	4. There is a typographical error on page 3-81, first full paragraph, second sentence. The word "values" should be "valves".	The identified typographic error was corrected within the Draft EA on page 3-110.
TWRA	03/10/2010	5. On page 3-149, we request that two rows be added to "Table 3-16: Summary of Potential Impacts from Build Alternative 1". The first added row should be located beneath the row entitled "Stream Impacts (Feet)". The title for this added row should be entitled "Stream Mitigation Cost" and the appropriate cost for stream mitigation should be entered in the second column in the same row. The second added row should be located beneath the row entitled "Wetland (Wetland/Acres Impacted)". The title for this added row should be entitled "Wetland Mitigation Cost" and the appropriate cost for wetland mitigation should be entered in the second column in the same row. We also request that the stream and wetland mitigation costs be added to the estimated project cost in "Table 3-16: Summary of Potential Impacts from Build Alternative 1" on page 3-148.	<p>In accordance with the TESA process, Mitigation is not a part of Concurrence Point #3. It is and will be addressed in Concurrence Point #4 and in the permitting process.</p> <p>Stream and wetland mitigation is discussed in the Draft EA Sections 3.12.2 Water Quality and Aquatic Resources starting on page 3-88 and 3.12.3 Wetland Resources starting on page 3-94.</p>
West TN RPO	03/10/2010	1. Page 1-5, Figure 1-3: Economic Impacts - Fayette County Intermodal Facility: This is an important table in that it quantifies the economic impact of the Fayette County IMF. While the table references a specific study from Insight, May 2009, it would be helpful if within the context of this document and in reference to Figure 1-3, the term "At Risk and Benefited Industrial Expansions" is more clearly defined and elaborated upon.	Additional discussion was added to the Draft EA Section 1.3 Need to the Proposed Action to clarify Figure 1-3 on page 1-5.
NRCS	04/07/2010	First recommendation. The document states that 'wildlife populations will merely shift to adjacent habitats in the cumulative impacts section' (pages 3-118). Only in rare instances would re-colonization occur if adjacent areas were well below carrying capacity; the only logical assumption would be that adjacent areas are already fully populated. The cumulative impacts section should only address habitat losses and should not draw inferences to wildlife populations.	The inference to wildlife populations were deleted from the Draft EA Sections 3.12.1 Terrestrial Resources starting on page 3-82 and 3.18.5.1 Indirect Impacts to Terrestrial Resources starting on page 3-169.

Agency	Date of Comment	Agency Comments	Responses
NRCS	04/07/2010	<p>The second recommendation is relative to Stream 6. This stream corridor was obviously one of the most ecologically valuable areas within the project area, and the Agency agrees with the proposal to protect the stream corridor which was highlighted. However, it was unclear as to the extent that the Stream 6 corridor is to be protected. A shifting of a loop track to the east to protect 300 feet of a meander was mentioned along with the encapsulation of 250 feet, but it also appeared that only a 50-foot width of riparian forest buffer would be protected (pages 3-59). In looking at the proposed ecological impacts relative to adjacent areas, it was noted that there is a relatively large tract of forest (several hundred somewhat intact acres) both on the northwestern and southeastern boundary of the project area, with two distinct wooded corridors connecting these offsite tracts. One of the forested corridors is Stream 6. The other wooded corridor, which is wider, is on the steeper ground to the east. It appeared from the proposal that the wider upland corridor to the east will be removed, leaving the Stream 6 corridor the only remaining intact wooded corridor connecting these larger offsite wooded tracts. The Agency would recommend that the project consider a wider forested buffer of at least 100 feet on each side of the stream consistent with the NRCS Riparian Forest Buffer Standard for Wildlife Habitat. This will mitigate the loss of woodland corridor connectivity to the east, plus provide additional benefits associated with the Stream 6 floodplain riparian zone. At the point where the stream corridor touches the western project boundary from the east and runs north, the corridor is very narrow; widening this corridor would add to the onsite stream mitigating benefits as well.</p>	<p>Additional discussion was added to the Draft EA Section 3.12.1 Terrestrial Resources on page 3-86 about preservation of the natural buffer along Stream 6.</p>

4.0 NON-TESA PARTICIPATING AGENCY COMMENT SUMMARY

This section describes responses received from *Non-TESA Agencies* regarding the *TESA Concurrence Point #3 Package*.

Agency	Date of Comment	Agency Comments	Responses
Fayette County	02/24/2010	1. Under 3.3.2 Traffic Analysis on page 3-11, no study was done in Tennessee (except for a turn lane/traffic light study at Neville Road) to determine the employee/residential traffic that may be related to the project. Knox Road, Hwy 196, and several city streets in Piperton will be used to reach the facility from Tennessee.	Due to light volume and diverse route choices, the employee traffic generated directly by the IMF should not substantially affect traffic congestion on the roads within Tennessee. Discussion was added to Section 3.18.2.2 Cumulative Impacts on Roadway starting on pages 3-147 about current traffic studies on the broader highway network by TDOT, MDOT and Memphis MPO.
Fayette County	02/24/2010	2. In Section 3.4.2.1 Low Income Populations on page 3-22, it states that there are no concentrations of low income populations in the project area. While I find no definition of project area, in Rossville there are several pockets of low income residents and several low-income families live along Knox Road. I point this out to complete your document. The advantages/disadvantages will be the same for all residents in the area.	Additional discussion was added in the Draft EA Section 3.4 Social Impacts on page 3-33 to clarify information about low income population within the study area.
Fayette County	02/24/2010	3. Under 3.8 - Noise Impacts on page 3-34, it states that there are no general application noise laws in effect for Fayette County or Rossville. While the statement is correct for any general law, Fayette County zoning regulations (I would suspect Rossville's also) require nuisances such as noise to be confined to the property.	While Fayette County ordinances do contain reference to nuisance as a general provision, as does common law and a number of statutory provisions within the State of Tennessee, the provisions do not contain specific criteria and would be limited in their applicability to a transportation project in interstate commerce, and are also limited in usefulness in terms of specific regulatory criteria for NEPA analysis.
Fayette County	02/24/2010	4. While the Town of Rossville may not be in the study area, the increase in rail traffic across the Hwy 194 intersection should be addressed and mitigation proposed to deal with noise and wheeled-traffic disturbance; especially since trains of an average 8000 feet in length are expected to be the norm. This intersection is also adjacent to the Rossville Historic District.	Potential noise impacts associated with the construction and operation of the MRIMF are discussed in Sections 3.8, 3.18, and 3.19 of the Draft EA. The results of the noise analysis for the facility indicate there would not be noise impacts associated with the MRIMF off the property. Norfolk Southern performed noise analysis set

Agency	Date of Comment	Agency Comments	Responses
			<p>forth in the Noise Analysis Technical Report to determine noise impacts, applying criteria from FHWA, TDOT and Federal Transit Administration criteria (e.g. Procedures for Abatement of Highway Traffic and Construction Noise, 23 Code of Federal Regulations (C.F.R.) 772, Highway Traffic Noise Analysis and Abatement Policy and Guidance; TDOT Policy on Highway Traffic Noise Abatement; Transit Noise and Vibration Impact Assessment Manual), as well as the Noise Control Act of 1972. See also Tables 3-10 through 3-15 of the EA. These provisions and criteria were developed for applicability to transportation projects in interstate commerce. While Fayette County ordinances do contain reference to nuisance as a general provision, as does common law and a number of statutory provisions within the State of Tennessee, the provisions do not contain specific criteria and would be limited in their applicability to a transportation project in interstate commerce, and do not provide specific regulatory criteria for NEPA analysis. The analysis was performed using receptors beyond the facility boundary, or property. Note that several noise abatement and mitigation measures have been included (e.g. noise reducing berms) such that actual noise would be further mitigated from levels predicted by the Noise Analysis Technical Report.</p>
<p>Town of Collierville</p>	<p>03/05/2010</p>	<p>1. Impact to the existing Norfolk-Southern Railway (NSR) mainline between the proposed IMF and the existing Forrest Yard: The Draft EA states that NSR anticipates four (4) new westbound trains arriving at the proposed IMF and four (4) eastbound trains originating from the proposed IMF per day in addition to the eighteen (18) trains passing through the area on a typical weekday (per Section 3.16.2). However, the Draft EA is silent on the anticipated impact on train volume for the existing Norfolk-Southern Railway (NSR) mainline between the proposed IMF and the existing Forrest Yard to the west. The number of trains per day, train speed, crossings blocked, train noise,</p>	<p>Additional discussion was added in the Draft EA Section 3.3 Transportation Impacts starting on page 3-10 to clarify the train traffic between the IMF and Memphis.</p>

Agency	Date of Comment	Agency Comments	Responses
		<p>and hazardous materials transported within Collierville are a primary concern. It is difficult for us to assess the impacts of the proposed IMF without knowing this information.</p> <p>The Draft EA touts the advantages of rail over trucks concerning fuel efficiency, air pollution, and road congestion. But due to the existing volume of traffic (rail and vehicle) and the limited number of grade separated crossings, there are areas in Shelby County where rail is detrimental. Provided train traffic is to continue along this portion of the mainline, we request that steps be made to identify and address these areas, including, but not limited to the introduction of crossing improvements, imposing stricter speed limits on trains, and reducing noise. To better address long-term environmental sustainability, the NSR mainline in Shelby County should be, once again, available for regional passenger travel as it was many years ago.</p>	
<p>Town of Collierville</p>	<p>03/05/2010</p>	<p>2. Land Use Impacts: Under Section 3.18.6, the Draft EA notes that "(i)in Shelby County, it is anticipated that indirect impacts would be minimized due to the likelihood that the stable and slightly declining population of Shelby County would result in very few new residential or industrial developments" (p.3-123). While the TACIR projections cited in the Draft EA contain a dim view of Shelby County's future population growth, the areas of Shelby County in proximity to the proposed IMF, East Shelby County and Collierville in particular, have experienced a high rate of growth. From 1990 to 2000 (per the US Census), the Town of Collierville experienced a 121% population increase compared to Tennessee's increase of 16.7% for the same time period. The latest Special Census count for Collierville certified by the state in 2008 showed a population increase of 39% from 2000.</p> <p>In addition to Collierville's adopted Land Use Plan, the recently completed I-269 Small Area Plan and the Downtown Area Plan (currently underway) indicate ample opportunities for future growth within Collierville and its Urban Growth Boundary. For example, the adopted I-269 Small Area Plan (provided as an attachment in our letter from October 2009) anticipates walkable office, retail, light manufacturing uses in the area (located in the vicinity of US 72, SR 385, and proposed I-269) and could support a population of approximately 8,000 additional residents. To indicate that the proposed IMF's impacts either do not apply to Shelby County or stop at the Fayette County or Marshall County line is incorrect.</p>	<p>The identified paragraph was re-worded to better characterize the indirect impacts of the potential development on page 3-147 and deleted on page 3-157.</p> <p>Build Alternative 1 is not within the footprint defined in the Small Area Plan for I-269 or Downtown Area Plan. The traffic generated by the IMF and/or the potential development would most likely enter Collierville on the existing 4-lane section of US Hwy 72. Based on Collierville's desired long-range plans, they can either zone areas to attract or not allow this potential development.</p> <p>It was not the intent of the Draft EA to imply that the economic impacts from the proposed IMF would not apply to Shelby County. The direct economic impacts will most likely be in Fayette and Marshall Counties. The indirect and cumulative impacts would apply regionally. The local governments can manage the level of these impacts through zoning and regulations.</p>

Agency	Date of Comment	Agency Comments	Responses
Town of Collierville	03/05/2010	<p>3. Transportation Impacts: It is perplexing that, despite the proximity of the Industrial Road's intersection with US 72 to the Tennessee state line and major transportation routes such as proposed I-269, SR 385, and US 72 located in Tennessee, traffic impacts were not considered in the Draft EA (referencing the Traffic Impact Study cited in Section 3.3.2) because the road is physically in Mississippi. Is traffic expected to stop at the state line?</p>	<p>Based on the MDOT traffic study requirements the impacts of the IMF were considered background when placed on the 4-lane section of US Hwy 72 that currently begins at the MS/TN state line.</p> <p>In Section 3.18.3.2 Cumulative Impact to Transportation starting on page 3-152, the discussion of the connectivity between SR-385 and I-269 was expanded along with the possible connection of Industrial Road to MS 302. The discussion also included on-going studies of traffic impacts on the broader highway network by TDOT, MDOT and the Memphis MPO.</p>
Town of Collierville	03/05/2010	<p>4. Environmental Impacts: There will be 233 acres of recharge area lost due to pavement, only 0.04% of the total recharge area (per Section 3.12.10 of the Draft EA). This may not be significant percentage-wise for the total recharge area; however, the University of Memphis Groundwater Institute's (GWI) analysis (not included in the Draft EA) indicates that Collierville's water is relatively young (35-50 years old), which means loss of nearby recharge could be significant.</p>	<p>Additional discussion was added to Sections 3.12.6 Aquifer Impacts starting on page 3-101, 3.12.7 Stormwater Impacts starting on pages 3-109, and 3.19 Construction Impacts starting on pages 3-200 to clarify impacts to and protection of the aquifer.</p> <p>The GWI indicated that 95% of the recharge within the Memphis Sand Aquifer is from the stream beds. The stormwater generated on-site and diverted around the site will still discharge into the unnamed tributaries to Wolf River.</p>
Town of Collierville	03/05/2010	<p>5. Related to impacts to the aquifer, the Draft EA indicates that stream mitigation will be addressed via the state's in-lieu-fee program. Stream bottoms act as part of the recharge for Memphis Sands Aquifer. When will mitigation occur?</p>	<p>In accordance with the TESA process, mitigation is not a part of Concurrence Point #3. It is and will be addressed in Concurrence Point #4 and in the permitting process.</p> <p>The State does not have a program for mitigation of a recharge area. The Draft EA Section 3.12.2 Water Quality and Aquatic Resources discusses impacts to streams and proposed mitigation.</p>

Agency	Date of Comment	Agency Comments	Responses
Town of Collierville	03/05/2010	6. The Draft EA (Section 3.16.3) states that only 3 to 4 percent of NSR's shipments contain hazardous materials and that any spills at the proposed IMF will be contained in a detention basin. Is this detention basin to be lined (e.g. concrete or compacted clay layer) to prevent seepage into the aquifer? Additionally, what are the operational controls? The Draft EA mentions ponds - will there be containment levees and treatment for spills?	Additional discussion was added to Sections 3.12.6 Aquifer Impacts starting on page 3-101, 3.12.7 Stormwater Impacts starting on pages 3-109, and 3.19 Construction Impacts starting on pages 3-200 to clarify impacts to and protection of the aquifer.
Town of Collierville	03/05/2010	7. Regarding floodplain impacts (Section 3.12.5), the Draft EA states that "NSR will voluntarily comply with Fayette County floodplain management regulations and EO 11988, as long as such regulations and the EO do not prove unduly burdensome or unreasonably interfere with timely construction" (emphasis added). In light of this, the EA should address what floodplain impacts can be expected if NSR decides not to comply with floodplain regulations.	NSR has incorporated the construction and maintenance practices outlined in the local floodplain practices, to the extent practicable, and does not anticipate floodplain impacts. For this project, NSR has incorporated all construction and maintenance practices, aside from the permitting and approval requirements, in Fayette County's floodplain management regulations. The wording in the Draft EA was revised to better explain compliance with floodplain regulations. See also above response to EPA Comment 6.b.
Town of Collierville	03/05/2010	8. We would implore that NSR meet or exceed environmental regulations, just as would be expected of any private sector citizen.	NSR plans on following the TDEC ARAP and NPDES Individual Construction Permit requirements and processes.
Town of Collierville	03/05/2010	Collierville has aggressive plans for land use and transportation around its downtown and I-269 Area, both of which are traversed by US 72 and the NSR mainline. As you will see below, many of our plans for these parts of Collierville will necessitate a cooperative relationship with NSR. Collierville is historically a railroad town, which is part of our culture and Civil War history. While we value and want to build on our rail history, we have reservations about what the IMF could mean to our goals to achieve the following: <ol style="list-style-type: none"> 1. Minimizing Truck Trips Using US 72 and I-269 Interchange 2. Moving the Cooper Street Rail Crossing to the East to Improve North/South Traffic Movement 3. Relocating the Railcars around the Depot Area 4. Building a Parking Garage on Washington Street 	The Memphis Regional IMF should not adversely impact the Town of Collierville in its efforts to develop plans for the downtown and I-269 areas, though the IMF would generate additional truck trips along the 4-lane section of US Hwy 72 in TN and potentially onto the I-269 Interchange.

Agency	Date of Comment	Agency Comments	Responses
MDOT	03/19/2010	<p>1. In a meeting with William Adair, MDOT stated that an full traffic study would need to be performed that included everything that was included in Mr. Adair's plan's for the area or an interchange would need to be constructed that incorporated the various transportation components involved in the planned development. Mr. Adair stated that he was meeting with Norfolk Southern the week of March 15 to discuss the interchange option and would get back with MDOT shortly thereafter. Any design that would impact US 72 would need to be coordinated, reviewed, and approved by MDOT.</p>	<p>Mr. Adair, the developer for Industrial Road and the property adjacent to Industrial Road, in involved in his own separate, stand-alone project and must provide MDOT will all required documentation to receive permission to access US Hwy 72 in MS. Mr. Adair has stated he will design the grade separated interchange per MDOT's requirements.</p> <p>Discussion was added to the Draft EA Section 3.18.2 Indirect/Cumulative Impacts from Transportation starting on page 3-147.</p>
MDOT	03/19/2010	<p>2. There are several locations in the document that refer to LOS D as an acceptable level of service. MDOT's Planning Division stated that in Mississippi the required level of service for a rural area is 'C' or better. Any planning numbers generated should be 20 years out or more.</p>	<p>Additional discussion was added to Section 3.3 Transportation Impacts to clarify the LOS resulting from the IMF traffic.</p> <p>Additional analysis was completed and added to Section 3.3 Transportation impacts to show effect of a 2.5% per year growth to existing traffic versus a 1% per year growth.</p>
MDOT	03/19/2010	<p>3. On page 2-16 in the 3rd paragraph, the document states that "community and governmental entities in this part of Fayette County, Tennessee, have expressed a desire for the facility to access US Hwy 72 instead of SR-57 due to their functional classification, design capacity, and long range plans." At the October 22, 2009 public meeting the Mississippi residents in attendance also voiced their opposition to the project being put in their backyard and having the access placed on US 72 due to their concerns that the intermodal facility, truck traffic, and secondary development would damage the rural nature of the area. This sentiment should be noted.</p>	<p>In Section 4.3, Table 4-2 Public Comment Grouped by EA Topic and Table 4-3 Consolidate Public Comments and Responses of the Draft EA, all comments received during the public comment period including the pubic meeting were tabulated and summarized.</p> <p>Additional information was added to Section 4.3 Public Involvement on pages 4-12 to 14 to clarify as much as possible if the public comments were from MS or TN residences.</p>

Agency	Date of Comment	Agency Comments	Responses
MDOT	03/19/2010	4. MDOT will most likely request a separate public hearing for Mississippi.	<p>If desired a separate public hearing can be held in MS. The Mount Pleasant MS is 2.2 miles from the project. Byhalia is approximately 13 miles from the project site.</p> <p>An alternative suggested was to host a joint TDOT/MDOT public hearing in Collierville, TN. Collierville and Byhalia appear to be the mailing address for the residence in MS closest to the project.</p> <p>Public meeting notices mailed to area residences will include MS neighborhoods along US Hwy 72.</p>



U.S. Department
of Transportation
**Federal Highway
Administration**

Tennessee Division

March 10, 2010

404 BNA Drive, Suite 508
Nashville, TN 37217
Phone 615-781-5770
Fax 615-781-5773
<http://www.fhwa.dot.gov/>

In Reply Refer To:
HPP-TN

Ms. Suzanne Herron
Director, Environmental Division
Tennessee Department of Transportation
James K. Polk Building, Suite 900
505 Deaderick Street
Nashville, TN 37243-0349

Dear Ms. Herron:

The Environmental Division of the Tennessee Department of Transportation submitted an Environmental Assessment (EA) for the Memphis Regional Intermodal Facility in Fayette County for our review. We are enclosing our comments.

The Federal Highway Administration is serving as a cooperating agency on this project. The environmental documentation will be approved and signed by a representative of the Federal Railroad Administration, who will serve as the lead federal agency and administrator of the project. Please call me at 615-781-5766 if you have any questions.

Sincerely,

Gary Fottrell
Environmental Program Engineer

Enclosure

cc: Mr. Ed Cole, Environmental/Planning Bureau Chief, w/o enclosure
Mr. Jim Ozment, Manager, Social and Cultural Resources Office, w/enclosure
Mr. Tom Love, Manager, NEPA Consultant Section, w/enclosure



General Comments

1. The project will be administered by the Federal Railroad Administration (FRA). FHWA will be a cooperating agency.
2. The size of the document could be reduced by using two-sided printing.

Specific Comments

3. Page iv, Areas of Controversy and Unresolved Issues: The reference that was used demonstrating that US 72 is to be widened to four lanes is "The South Reporter", a local newspaper. A more specific source for the widening would be the Mississippi DOT 2010 – 2013 STIP (Northern Commission District). The widening project is noted as US 72 from FR 302 to the Tennessee State Line, Need ID 4752. This STIP entry shows right-of-way activity in 2010 and 2011, and construction funding in 2012 (see attached).
4. Pages 3-29 to 3-34, Section 3.7, Air Quality Impacts: All MSAT guidance verbiage must be in the narrative of the EA, not referred to as a separate technical study (narrative would include a qualitative assessment (typical language included in Appendix B of the guidance), plus the language from Appendix C).
5. Pages 3-29 to 3-34, Section 3.7, Air Quality Impacts: Ensure that the five points noted in the email from FHWA, dated 1/27/10, are included and discussed in the document (see attached).

Editorial Comments

6. Signature sheet: Change "Federal Highway Administrator" to "**Federal Railroad Administrator**". Beneath "In cooperation with", add "**Federal Highway Administration**". Take out Gary Fottrell's information. The contact person for FRA is to be determined.
7. Page viii, Acronyms: PM_{2.5} is less than or equal to **2.5** micrometers
8. Page ix, Acronyms: TEA-21 is the "**Transportation Equity** Act for the 21st Century"
9. Page 1-9, Off-Site Parking: the third sentence should begin "**Then** both containers..."
10. Page 2-13, Alternative 6, last paragraph: "...makes Alternative 6 ~~is~~ a non-viable..."
11. Page 2-14, last paragraph: rather than noting specific companies, just say that "The Industrial Road is being designed and built by a private developer."
12. Page 3-1, second paragraph: reword, perhaps "...Alternative 1, it is worth noting that ~~while~~ the No-Build Alternative would not disturb the project site nor result in any immediate impacts that the ~~No~~-Build Alternative would generate. **However**, the No-Build Alternative would not generate the many benefits that **the** Build..."
13. Page 3-2, Section 3.1.1, first sentence: "...located **southeast** of Memphis..."
14. Page 3-2, Section 3.1.1, second sentence: "...located in **southwest** Fayette County..."

County: Fayette Project: Memphis Regional Intermodal Facility
FHWA's Comments on Draft EA
EA dated February 8, 2010, received at FHWA on February 12, 2010
Date comments submitted to TDOT: March 10, 2010

15. Page 3-3: "The land **bordering** the project..."
16. Page 3-4: remove the sentence with specific name, Adair Tammy R. Trustee.
17. Page 3-17, first paragraph under Figure 3-7: "...on US Hwy 72 due **to** Build alternative 1..."
18. Page 3-53, last paragraph of 3.9.1: update when receive SHPO finding.
19. Page 3-69, Section 3.12.4, first paragraph: remove the reference to the Federal Aid Policy Guide.
20. Page 3-87: the second paragraph references Photo 3-10. This photo is missing from the document.
21. Page 3-91, Section 3.16.1: take out reference to AMEC in the body of the document.
22. Page 3-92, third paragraph: "...0.8 miles east-northeast **of the** Memphis..."
23. Page 3-92, Section 3.16.2: "...transferred between **and** trucks and trains..."
24. Page 3-93: pie chart on right side of sheet – can't read the key below the chart.
25. Page 3-107, last sentence, "TDOT has **programmed** SR-385 to be..."
26. Page 3-108, below Figure 3-21: SR 385 will be re-designated as I-269. It is being constructed to interstate standards and will be re-signed to become I-269.
27. Page 3-112, last paragraph (twice): "...over 1,400 **hundred** passenger and freight..." "Of the 1,400 **hundred** passenger and freight..."
28. Page 3-144, below Table 3-14: some of the text is missing.
29. Page 4-6, second row: agency is "NRCS". Under comments, "Dept. of **Agriculture**". Under the TWRA comments, "...that may occur **due** to the construction..." On page 4-8, Collierville's third comment, "...impacts **due** to accidental spills..."
30. Page 4-11, next to last paragraph: text is missing.
31. Page 4-14: "Table 4-3 summarizes the **consolidation** of public..."



**MISSISSIPPI DEPARTMENT OF TRANSPORTATION
2010 - 2013 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM
Northern Commission District**

County Name MARSHALL

Need ID: 47100 **Responsible Agency:** MDOT **Total Project Cost:** \$80,000,000
Route: US 78 **Project Length:** 22.00 **Fund Source:** ANTICIPATED DISCRETIONARY ARRA GRANT
Termini: INGRAM'S MILL TO BENTON COUNTY LINE

Project Number/Detail	Fiscal Year	Scope of Work	Phase	Federal Share	State/Local Share	Total Cost Estimate
105510/301/302	2011	PAVEMENT RESTORATION	CON	\$45,000,000	\$0	\$45,000,000
SUB-TOTAL FOR NEED 47100				\$45,000,000	\$0	\$45,000,000

This project extends approximately 1 mile into Desoto County. Funding of this project is dependent upon the award of an additional \$45,000,000 in American Recovery and Reinvestment Act funds. This project is also in Benton County (Need ID 5100).

Need ID: 4752 **Responsible Agency:** MDOT **Total Project Cost:** \$35,275,000
Route: US 72 **Project Length:** 4.48 **Fund Source:** NHS/SFP
Termini: US 72 FR 302 TO TN STATE LINE

Project Number/Detail	Fiscal Year	Scope of Work	Phase	Federal Share	State/Local Share	Total Cost Estimate
100174/220000	2010	GR DR PAVE	ROW	\$8,160,000	\$2,040,000	\$10,200,000
100174/220000	2011	GR DR PAVE	ROW	\$0	\$0	\$0
100174/301000	2012	GR DR PAVE	CON	\$19,680,000	\$4,920,000	\$24,600,000
SUB-TOTAL FOR NEED 4752				\$27,840,000	\$6,960,000	\$34,800,000

Need ID: 4795 **Responsible Agency:** MDOT **Total Project Cost:** \$67,500,000
Route: I-269/MS 304 **Project Length:** 0.45 **Fund Source:** STP/SFP/EARMARK/BOND PROCEEDS
Termini: SR 304/I-269 FROM SR 302 TO TENN ST LINE [INCLUDING INTERCHANGE]

Project Number/Detail	Fiscal Year	Scope of Work	Phase	Federal Share	State/Local Share	Total Cost Estimate
102556/203000	2010	GR DR BR PAVE 4 LANE	ROW	\$0	\$0	\$0
102556/303000	2011	GR DR BR PAVE 4 LANE	CON	\$0	\$61,100,000	\$61,100,000
SUB-TOTAL FOR NEED 4795				\$0	\$61,100,000	\$61,100,000

This project is funded through HELP. See the explanation in the introduction for a description of this funding technique. Payment of Debt Services (fund conversion) shown in Need ID 4799.

Need ID: 4796 **Responsible Agency:** MDOT **Total Project Cost:** \$61,000,000
Route: I-269/MS 304 **Project Length:** 7.95 **Fund Source:** STP/SFP/EARMARK/BOND PROCEEDS
Termini: SR 304/I-269 FROM US 78 TO SR 302

Project Number/Detail	Fiscal Year	Scope of Work	Phase	Federal Share	State/Local Share	Total Cost Estimate
102556/204000	2010	GR DR BR PAVE 4 LANE	ROW	\$0	\$0	\$0
102556/204000	2011	GR DR BR PAVE 4 LANE	ROW	\$0	\$0	\$0
102556/304000	2012	GR DR BR PAVE 4 LANE	CON	\$0	\$33,000,000	\$33,000,000
SUB-TOTAL FOR NEED 4796				\$0	\$33,000,000	\$33,000,000

This project is funded through HELP. See the explanation in the introduction for a description of this funding technique. Payment of Debt Services (fund conversion) shown in Need ID 4799.

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**Tennessee Environmental Streamlining Agreement (TESA)
TESA Concurrence Point #3
Memphis Regional Intermodal Facility near Rossville, Fayette County, Tennessee**

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Assessment (EA) for the Memphis Regional Intermodal Facility (Memphis Regional IMF) near Rossville, Fayette County, Tennessee. This EA is being developed by TDOT to document the impacts of the subjected project in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement (TESA)*. In accordance with TESA, we are requesting your review and concurrence on the *Concurrence Point #3, Adequacy of Draft EA*.

The *Adequacy of Draft EA Package* was sent to you on February 8, 2010, for a 45-day review period. Once you have had the opportunity to review the above-referenced document, please sign the attached form. In signing this document, you are indicating your concurrence on the purpose and need and actions and alternative in the environmental document.

Please sign and return this form to Tom Love electronically (Tom.Love@tn.gov) or at the address below by March 25, 2010.

Mr. Tom Love
TDOT Environmental Division
Suite 900
James k Polk Building
505 Deaderick Street
Nashville, TN 37243-0334

If you feel all provisions of the *TESA Concurrence Point #3* have been satisfied, please acknowledge concurrence with the *Adequacy of Draft EA*.

AGENCY: USACE

CONCURRENCE: W/dde/la

DATE: 3/9/10

* comment letter attached



DEPARTMENT OF THE ARMY
MEMPHIS DISTRICT, CORPS OF ENGINEERS
167 NORTH MAIN STREET B-202
MEMPHIS, TENNESSEE 38103-1894

REPLY TO

March 11, 2010

Operations Division
Regulatory Branch

Mr. Tom Love
TDOT Environmental Division
Suite 900
James K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243-0334

Dear Mr. Love:

This is in response to your TESA Concurrence Point #3, Adequacy of Draft Environmental Assessment (EA) for Memphis Regional Intermodal Facility near Rossville, Fayette County, Tennessee, received by our office on February 8, 2010.

As you requested, this information was reviewed by our office. In response, we offer the following comment. In Section 3.12.10 Aquifer, the Draft EA states that detention ponds would be designed to reduce standing water and infiltration or recharge to groundwater. Please provide more detail with respect to the adequacy of these design features in preventing the potential for contaminants to infiltrate the underlying groundwater aquifer. Thank you for the opportunity to review and comment on the Draft EA.

If you have questions, please contact Mitch Elcan at (901) 544-0337 and refer to File No. MVM-2009-234.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim H. Flinn", is positioned above the typed name.

Tim H Flinn, P.E.
Eastern Section Chief
Regulatory Branch

**Tennessee Environmental Streamlining Agreement (TESA)
TESA Concurrence Point #3
Memphis Regional Intermodal Facility near Rossville, Fayette County, Tennessee**

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Assessment (EA) for the Memphis Regional Intermodal Facility (Memphis Regional IMF) near Rossville, Fayette County, Tennessee. This EA is being developed by TDOT to document the impacts of the subjected project in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement (TESA)*. In accordance with TESA, we are requesting your review and concurrence on the *Concurrence Point #3, Adequacy of Draft EA*.

The *Adequacy of Draft EA Package* was sent to you on February 8, 2010, for a 45-day review period. Once you have had the opportunity to review the above-referenced document, please sign the attached form. In signing this document, you are indicating your concurrence on the purpose and need and actions and alternative in the environmental document.

Please sign and return this form to Tom Love electronically (Tom.Love@tn.gov) or at the address below by March 25, 2010.

Mr. Tom Love
TDOT Environmental Division
Suite 900
James k Polk Building
505 Deaderick Street
Nashville, TN 37243-0334

If you feel all provisions of the *TESA Concurrence Point #3* have been satisfied, please acknowledge concurrence with the *Adequacy of Draft EA*.

AGENCY: U.S. Environmental Protection Agency

CONCURRENCE: Jamie Higgins / Life Scientist

DATE: 3-24-10

* Advisory Comments Attached

**Concurrence Point 3, Draft Environmental Assessment, Memphis Regional
Intermodal Facility, Rossville, Fayette County, Tennessee**

U.S. Environmental Protection Agency—Advisory Comments

Overall: EPA is concerned with the number of significant environmental impacts that are reflected in the comments below. We expect that TDOT and FHWA will address these concerns before releasing the Draft Environmental Assessment to the public.

NEPA Office Comments:

1. NEPA Level of Analysis: As stated in previous advisory comments (Concurrence Point 1 & 2, dated October 23, 2009), EPA remains concerned regarding the level of analysis of the NEPA document. Given the mounting public opposition (reference public comments) to this project and the likelihood of impacts, TDOT/FHWA should thoughtfully consider the significance of environmental and socioeconomic impacts related to this project.

2. Inclusion of Industrial Road in NEPA Document:

a. EPA is uncertain as to whether Industrial Road has been considered within the direct, indirect or cumulative impacts analysis. As stated in the Executive Summary, page iii, “Industrial Road is being built by the adjacent property owner (Developer).” This statement seems to imply that Industrial Road is not being evaluated because it is being built by a developer. However, on page 2-14, 2.3.2.2 Description of Build Alternative, it states that “The impacts of the Industrial Road are evaluated as part of this EA.” EPA recommends that the direct, indirect and cumulative impacts associated with Industrial Road be included in the NEPA document especially since it is the sole entrance point into the facility for freight trucks.

b. Additionally, the Traffic Impact Study doesn’t analyze the traffic impacts generated by Industrial Road. EPA recommends that TDOT clarify whether or not Industrial Road is being evaluated as a part of the direct, indirect and cumulative impacts analysis.

c. It appears that the Noise Study doesn’t include Industrial Road. On page 1 of the Noise Technical Report TDOT states, “Industrial Road is not a direct component of the Memphis Regional IMF and is being developed independently with non-federal funds. Industrial Road will have independent, stand-alone utility.” EPA disagrees with this assertion because Industrial Road is the sole vehicular entry point to the IMF. The increased traffic could increase noise impacts within neighborhoods adjacent or near the proposed Industrial Road as well as along US 72 within Mississippi and Tennessee. EPA recommends that TDOT conduct a noise analysis of the proposed Industrial Road.

3. Areas of Controversy and Unresolved Issues: On page iv, TDOT states, “There are no major areas of controversy or any substantial unresolved issues related to the proposed Memphis Regional IMF project.” EPA disagrees with this assertion due to the public’s concerns regarding the possible impacts of this project as well as concerns outlined in the Town of Collierville’s October 29, 2009 letter. EPA recommends that TDOT recognize and address the public’s and Town of Collierville’s concerns within this section.

4. Environmental Justice:

a. EPA recommends that TDOT include a category within Table 2-2: Summary of Alternatives (page 2-19) that considers each alternatives impacts to Environmental Justice communities.

b. On page 3-23, 3.4.2.2 Minority Populations TDOT states, "Figure 3-9 illustrates the distribution of the minority population across the study area." However, Figure 3-9 is entitled, "Percent Poverty from 2000 Census". Perhaps, this is a misprint, but it is confusing. EPA recommends TDOT clarify this figure.

c. Continued on page 3-23, TDOT states, "Based on discussions with local officials, two neighborhoods in the area contain predominantly minority populations..." How far are these neighborhoods from the proposed project site? Has TDOT talked with this community to solicit their feedback? Also, EPA requests that these isolated neighborhoods be depicted in Figure 3-9: Percent Minority from 2000 Census. EPA recommends TDOT outreach to these EJ communities and solicit their input. Their feedback should be included in the EA.

d. On page 3-24, Figure 3-8 pictorially describes Block Group 3 as 44.8-67.88% minority, but the description on page 3-24 states that "Minority populations comprise 39.1% of Census Tract 9501 and 26% of Block Group 3." Perhaps, the color chart in Figure 3-9 is off, but it is confusing as to whether what data is correct. EPA recommends that TDOT clarify this.

5. Traffic Analysis: Are the project's traffic volumes projections listed on page 3-13 (1668 trucks and 278 vehicles) correspond with the Figure 3-5 on page 3-15? A more accurate graphic might be to show the total traffic volumes rather than the individual traffic volumes on individual streets. EPA recommends that TDOT portray the total volumes in terms of existing, background and project projections in a graphic so that the public can clearly understand the magnitude of the traffic increases.

6. Flood Plain Impacts:

a. On page 3-70, 3.12.5 Floodplain Impacts TDOT states that the, "NSR sited the facility outside of the Wolf River floodplain...". Although the facility might not be in the floodplain, how will the storm water discharge affect the hydrology of the flood plain?

b. Also, on page 3-71, TDOT states, "NSR will voluntarily comply with Fayette County floodplain management regulations and EO 11988, as long as such regulations and the EO do not prove to unduly burdensome or unreasonably interfere with timely construction." TDOT is implying that NSR might not comply with local and applicable flood plain management laws. During the recent floods in metro Atlanta, the NSR Austell Georgia facility has been harshly criticized by the public and local government for possibly contributing to the flooding of local homes. Given the large impervious surface footprint of this facility and recent controversy associated the NSR Austell, Georgia facility, EPA recommends that NSR and TDOT fully comply with all applicable (state and local) flood plain regulations.

c. The flood plain analysis within the Draft EA isn't commensurate with the scale and scope of the proposed project. EPA recommends that TDOT conduct further analysis to ensure that the facility will not negatively impact the flood plain habitat and local residents and businesses.

7. Indirect and Cumulative Impacts to Transportation:

a. On page 3-110 (3.18.2 Indirect and Cumulative Impacts to Transportation), TDOT discusses the foreseeable traffic congestion impacts in Tennessee, but there is very little mention of foreseeable traffic congestion impacts in Mississippi. How will the increased IMF traffic affect other roads within Mississippi? How will the increased truck traffic affect the small community of Mount Pleasant in Mississippi, which is the closest community to the IMF truck entrance? Since the point of entry into the facility is along 72 in Mississippi, EPA recommends that TDOT better describe the cumulative impacts regarding traffic along 72 in Mississippi.

b. On page 3-110, TDOT discusses the industrial development to be built along Industrial Road. What type of commercial and industrial businesses will be located in this new industrial park? The types of businesses and related traffic should be evaluated and discussed in the cumulative impact section.

c. It appears that the Chickasaw Industrial Park has not been included in the indirect and cumulative analysis for transportation impacts. Since this is a large industrial park (2600 acres), EPA recommends that Chickasaw Industrial Park be included within the indirect and cumulative impacts analysis.

8. Indirect and Cumulative Impacts to Social and Community Resources:

a. There is very little discussion regarding the IMF impacts on the local communities within Mississippi. Mount Pleasant, MS, is the closest community to the IMF freight truck entrance, but there is no mention of this community and the direct, indirect or cumulative impacts to this community. EPA recommends that TDT and NSR better evaluate the impacts to Mississippi communities especially Mount Pleasant.

b. TDOT does not discuss the impacts of the IMF on property value. EPA recommends that TDOT discuss the possible impacts of the IMF on property value in both nearby communities in Mississippi and Tennessee.

9. Indirect and Cumulative Impacts to Wetlands, Water Quality and Aquatic Resources: TDOT/NSR did not include groundwater in the indirect and cumulative impacts to water resources (starting on page 3-121). Considering that the aquifer is an unconfined aquifer, TDOT and NSR must carefully consider the cumulative affects of their project and other proposed industrial development's (Industrial Road and Chickasaw Industrial Park) impacts on the aquifer. There should also be a discussion regarding the cumulative impacts of residential drinking water wells. EPA recommends that TDOT include a section an analysis dedicated to the Indirect and Cumulative Impacts of Groundwater impacts.

10. Indirect and Cumulative Impacts to Floodplain: On page 3-130, there is a discussion regarding the indirect and cumulative impacts of the floodplain. On page 3-71, NSR implied that they would disregard Fayette County's floodplain ordinances and

Executive Order 11988 should the ordinance or EO interfere in meeting construction deadlines. What would be the cumulative impact of TDOT and NSR disregarding the local ordinances and EO? Also, the discussion doesn't include other proposed industrial developments (Industrial Road and Chickasaw Industrial Park) that will increase impervious surfaces, which could lead to more stormwater run-off and possible increases in flooding. In metro Atlanta, the NSR Austell IMF is currently being criticized by the local community and political officials for increasing the flooding of the local community. EPA recommends that TDOT and NSR conduct a more thorough analysis regarding the indirect and cumulative impacts of the floodplain hydrology.

11. Public Outreach and Coordination in Mississippi. All of the public meetings are being held in Tennessee despite the fact that the sole freight truck entrance point is in Mississippi. The citizens of Mississippi will have the burden of dealing with increased truck traffic and congestion. What has NSR or TDOT done to coordinate and solicit input from the local residents in Mississippi? Specifically, has TDOT and NSR coordinated with the community leaders within Mount Pleasant, MS, which is located just outside of the IMF entrance? EPA recommends that TDOT conduct a public meeting in Mississippi and solicit input from residents and community leaders in Mount Pleasant.

12. Agency Comments: In Table 4-1: Agency Comments, several of EPA comments from previous concurrence points were omitted from this table. EPA requests that these comments and TDOT's responses be included in this table.

Water Protection Division Comments:

Summary:

The Water Protection Division (WPD) has significant concerns with this project. Norfolk Southern Railway Company (NSR) did not address some of the potential environmental concerns in the Environmental Assessment. It is stated in numerous places that the project will not have significant impacts on various environmental media, but NSF did not provide any evidence, data or information to support this claim. In fact, in a few places the project provide information that is counter to this claim (e.g., no impacts on local air quality when there will be hundreds of thousands of trucks and an unknown number of trains entering the area that would otherwise not be). Similarly, NSR states that BMPs will be applied to address various environmental concerns, but makes no mention about the BMPs being used, how it would be used or its' effectiveness. This information needs to be included in order to adequately assess the impacts on the environment.

Page 3.62 The impacts of contaminates from the activities of the IMF operation and construction would likely be a much larger issue, especially when considering the disturbance of the overlying material above this unconfined aquifer (at least in some places).

- Page 3.72 This is not an option for NSR to voluntarily comply with Fayette County floodplain management regulations and Executive Order (EO) 11988, as stated in the project. This is a regulation and an EO, so NSR does not have a choice to comply with regulation or EO.
- Page 3.79 Paragraph 2: The wellheads are only part of the problem. The main issue is the overburden and its' ability to filter any contaminates that may enter the groundwater. This is especially important considering that the aquifer is unconfined and the wells are relatively shallow. If the use of the property doesn't employ activities to prevent removal of the overburden, the residential and municipal wells would be at risk of contamination. In the recent Groundwater Rule, the Groundwater System is responsible for correcting any contamination problems. One option is to remove the source of contamination. The Water System would have no ability to do that in this situation. As a result, the system may be forced to disinfect and incur the costs of the disinfection equipment plus comply with the disinfection by-product rules. For private well owners, this could mean either consuming potentially contaminated water or facing potentially expensive tie-ins to the nearest public water systems. To prevent this, the specific BMPs should be provided as approved by the State Drinking Water Program and strictly followed.
- Paragraph 4: This a weak argument for concrete. Concrete's ability to keep contaminants out is greatly outweighed by the fact that concrete prevents the aquifer from recharging at all. This is taking a negative outcome and trying to spin it in into a positive. The Water Protection Division (WPD) suggests that these statements be deleted because of the imbalance of the benefits versus the impacts.
- Page 3.80 Paragraph 1: "Consequently, no adverse impacts are expected from Build Alternative 1 on the quantity and quality of Groundwater in the area." Although possible, the WPD disagrees that there will not be any adverse impacts.
- Paragraph 2 - Stormwater 3.12.11: It would be best if the stormwater detention system is not located above the unconfined portion of the aquifer. NSR need to follow-up with the local and state agencies regarding stormwater ordinances and requirements.
- Page 3.81 Paragraph 2: "NSR proposes to use BMP for construction stormwater management in accordance with TDEC and EPA regulations to protect local waterbodies." NSR need to specify which BMPs will be utilized for stormwater.
- Page 3.83 Geology 3.13.1: Not sure it this is a typographic error, should read **sand**. Currently, it reads and/silt/clay.

- Page 3.85 Impacts 3.13.5: The potential for long-term and temporary impacts should include **hydrogeology** (Also, see comments above, page 3.79)
- Page 3.87 Paragraph 4 – Lighting: Use of some evergreen may help in shielding directional lighting since the light pollution would increase during the winter with deciduous trees.
- Page 3.94 Paragraph 1: Petroleum products and equipment fluids release have the potential to impact the groundwater if it is not properly managed. Include a statement describing how this potential release and threat to human health would be addressed.
- Paragraph 5: “Very few releases have occurred at NSR’s IMF facilities.” This is relative. How many releases were there and what measures will be/are being used to address the releases? What measures are being used to ensure that any releases would not escape the immediate area on the concrete?
- Page 3.95 Paragraph 2: What would be done to protect the underground sources of water specifically from hazardous material spills?
- Page 3.120 Cumulative Impacts 3.18.5.2: Significant development often doesn’t cause a loss of the wildlife habitat from an area until “anchoring” development occurs. The IMF is likely to be the anchoring development and would facilitate other industrial and commercial development. Therefore, the IMF would be responsible for some of the other development, at least indirectly. Often, support business will follow, such as, restaurants, gas stations, etc... These support businesses would not be built without the input from IMF. This is often used as a selling point for projects, so the assessment should be equally honest about the related environmental impacts.
- Page 3.121 Paragraph 1: “...land use would not be significantly changed by IMF...” The land use could be more adversely affected by the projected growth and development. (See comment above pg 3.120)
- Indirect Impacts 3.18.6: All of these activities would affect the natural resources, including potential contamination of the groundwater.
- Page 3.124 “...in the Ecology Report, lands in the project vicinity are previously disturbed and included forested...” This is possible but not necessarily disturbed with regard to underground water sources, which would result from construction and operations of the IMF.

- Page 3.125 Paragraph 3: **Industrial** should be included. The conversion of lands to agricultural and commercial development...
- Page 3.129 Paragraph 3: “As noted in indirect impacts above, impacts are expected to be limited to construction and development, as the types of industrial ...”. This is truly speculative, without a basis of explanation. NSR need to provide information describing the basis for this assumption.
- Page 3.133 Indirect Impacts 3.18.10.1. Fueling and lubrication materials are not considered an indirect impact. Plus a spill would not be minimal if it is in an area with little or no overburden, plus in an unconfined aquifer, such as is possible here. It could have a big impact if it results in chemical contamination of the aquifer. Expensive groundwater remediation could be possible.
- Page 3.134 Paragraph 3: What is the basis for assuming that it is unlikely that businesses with large hazardous material usage would be attracted to this area? For example, gas stations could be built with the potential for LUSTs. This seems significant with hazardous materials.
- Paragraph 6, Cumulative Impacts 3.18.10.2: “As noted in Section 3.16 and in the indirect impacts assessment above, the likelihood of potential effects of IMF are very low”. WPD disagrees, there could be substantial impacts. (See comment above, pg 3.134)
- Page 3.139 Construction Impacts 3.19: It should be stated that there will also be impacts to streams and underground sources of water.
- Page 3.142 Erosion Control, paragraph 3: Construction of Build Alternative 1 BMPs. What and where specifically BMPs will be implemented? Location is important given that some unconfined aquifers exist. Also, more information/definition is needed regarding the contractor’s spill prevention control and countermeasure plan.
- Page 3.147 Natural Resources 3.19.9: Clearing and grading could have significant impacts on the groundwater quality and potential drinking water contamination of both groundwater and surface waters. Those placed most at risk would be those on residential wells.
- Page 3.149 Table 3.16 Streams and Wetland Impacts: Some were set to be filled, will these be mitigated? It is unclear in the document how they will be addressed.

Table 3.16 Hazardous Materials: WPD disagrees that there will not be adverse effects and no on-site and transport of only minor quantities through IMF. Hazardous materials will be used on-site, such as, fuels...

Page 3.149 Table 3.16
Include an Impact Category and Potential Impact category for **Fuel** discussing the potential impact to groundwater. See comments above. For instance, it could result in significant impacts to those on residential wells.

Air Division:

Mobile Source Air Toxics: Draft Environmental Assessment

Page 3-32, the last paragraph says, "Construction-related MSAT emissions are not anticipated to be substantial for this project as construction is not planned to occur over an extended building period." A statement of this type should be contingent upon the results of an analysis as described below in the comments on the Air Quality Technical Report, which has not yet occurred.

Page 3-143, Section 3.19.7 notes several measures to control fugitive dust emissions during construction. Additionally, during construction and for the final project design, every effort should be made to avoid air quality impacts including, but not limited to:

1. A ban on open burning – all materials that would normally be burned should be recycled to the extent feasible to avoid health and visibility impacts.
2. Minimizing dust and debris generated during construction.
3. Construction limited to the smallest footprint feasible to avoid environmental degradation and reduce the amount of dust generated during construction.
4. Maintenance of the maximum amount of trees feasible within the project right-of-way during construction to reduce footprint, noise and dust dispersion during construction.
5. Installation of the latest air pollution control devices on all construction equipment (see EPA's Verified Technologies List for diesel engines at <http://www.epa.gov/otaq/retrofit/verif-list.htm>).
6. Use of ultra low sulfur fuel exclusively for construction equipment.
7. Restriction on the time that engines involved in construction may be left to idle.

Air Quality Technical Report prepared February 2010 by AMEC Earth and Environmental, Inc.

Page 12, Section 2.3.2 of the air quality analysis includes a discussion of the 2007 mobile source air toxics rule. However, the reductions which will result from that rule are from sources (e.g., light duty vehicles and portable fuel containers) which are not the primary concern for this project. A discussion of reductions in diesel PM and other air toxics from EPA's 2008 locomotive and marine rule would be useful here. See the following

links: <http://www.epa.gov/otaq/locomotives.htm#2008final> (for the regulation) <http://www.epa.gov/otaq/regs/nonroad/420r08001a.pdf> (for the regulatory impact analysis). This rule sets standards for PM and NOx, but reductions in gaseous air toxics are projected as well. Chapter 3 of the *Regulatory Impact Analysis: Control of Emissions of Air Pollution from Locomotive Engines and Marine Compression Ignition Engines Less Than 30 Liters per Cylinder*, contains emission inventory impacts.

Page 14, Section 2.3.2.1 fourth paragraph states, “The increase in local emissions due to facility operation will be offset regionally by three factors: 1) the decrease in long-haul truck traffic due to the increased use of rail...; 2) a reduction in MSAT emissions associated with future reductions in domestic cargo transfers at the NSR Forrest IMF in Memphis; and 3) decreased roadway congestion on area highways which would allow vehicles to consistently travel at posted speeds.” The next paragraph goes on to say, “...one of the advantages of the project is that future long-haul highway truck traffic between Memphis and the Northeast would be reduced by an estimated 186 million loaded truck vehicle miles per year, thereby considerably reducing air emissions, including MSATs on a large-scale regional and national basis.”

These regional and national reductions in MSAT emissions are laudable. Attempting to justify increases in local emissions based on reductions of MSATs regionally or nationally seems to miss the point that MSATs are a local phenomenon. MSATs have local impacts which is the reason that modeling the concentrations at nearby locations is important. The first paragraph in Section 2.3.2.1 notes that there are currently 55 residences within ½ mile of the project limits, and another 5 within ¼ mile of the Industrial Road. The Air Quality Technical Report notes that, “The increase in truck VMT and rail activity associated with the Build Alternatives would lead to higher MSAT emissions (particularly diesel particulate matter) in the vicinity of the proposed Memphis Regional IMF.” (page 14, Section 2.3.2.1, 3rd paragraph). Therefore, statements that compare the projected emissions from the planned facility with countywide emissions for Fayette County, Tennessee, and Marshall County, Mississippi, (Section 2.3.2.2 page 16, and Tables 7 and 8) are specious. For a project of this magnitude, the air toxics analysis should include a quantitative inventory of emissions by location; dispersion modeling to estimate air toxics concentrations in areas along and outside the footprint of the project; and a screening level risk assessment of the potential impacts of the emissions on nearby groups. It would be helpful for reviewers if the Draft EA presented maps that display the locations of residences and sensitive populations in relation to the intermodal facility and its support roads.

Diesel exhaust is of particular importance at an intermodal facility. Diesel exhaust is a complex mixture of hundreds of constituents in gaseous and particulate form. The particulate matter present in diesel exhaust consists primarily of fine particles, whose small size allows them to reach deeply into the lungs. EPA’s 2002 final “Health Assessment Document for Diesel Engine Exhaust” classified exposure to diesel exhaust as likely to be carcinogenic to humans at environmental exposures. Recent studies continue to show that populations living near large diesel emissions sources are likely to experience greater diesel exhaust levels than the overall U.S. population, potentially

placing them at greater health risk. (For example, see the diesel risk studies performed by the California Air Research Board at the ports of Los Angeles and Long Beach, California's rail yards, and West Oakland.

Rail yard study at: <http://www.arb.ca.gov/diesel/documents/rrstudy.htm>

Oakland Community diesel risk evaluation at:

<http://www.arb.ca.gov/ch/communities/ra/westoakland/documents/draftsummary031908.pdf>

Ports of Los Angeles and Long Beach studies at:

<http://www.arb.ca.gov/regact/marine2005/portstudy0406.pdf>) Emissions associated with an intermodal facility involve not only those from line-haul and switching locomotives and cranes at the facility itself, but also emissions from many other sources such as trucks along the feeder routes to the IMF and at distribution centers serviced by the IMF.

The environmental documents that inform the decision on which alternative should be pursued should

1. disclose to the public all reasonably foreseeable, adverse impacts resulting from the project,
2. identify differences in impacts among the alternatives
3. identify possible mitigation measures, including actions that may be outside the jurisdiction of the lead agency, including possible changes to the project design.

The air toxics analysis for this project should:

1. Develop a quantitative inventory of air toxics emissions (including diesel emissions) by source type (e.g., locomotives, trucks, cranes, construction equipment, etc) and by location; conduct dispersion modeling to estimate air toxics concentrations in areas outside the footprint of the project; and apply toxicity values to develop a screening level assessment of the potential impacts of the emissions on nearby groups (see #3 below).

Toxic inventories for nonroad support equipment can be developed using the National Mobile Inventory Model (NMIM). NMIM estimates toxic emissions for all sources in the NONROAD model. While NMIM is designed to estimate county level inventories, the user can replace county level equipment populations and activity with local data to develop a local inventory. Here is a link to NMIM: <http://www.epa.gov/otaq/nmim.htm>.

For modeling impacts of this project, we would suggest use of AERMOD.

2. Identify other large sources of air toxics in the area, and other air toxics sources in the area whose emissions are likely to increase or decrease if the project moves forward (e.g. is the new facility likely to foster residential or business development that might be affected by emissions from the site or its support roads; will there be additional or expanded roadways or railways related to the IMF and distribution facilities, e.g., the Industrial Road, US Highway 72 in Mississippi, SR 385 in Tennessee, roads to nearby existing or anticipated distribution facilities, links to the existing Memphis area intermodal facility and port operations, etc.). The impact of these facilities

and infrastructure, whose existence and/or size is related to the planned IMF, should be evaluated just as the proposed Memphis IMF itself. The evaluation should also cite existing relevant air monitoring data.

3. Evaluate the potential impact of emissions on nearby individuals and groups including sensitive populations such as those at schools, hospitals, day care facilities, nursing homes, etc. How many people live in the area, and are any nearby communities medically underserved or environmental justice communities? Are there populations with currently high rates of adverse health conditions that might be exacerbated by the air toxics emissions?

A screening-level analysis was done for EPA's 2008 locomotive and marine rule which addressed the local impacts of ports and rail yards on minority and low income populations as well as children. A summary of the analysis is found in Section 2.4.1 of the Regulatory Impact Analysis (<http://www.epa.gov/otaq/regs/nonroad/420r08001a.pdf>). The analysis includes two rail yards in Tennessee.

4. Prepare an estimate of maximum impacts anticipated in the area around the proposed facilities, including an assessment of the potential impacts of both the construction and operation of each alternative considered.
5. Identify alternatives to avoid or minimize the impacts of the proposed project. For example:
 - a. A ban on open burning during construction— all materials that would normally be burned should be recycled to the extent feasible to avoid health and visibility impacts.
 - b. Minimizing dust and debris generated during construction.
 - c. Construction limited to the smallest footprint feasible to avoid environmental degradation and reduce the amount of dust generated during construction.
 - d. Maintenance of the maximum amount of trees feasible to reduce footprint, noise and dust dispersion during construction.
 - e. Installation of the latest air pollution control devices on all construction equipment (see EPA's Verified Technologies List for diesel engines at <http://www.epa.gov/otaq/retrofit/verif-list.htm>).
 - f. Use of ultra low sulfur fuel exclusively for construction equipment, trucks, locomotives, etc.
 - g. Restriction on the time that engines may be left to idle.
 - h. Etc.

Page 15, last paragraph of Section 2.3.2.1 states, "However, the EPA-projected reductions are so significant (even after accounting for VMT growth) that MSAT emissions in the study area are likely to be lower in the future as well for the truck traffic associated (with) the proposed Memphis Regional IMF. In addition, EPA has promulgated increasingly more stringent emission standards for locomotive engines and support equipment such that MSAT emissions from rail activity in the study area are also likely to be lower in the future." It is important to note that projected emission reductions do not absolve the sponsor and FHWA from the responsibility to protect public health from emissions associated with this project by using appropriate mitigation measures.

Section 2.3.2.2, Page 18 cites FHWA/EPA guidance. We are not aware of guidance for FHWA projects on which EPA has concurred. Please provide a full citation for this guidance so that we might locate it.

The FHWA's September 30, 2009, Interim Guidance Update on Mobile Source Air Toxic Analysis in NEPA Documents addresses the level of analysis that is warranted by different types of transportation projects. The guidance identifies three levels or tiers of analysis. The most rigorous level is tier 3 which includes, according to the guidance:

(3) Projects with Higher Potential MSAT Effects

This category includes projects that have the potential for meaningful differences in MSAT emissions among project alternatives. We expect a limited number of projects to meet this two-pronged test. To fall into this category, a project must:

- Create or significantly alter a major intermodal freight facility that has the potential to concentrate high levels of diesel particulate matter in a single location; or
- Create new or add significant capacity to urban highways such as interstates, urban arterials, or urban collector-distributor routes with traffic volumes where the AADT is projected to be in the range of 140,000 to 150,000 or greater by the design year.

And also

- Proposed to be located in proximity to populated areas

The Memphis Regional Intermodal Facility project is among the types specifically identified in this guidance from the FHWA, i.e., a new major intermodal freight facility that will involve heavy truck, train, and support equipment operations, and that is in a populated area. The September 30, 2009, guidance states that for these level 3 projects there should be "Quantitative analysis to differentiate alternatives for projects with higher potential MSAT effects." Is there a quantitative analysis that compares the different alternatives from an air toxics perspective?

Section 2.3.2.2, last paragraph of page 18 states that, "... the Build Alternative may result in increased exposure to MSAT emissions in certain locations, although the concentrations and duration of exposures are uncertain, and because of this uncertainty, the health effects from these emissions cannot be estimated." It should be noted that a screening level analysis using existing models and available toxicity information, can be conducted to compare the potential impacts of different alternatives. EPA published the Air Toxics Reference Library in order to assist in the screening evaluation of air toxics exposures for health impacts. That library is available at http://www.epa.gov/ttn/fera/risk_atra_main.html.

Given that Section 2.3.2.2, page 18 notes that the project will result in rail traffic and is expected to increase truck traffic up to 1668 round trips on a typical weekday, the DEIS should discuss the literature concerning near-roadway health impacts. There is a large and growing body of studies on the topic.

**Tennessee Environmental Streamlining Agreement (TESA)
TESA Concurrence Point #3
Memphis Regional Intermodal Facility near Rossville, Fayette County, Tennessee**

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Assessment (EA) for the Memphis Regional Intermodal Facility (Memphis Regional IMF) near Rossville, Fayette County, Tennessee. This EA is being developed by TDOT to document the impacts of the subjected project in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement (TESA)*. In accordance with TESA, we are requesting your review and concurrence on the *Concurrence Point #3, Adequacy of Draft EA*.

The *Adequacy of Draft EA Package* was sent to you on February 8, 2010, for a 45-day review period. Once you have had the opportunity to review the above-referenced document, please sign the attached form. In signing this document, you are indicating your concurrence on the purpose and need and actions and alternative in the environmental document.

Please sign and return this form to Tom Love electronically (Tom.Love@tn.gov) or at the address below by March 25, 2010.

Mr. Tom Love
TDOT Environmental Division
Suite 900
James k Polk Building
505 Deaderick Street
Nashville, TN 37243-0334

If you feel all provisions of the *TESA Concurrence Point #3* have been satisfied, please acknowledge concurrence with the *Adequacy of Draft EA*.

AGENCY: U.S. Fish and Wildlife Service

CONCURRENCE: Mary E Jennings

DATE: 3/4/10



United States Department of the Interior

FISH AND WILDLIFE SERVICE
446 Neal Street
Cookeville, TN 38501

March 4, 2010

Mr. Tom Love
Tennessee Department of Transportation
Environmental Planning and Permits Division
Suite 900, James K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243-0334

Subject: Concurrence Point 3. Proposal to develop the Memphis Regional Intermodal Facility near Rossville, Fayette County, Tennessee.

Dear Mr. Love:

The Tennessee Department of Transportation (TDOT), in cooperation with the Federal Highway Administration (FHWA), has prepared an Environmental Assessment (EA) for the proposed construction of the Memphis Regional Intermodal Facility (MRIMF) in Fayette County, Tennessee. The purpose of the project is to meet current and future demand for intermodal transportation in the Memphis region. The facility is proposed to serve future transportation needs and reduce congestion, provide for improved safety, and contribute to economic growth.

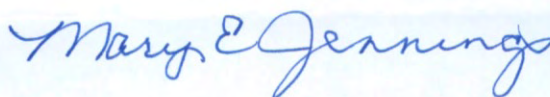
The EA was developed by TDOT to document the impacts of the subject project in accordance with the National Environmental Policy Act and the Tennessee Environmental Streamlining Agreement (TESA). In accordance with TESA, TDOT has requested that the U.S. Fish and Wildlife Service review and provide concurrence (or non concurrence) on Concurrence Point 3 (CP3), *Adequacy of Draft Environmental Assessment Package*.

We have reviewed the *Adequacy of Draft Environmental Assessment Package* and **concur** that it is adequate and that TDOT should proceed to Concurrence Point 4, *Preferred Alternative and Preliminary Mitigation*. Also, a review of our endangered species collection records does not indicate that federally listed or proposed endangered or threatened species occur within the present study area at this time. We note, however, that collection records available to the Service may not be all-inclusive. Our data base is a compilation of collection records made available by various individuals and resource agencies. This information is seldom based on comprehensive surveys of all potential habitat and thus does not necessarily provide conclusive evidence that protected species are present or absent at a specific locality. However, based on the best information available at this time, we believe that the requirements of section 7 of the Endangered Species Act of 1973, as amended, are fulfilled. Obligations under section 7 of the

Act must be reconsidered if (1) new information reveals impacts of the proposed action that may affect listed species or critical habitat in a manner not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the proposed action. The signed TESA Concurrence Point 3 for this project is attached.

Thank you for the opportunity to review this document. If you have any questions regarding our comments, please contact John Griffith of my staff at 931/528-6481 (ext. 228) or by email at john_griffith@fws.gov.

Sincerely,

A handwritten signature in blue ink that reads "Mary E. Jennings". The signature is written in a cursive, flowing style.

Mary E. Jennings
Field Supervisor

Enclosure



Natural Resources Conservation Service
675 U.S. Courthouse
801 Broadway
Nashville, Tennessee 37203

February 18, 2010

Mr. Tom Love
Tennessee Department of Transportation
Suite 900, James K. Polk Bldg.
505 Deaderick Street
Nashville, TN 37243-0334

Dear Mr. Love:

We received your request for Environmental assessment information for the Memphis Regional Intermodal Facility (IMF) near Rossville, Fayette County, Tennessee.

Your request for information related to environmental review and environmental impacts is being forwarded to the Tennessee NRCS National Environmental Policy Act (NEPA) Coordinator to review and coordinate with other NRCS specialists for any comments or recommendations they may have pertaining to this project.

NRCS has responsibility for implementing the Farmland Protection Policy Act (FPPA). The FPPA is intended to minimize the impact that Federal programs have on the conversion of farmland to nonagricultural uses. When locations and all possible alternates have been established for this project, an AD-1006 or CPA-106 form should be initiated by the responsible agency and submitted to this office. NRCS will then supply a farmland conversion impact rating. More information about FPPA can be found at <http://www.tn.nrcs.usda.gov/technical/soils/fppa.html>.

Our soil survey information can also be found online at <http://websoilsurvey.nrcs.usda.gov>. This website will provide you with all of our most current soil survey data and interpretations including prime farmland and hydric soils.

**Tennessee Environmental Streamlining Agreement (TESA)
TESA Concurrence Point #3
Memphis Regional Intermodal Facility near Rossville, Fayette County, Tennessee**

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Assessment (EA) for the Memphis Regional Intermodal Facility (Memphis Regional IMF) near Rossville, Fayette County, Tennessee. This EA is being developed by TDOT to document the impacts of the subjected project in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement (TESA)*. In accordance with TESA, we are requesting your review and concurrence on the *Concurrence Point #3, Adequacy of Draft EA*.

The *Adequacy of Draft EA Package* was sent to you on February 8, 2010, for a 45-day review period. Once you have had the opportunity to review the above-referenced document, please sign the attached form. In signing this document, you are indicating your concurrence on the purpose and need and actions and alternative in the environmental document.

Please sign and return this form to Tom Love electronically (Tom.Love@tn.gov) or at the address below by March 25, 2010.

Mr. Tom Love
TDOT Environmental Division
Suite 900
James k Polk Building
505 Deaderick Street
Nashville, TN 37243-0334

If you feel all provisions of the *TESA Concurrence Point #3* have been satisfied, please acknowledge concurrence with the *Adequacy of Draft EA*.

AGENCY: Tennessee Valley Authority
CONCURRENCE: Kenneth P. P.
DATE: 3/9/10



STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL DIVISION
SUITE 900 - JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-0334
February 8, 2010

Mr. Ken Parr, NEPA Program Manager
Tennessee Valley Authority
400 West Summit Hill Dr., WT 11B
Knoxville, TN 37902-1499

Subject: TESA Concurrence Point #3 Package
Environmental Assessment for Memphis Regional Intermodal Facility (IMF) near
Rossville, Fayette County, Tennessee

Dear Mr. Parr:

Enclosed please find the *Draft Environmental Assessment (Draft EA)*, which is being transmitted to your agency pursuant to the *Tennessee Environmental Streamlining Agreement (TESA)*. This document comprises the material required for *TESA Concurrence Point #3*.

TDOT is requesting any input you may have on the Draft EA. Please submit your comments on the enclosed form no later than March 25, 2010. Your comments are requested in writing and should involve a concurrence, a non-concurrence, a request for a review time extension, or a request for formal cessation of concurrence. You may also provide advisory comments based on your statutory or regulatory authority. Unless an extension is requested, TDOT will assume concurrence if your agency does not respond by March 25, 2010.

Please contact me at (615) 741-5364 or by e-mail (Tom.Love@tn.gov) if you have any questions or need additional information.

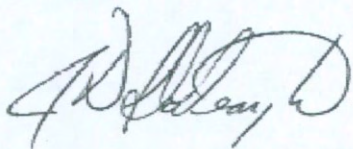
Sincerely,

Tom Love
Transportation Manager 1

Enclosures: *TESA Concurrence Point #3 Package*
Updated Coordination Package
Concurrence Form

Please feel free to call me at (615) 277-2550, or e-mail me at doug.slabaugh@tn.usda.gov, if you have questions about this request, or if you need assistance with accessing our soils information on the web and any other needs that may arise for Tennessee Soil Survey products or information.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Douglas Slabaugh". The signature is fluid and cursive, with the first name "J." and last name "Slabaugh" clearly visible.

J. DOUGLAS SLABAUGH
State Soil Scientist

Cc: (w/enclosures)
Carol Chandler, NRCS NEPA Coordinator, Nashville, TN

NRCS:SS:JD Slabaugh::2/18/10



**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
MEMPHIS ENVIRONMENTAL FIELD OFFICE**

8383 WOLF LAKE DRIVE
BARLETT, TN 38133-4119

PHONE (901) 371-3000 STATEWIDE 1-888-891-8332 FAX (901) 371-3170

March 22, 2010

Mr. Tom Love
Department of Transportation
Environmental Division
Suite 900
505 Deaderick Street
Nashville, TN 37243-0334

Subject: Draft Environmental Assessment for Memphis Regional Intermodal Facility

On behalf of the Tennessee Division of Remediation (TDoR) Memphis Field Office, I would like to thank you and the Tennessee Department of Transportation (TDOT) for the opportunity to comment on the Draft Environmental Assessment for the Memphis Regional Intermodal Facility (IMF) near Rossville, Tennessee.

The mission of the Division of Remediation (TDoR) is to protect public health and environmental resources from existing and potential contamination through proper remediation of former hazardous substance sites. Of critical importance is the protection of the Memphis Sand Aquifer, a valuable natural resource that serves as the potable drinking supply for the greater Memphis area. The Memphis Sand's water is reputedly some of the best ground water in the United States, and the aquifer supplies drinking water to over 1.1 million residents of Memphis and Shelby County.

Since the construction of the proposed facility lies within the known area of the Memphis Sand Recharge Zone, the Division has great interest in the project. The Memphis Sand Recharge Zone in the proposed construction location contains no upper confining unit, locally known as the Jackson Clay, to protect the integrity of the Memphis Sand aquifer from potentially contaminated infiltration. Therefore, TDoR respectfully requests that the Memphis Sand Recharge Zone itself is included in **Table S-1**, recognized as a Natural Resource and be protected as such. Furthermore TDoR recommends the use of low permeability geo-textile liners or construction materials be used in the construction of the on-site retention ponds in order to prevent infiltration, along with best management practices (BMPs) as cited in the document.

TDoR is also interested in the potential presence of AST's and UST's (above/underground storage tanks) on-site, to be used for refueling. If these tanks are present, this further reinforces the need for low permeability liners in retention pond areas. Free-product (diesel) is a common problem for other intermodal/rail-yard facilities managed by our Division in the Memphis area



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER POLLUTION CONTROL
7TH FLOOR, L&C ANNEX
401 CHURCH STREET
NASHVILLE, TENNESSEE 37243-1534

March 23, 2010

Mr. Tom Love
TDOT
Environmental Division
Suite 900, James K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243-0334

RE: TESA Concurrence Point 3
Memphis Regional Intermodal Facility
Fayette County

Dear Mr. Love:

The Tennessee Department of Environment and Conservation (TDEC) has reviewed the Concurrence Point 3 document, Draft Environmental Assessment, for the subject project. The signed TESA concurrence form is attached.

Consideration should be given during development of the final Environmental Assessment (EA) and design of the project to avoid, minimize, and mitigate impacts to the natural environment. Where environmental impacts cannot be avoided, information needed to complete the appropriate TDEC permit applications should be composed during project development. A summary of TDEC environmental permit requirements is available on the TDEC website, <http://state.tn.us/environment/permits>.

DIVISION OF AIR POLLUTION CONTROL

The Division of Air Pollution Control (APC) has reviewed the information provided for Concurrence Point 3 and has no further comments than those previously submitted.

DIVISION OF GEOLOGY

Tennessee Division of Geology (DoG) staff has reviewed the Concurrence Point 3 documents and has no relevant project comments.

DIVISION OF REMEDIATION

The Division of Remediation (DOR) Concurrence Point 3 comments are attached.

Mr. Tom Love
Page 2 of 2
March 23, 2009

RESOURCE MANAGEMENT DIVISION

The Division of Resource Management (RMD), Natural Heritage Program, comment letter dated June 24, 2009 is attached. It appears that the rare species list was added to the EA, but RMD would like the balance of the comments included and addressed. The EA references the Natural Heritage Program letter in footnote 150, but does not appear to include the actual letter.

DIVISION OF SOLID WASTE MANAGEMENT

The Division of Solid Waste Management (DSWM) has reviewed the information provided for Concurrence Point 3 and has no comment.

DIVISION OF WATER POLLUTION CONTROL

The Division of Water Pollution Control (WPC) has reviewed the information provided for Concurrence Point 3 and has no further comments than those previously submitted or that will be addressed through the permitting process.

DIVISION OF WATER SUPPLY

The Division of Water Supply (DWS) agrees with the extra measures being taken for spill control and runoff in the sensitive area of outcrop of the Memphis sand aquifer. The Memphis Aquifer is one of the most important aquifers in the state and any activity in the recharge area could potentially cause pollution to the aquifer. We understand that a spill plan as physical barriers will be in place to attempt to stop pollution to the aquifer. The Memphis Regional Intermodal Facility will need to use extreme diligence in its spill and runoff management in protection of the Memphis aquifer from contamination.

If you have any questions, feel free to contact Scotty Sorrells at (615) 532-9224 or scotty.sorrells@tn.gov.

DIVISION OF UNDERGROUND STORAGE TANKS

The Division of Underground Storage Tanks (DUST) has reviewed the information provided for Concurrence Point 3. At this time, DUST has no further comments than those previously submitted.

Thank you for the opportunity to participate in the planning of this project. If you have any questions regarding the information provided, please email TDEC.TESA@tn.gov or contact Susannah Kniazewycz, Acting TDEC TESA Coordinator, at 615-889-6888.

Sincerely,



Daniel C. Eagar, Manager
WPC Natural Resources Section

Attachments (3)

**Tennessee Environmental Streamlining Agreement (TESA)
TESA Concurrence Point #3
Memphis Regional Intermodal Facility near Rossville, Fayette County, Tennessee**

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Assessment (EA) for the Memphis Regional Intermodal Facility (Memphis Regional IMF) near Rossville, Fayette County, Tennessee. This EA is being developed by TDOT to document the impacts of the subject project in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement (TESA)*. In accordance with TESA, we are requesting your review and concurrence on the *Concurrence Point #3, Adequacy of Draft EA*.

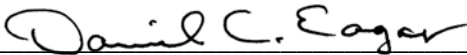
The *Adequacy of Draft EA Package* was sent to you on February 8, 2010 for a 45-day review period. Once you have had the opportunity to review the above-referenced document, please sign the attached form. In signing this document, you are indicating your concurrence on the purpose and need and actions and alternative in the environmental document.

Please sign and return this form to Tom Love electronically (Tom.Love@tn.gov) or at the address below by March 25, 2009.

Mr. Tom Love
Tennessee Department of Transportation
Environmental Division, Suite 900
James K. Polk Building
505 Deaderick Street
Nashville, TN 37243-0334

If you feel all provisions of the *TESA Concurrence Point #3* have been satisfied, please acknowledge concurrence with the *Adequacy of Draft EA*.

AGENCY: Tennessee Department of Environment and Conservation

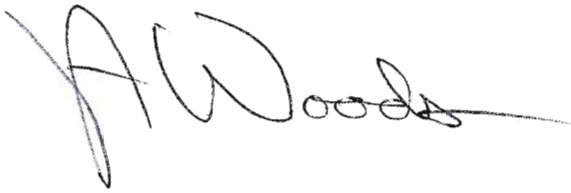
CONCURRENCE:  (comments in cover letter)

DATE: March 23, 2010

(with confining unit present), and would be a more critical issue in recharge areas lacking the Jackson confining clay.

TDoR would like to thank you for the opportunity to comment and participate in the planning process for the Memphis Regional Intermodal Facility. If you have any questions or would like to discuss these comments supplied by TDoR Memphis, please feel free to contact me at (901) 371-3041 or by e-mail (Jamie.Woods@tn.gov).

Sincerely,

A handwritten signature in black ink that reads "JAWoods". The signature is written in a cursive style with a long horizontal stroke at the end.

Jamie A. Woods, P.G.

Geologist-Project Manager

Division of Remediation

Memphis Field Office



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Division of Natural Areas
7th Floor L&C Annex
401 Church Street
Nashville, Tennessee 37243
Phone 615/532-0431 Fax 615/532-0046

June 24, 2009

Mary Motte Fikri
AMEC Earth and Environmental, Inc.
3800 Ezell Road, Suite 100
Nashville, TN 37211

Subject: Norfolk Southern Memphis Regional Intermodal Facility and Lead Track
Fayette County, Tennessee, Rare Species Database Review, DNA 2009-023

Dear Ms. Fikri:

Thank you for your correspondence requesting an environmental review for the proposed Norfolk Southern Memphis Regional Intermodal Facility and Lead Track project in Fayette County, Tennessee.

We have reviewed the state's natural heritage database with regard to the project location, and we find that no rare species have been previously observed within one mile.

Within four miles of the project, the following rare species have been observed:

Type	Scientific Name	Common Name	Global Rank	St. Rank	Fed. Prot.	St. Prot.	Habitat
Flowering Plant	<i>Iris fulva</i>	Copper Iris	G5	S2	**	T	Bottomlands
Mollusc	<i>Lampsilis siliquoidea</i>	Fatmucket	G5	S2	**	**	Slow-moving water with mud substrate; Wolf River (Mississippi River tributary); west Tennessee. May also occur at Reelfoot Lake.
Mollusc	<i>Obovaria jacksoniana</i>	Southern Hickorynut	G2	S1	**	**	Medium-sized gravel in water with low to moderate current; Wolf & Hatchie rivers; Mississippi River watershed; west Tennessee.

We wish to emphasize that many areas of the state have been under-surveyed for rare species, especially portions of West Tennessee, and that the above list should not be used as a comprehensive guide for determining impacts to rare species. It is possible that additional rare species may exist in relatively

undisturbed areas of the site including streams, wetlands, and bottomland forests. Based on aerial photography, the site appears to possess such areas with natural vegetation; accordingly, we suggest that the developer assess native habitats on the site and compare them with the requirements for rare species known to Fayette and Shelby Counties. As the state line lies within one mile of the site, we also recommend that you contact the Mississippi Natural Heritage program to determine whether there are rare species known to De Soto and Marshall Counties. If suitable habitat is found on the site or downstream of project activities, we ask that project plans incorporate protective measures for rare species. We also ask that you coordinate this project with the Tennessee Wildlife Resources Agency (Rob Todd, rob.todd@state.tn.us) to ensure that any legal requirements for protection of state-listed rare animals are properly addressed.

Because the site drains into pristine reaches of the Wolf River and associated bottomland forests with known populations of rare species, we ask that the developer implement a robust system of both construction and permanent stormwater controls. For stabilization of disturbed areas, the Division of Natural Areas advocates the use of native trees, shrubs, and warm season grasses, where practicable. Care should be taken to prevent re-vegetation of disturbed areas with plants listed by the Tennessee Exotic Pest Plant Council as harmful exotic plants.

Again, please keep in mind that not all areas of Tennessee have been surveyed and that a lack of records for any particular area is not a statement that rare species are absent from that area. For information regarding the protection status and ranks, please visit our website at <http://state.tn.us/environment/na>.

Thank you for considering Tennessee's rare species throughout the planning of this project. Should you have any questions, please do not hesitate to contact me at (615) 532-0440.

Sincerely,



Silas Mathes
Heritage Data Manager

**Tennessee Environmental Streamlining Agreement (TESA)
TESA Concurrence Point #3
Memphis Regional Intermodal Facility near Rossville, Fayette County, Tennessee**

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Assessment (EA) for the Memphis Regional Intermodal Facility (Memphis Regional IMF) near Rossville, Fayette County, Tennessee. This EA is being developed by TDOT to document the impacts of the subjected project in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement (TESA)*. In accordance with TESA, we are requesting your review and concurrence on the *Concurrence Point #3, Adequacy of Draft EA*.

The *Adequacy of Draft EA Package* was sent to you on February 8, 2010, for a 45-day review period. Once you have had the opportunity to review the above-referenced document, please sign the attached form. In signing this document, you are indicating your concurrence on the purpose and need and actions and alternative in the environmental document.

Please sign and return this form to Tom Love electronically (Tom.Love@tn.gov) or at the address below by March 25, 2010.

Mr. Tom Love
TDOT Environmental Division
Suite 900
James k Polk Building
505 Deaderick Street
Nashville, TN 37243-0334

If you feel all provisions of the *TESA Concurrence Point #3* have been satisfied, please acknowledge concurrence with the *Adequacy of Draft EA*.

AGENCY: TENNESSEE WILDLIFE RESOURCES AGENCY

CONCURRENCE: Robert Todd

DATE: 3-10-2010



TENNESSEE WILDLIFE RESOURCES AGENCY

ELLINGTON AGRICULTURAL CENTER
P. O. BOX 40747
NASHVILLE, TENNESSEE 37204

March 10, 20100

Tom Love
State of Tennessee
Department of Transportation
Environmental Division
Suite 900, James K. Polk Building
505 Deaderick Street
Nashville, TN 37243-0334

Re: **Concurrence Point 3**, Draft Environmental Assessment for the Memphis Regional Intermodal Facility near Rossville in Fayette County, Tennessee

Dear Mr. Love:

The Tennessee Wildlife Resource Agency (TWRA) has received and reviewed the information your office provided to us regarding the proposed project listed above. Our current concerns are potential environmental impacts associated with potential stream and wetland impacts, and potential impacts to floodplains that may occur due to the construction of this project.

We concur on Concurrence Point 3 regarding the Draft Environmental Assessment for the Memphis Regional Intermodal Facility near Rossville in Fayette County, Tennessee. We do provide the following advisory comment:

1. On page 3-17, the first paragraph under Figure 3-7 should be modified to read as follows: "Traffic impacts on US Hwy 72 due **to** Build Alternative 1 are not expected to be substantial until beyond 2015." The word "to" was left out of the sentence.
2. On page 3-63, we request that a row be added to "Table 3-11: Impacts to Aquatic Resources" at the bottom of the table and entitle this row "Estimated Cost of Stream Mitigation" and an estimated cost be entered based upon the cost that would be paid to the Tennessee Stream Mitigation Program. Since in U.S. Army Corps of Engineers Public Notice MVM 2009-234 (JME) it is stated that mitigation will be conducted by payment to the Tennessee Stream Mitigation Program; which would be approximately \$200.00 per linear foot for 5,352 linear feet or \$1,070,400.00. The U.S. Army Corps of Engineers Public Notice MVM 2009-234 (JME) states that there will be 3,946 linear feet of stream impacts instead of 5,352 linear feet as stated in the Environmental Assessment. The stream impact figures in the Environmental Assessment should reflex the most accurate figure and the most accurate cost.
3. On page 3-68, we request that a row be added to "Table 3-12: Impacts to Wetlands" at the bottom of the table and entitle this row "Estimated Cost of Wetland Mitigation" and an estimated cost be entered based upon the cost to purchase wetland mitigation credits

The State of Tennessee

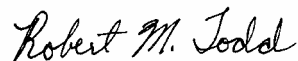
IS AN EQUAL OPPORTUNITY, EQUAL ACCESS, AFFIRMATIVE ACTION EMPLOYER

from the Wolf River Mitigation Bank at a 2:1 ratio, since in U.S. Army Corps of Engineers Public Notice MVM 2009-234 (JME) it is stated that mitigation will be conducted by debiting available credits from the Wolf River Mitigation Bank.

4. There is a typographical error on page 3-81, first full paragraph, second sentence. The word “values” should be “**valves**”.
5. On page 3-149, we request that two rows be added to “Table 3-16: Summary of Potential Impacts from Build Alternative 1”. The first added row should be located beneath the row entitled “Stream Impacts (Feet)”. The title for this added row should be entitled “Stream Mitigation Cost” and the appropriate cost for stream mitigation should be entered in the second column in the same row. The second added row should be located beneath the row entitled “Wetland (Wetland/Acres Impacted)”. The title for this added row should be entitled “Wetland Mitigation Cost” and the appropriate cost for wetland mitigation should be entered in the second column in the same row. We also request that the stream and wetland mitigation costs be added to the estimated project cost in “Table 3-16: Summary of Potential Impacts from Build Alternative 1” on page 3-148.

We have completed the requested concurrence form, which is attached. We thank you for the opportunity to participate during the coordination process and look forward to working with TDOT personnel in the future to reduce potential impacts to fish and wildlife resources associated with this project.

Sincerely,



Robert M. Todd
Fish and Wildlife Environmentalist

cc: Allen Pyburn, Region I Habitat Biologist
Alan Peterson, Region I Manager

**Tennessee Environmental Streamlining Agreement (TESA)
TESA Concurrence Point #3
Memphis Regional Intermodal Facility near Rossville, Fayette County, Tennessee**

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Assessment (EA) for the Memphis Regional Intermodal Facility (Memphis Regional IMF) near Rossville, Fayette County, Tennessee. This EA is being developed by TDOT to document the impacts of the subjected project in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement (TESA)*. In accordance with TESA, we are requesting your review and concurrence on the *Concurrence Point #3, Adequacy of Draft EA*.

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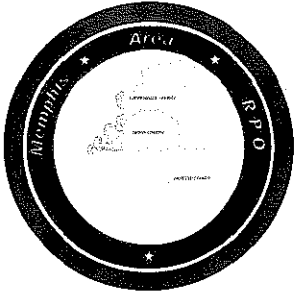
Mr. Tom Love
TDOT Environmental Division
Suite 900
James k Polk Building
505 Deaderick Street
Nashville, TN 37243-0334

If you feel all provisions of the *TESA Concurrence Point #3* have been satisfied, please acknowledge concurrence with the *Adequacy of Draft EA*.

AGENCY: WEST TENNESSEE RURAL PLANNING ORGANIZATION (WTRPO)

CONCURRENCE: THIS AGENCY CONCURS. Dan Fray

DATE: 3/10/10



March 10, 2010

Mr. Tom Love
Transportation Manager I
Tennessee Department of Transportation
Environmental Division
Suite 900 – James K. Polk Building
505 Deaderick Street
Nashville, TN 37243-0334

Subject: TESA Concurrence Point #3 Comments
Environmental Assessment for Memphis Regional Intermodal Facility (IMF)
Rossville, Fayette County, Tennessee

Dear Mr. Love:

Attached to this correspondence are two letters of concurrence; one from the Memphis Metropolitan Planning Organization (Memphis MPO) and one from the West Tennessee Rural Planning Association (WTRPO), formerly known as the Memphis Area RPO. We also ask that the following comment be taken into consideration in conjunction with the letters of concurrence:

1. Page 1-5, Figure 1-3: Economic Impacts – Fayette County Intermodal Facility:
This is an important table in that it quantifies the economic impact of the Fayette County IMF. While the table references a specific study from Insight, May 2009, it would be helpful if within the context of this document and in reference to Figure 1-3, the term “At Risk and Benefited Industrial Expansions” is more clearly defined and elaborated upon.

Sincerely,

A handwritten signature in black ink that reads "Dan Frazier".

Dan Frazier, AICP

DAN FRAZIER, COORDINATOR
WEST TENNESSEE RURAL PLANNING ORGANIZATION
1075 MULLINS STATION · MEMPHIS, TN 38134
(901) 379-7857 (PH) · (901) 379-7865 (FX) · dan.frazier@shelbycountyttn.gov

**Tennessee Environmental Streamlining Agreement (TESA)
TESA Concurrence Point #3
Memphis Regional Intermodal Facility near Rossville, Fayette County, Tennessee**

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Assessment (EA) for the Memphis Regional Intermodal Facility (Memphis Regional IMF) near Rossville, Fayette County, Tennessee. This EA is being developed by TDOT to document the impacts of the subjected project in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement (TESA)*. In accordance with TESA, we are requesting your review and concurrence on the *Concurrence Point #3, Adequacy of Draft EA*.

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Please sign and return this form to Tom Love electronically (Tom.Love@tn.gov) or at the address below by March 25, 2010.

Mr. Tom Love
TDOT Environmental Division
Suite 900
James k Polk Building
505 Deaderick Street
Nashville, TN 37243-0334

If you feel all provisions of the *TESA Concurrence Point #3* have been satisfied, please acknowledge concurrence with the *Adequacy of Draft EA*.

AGENCY: Memphis Metropolitan Planning Organization
CONCURRENCE: Paul Morris
DATE: March 10, 2010

**Tennessee Environmental Streamlining Agreement (TESA)
TESA Concurrence Point #3
Memphis Regional Intermodal Facility near Rossville, Fayette County, Tennessee**

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Assessment (EA) for the Memphis Regional Intermodal Facility (Memphis Regional IMF) near Rossville, Fayette County, Tennessee. This EA is being developed by TDOT to document the impacts of the subjected project in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement (TESA)*. In accordance with TESA, we are requesting your review and concurrence on the *Concurrence Point #3, Adequacy of Draft EA*.

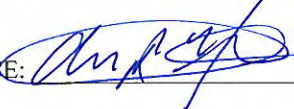
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Please sign and return this form to Tom Love electronically (Tom.Love@tn.gov) or at the address below by March 25, 2010.

Mr. Tom Love
TDOT Environmental Division
Suite 900
James k Polk Building
505 Deaderick Street
Nashville, TN 37243-0334

If you feel all provisions of the *TESA Concurrence Point #3* have been satisfied, please acknowledge concurrence with the *Adequacy of Draft EA*.

AGENCY: Southwest Tennessee Development District

CONCURRENCE:  _____

DATE: 3.15.10 _____



Tennessee Department of Agriculture

Ellington Agricultural Center, Box 40627, Nashville, Tennessee 37204
615-837-5100 / FAX: 615-837-5333

Ken Givens
Commissioner

Phil Bredesen
Governor

March 18, 2010

Mr. Tom Love
Transportation Manager 1
Tennessee Department of Transportation
Suite 900, James K. Polk Building
505 Deadrick Street
Nashville, TN 37243-0334

Re: Memphis Regional Intermodal Facility
Rossville, Fayette County, Tennessee

Dear Mr. Love:

The Department of Agriculture appreciates the opportunity to comment on the Draft Environmental Assessment for the above-referenced project, which was received on February 8, 2010.

Following a review of the materials provided, it is important to note that the project site has been purchased by the project owners, it has already been annexed and zoned as industrial land by Rossville, and the USDA has found this project will not have a significant impact on farmland in the project vicinity.

Due to these issues and that this project will improve the transportation infrastructure which will enhance the ability of agricultural enterprises to move their commodities to market, we are supportive of the project.

Please do not hesitate to contact us if you have questions.

Sincerely,

Terry J. Oliver
Deputy Commissioner

TJO/jm

**STATE OF TENNESSEE
DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT**



**LOCAL PLANNING ASSISTANCE OFFICE
WEST TENNESSEE REGION
LOWELL THOMAS BUILDING, SUITE 420
225 MARTIN LUTHER KING DRIVE
JACKSON, TENNESSEE 38301
TELEPHONE: 731.423.5650 — FAX: 731.426.0640
[HTTP://WWW.TNECD.GOV](http://www.tnecd.gov)**

MEMORANDUM

TO: Robin Hagerty
FROM: Brenda Scott, Community Planner II
DATE: March 10, 2010
SUBJECT: Memphis Regional Intermodal Facility

Ms. Hagerty,

The Local Planning Assistance Office has no additional comments on the Memphis Regional Intermodal Facility.

Sincerely,

Brenda T. Scott
Community Planner II
State of Tennessee
Department of Economic and Community Dev.

225 Martin Luther King Drive, Suite 420
Jackson, TN 38301
Work: 731-423-5650
Fax: 731-426-0640
Email: brenda.scott@tn.gov

From: Rhea Taylor [mailto:rtaylor@fayettetn.us]
Sent: Wednesday, February 24, 2010 4:28 PM
To: Paul Summers
Subject: Intermodal Study

Gen. Summers,

I have tried to review the document so as to give you comments that may help complete it. Overall the document is a wealth of information and I agree with its outcome. There are a couple of items that I would like to see included that would help Fayette County as we move forward.

1. Under 3.3.2 Traffic Analysis on page 3-11, no study was done in Tennessee (except for a turn lane/traffic light study at Neville Road) to determine the employee/residential traffic that may be related to the project. Knox Road, Hwy 196, and several city streets in Pierson will be used to reach the facility from Tennessee.
2. In Section 3.4.2.1 Low Income Populations on page 3-22, it states that there are no concentrations of low income populations in the project area. While I find no definition of project area, in Rossville there are several pockets of low income residents and several low-income families live along Knox Road. I point this out to complete your document. The advantages/disadvantages will be the same for all residents in the area.
3. Under 3.8 Noise Impacts on page 3-34, it states that there are no general application noise laws in effect for Fayette County or Rossville. While the statement is correct for any general law, Fayette County zoning regulations (I would suspect Rossville's also) require nuisances such as noise to be confined to the property.
4. While the Town of Rossville may not be in the study area, the increase in rail traffic across the Hwy 194 intersection should be addressed and a mitigation proposed to deal with noise and wheeled-traffic disturbance; especially since trains of an average 8000 feet in length are expected to be the norm. This intersection is also adjacent to the Rossville Historic District.

Thank you for the opportunity to comment. I look forward to the project moving forward.

Sincerely,

Rhea "Skip" Taylor
Fayette County Mayor
P. O. Box 218
Somerville, Tennessee 38068

rtaylor@fayettetn.us
901-465-5202 Office
901-465-5229 Fax

Fayette County.txt

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Re Memphis Regional Intermodal Facility.txt

----- Original Message -----

From: jpi tner@fayettetn.us <jpi tner@fayettetn.us>

To: Paul Summers

Sent: Tue Feb 23 16:48:37 2010

Subject: Memphis Regional Intermodal Facility

Paul :

The Fayette County Planning Office has no comment on the recently submitted "Environmental Assessment" of the proposed Memphis Regional Intermodal Facility, except to note that Alternative 1 is far preferable to any of the other three (3) options considered for location of the facility in Fayette County.

Regards . . . JRP, Director

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Rossville.txt

From: James Gaither [mailto:townwork@att.net]
Sent: Tuesday, February 23, 2010 9:09 AM
To: Paul Summers
Subject: RE: EA sent to Rossville

We have generally gone over the EA and feel that there has been addressed most effecently. We have no further comments at this time. Mayor James Gaither, City of Rossville.

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City of Pi perton.txt

From: wchamberssr@att.net
To: Paul Summers
Sent: Thu Mar 04 08:39:08 2010
Subject: RE: Mayor - this is for you and your city - Thanks - Paul Summers

We concur with the EA and have no further comment.

Mayor Chambers

From: Paul Summers [mailto:Paul.Summers@wallerlaw.com]
Sent: Monday, February 22, 2010 4:39 PM
To: 'wchamberssr@comcast.net'
Cc: Paul Summers; Cynthia Collins
Subject: Mayor - this is for you and your city - Thanks - Paul Summers

February 22, 2010

To: Coordination Agency

Re: EA sent to your agency from TDOT/Norfolk Southern

From: Paul G. Summers, NS Point of Contact ("POC")

Thank you for acknowledging receipt of the EA sent to you in the last two weeks. We are on a short timetable and shall appreciate your prompt reply if at all possible. We shall appreciate your written response by March 5, 2010.

There is no set format, but it needs to be in writing. Your response can be in the form of:

1. We concur with the EA and have no further comment.
2. We will not be commenting.
3. Agency's comments are as follow: (attach your comments)

City of Pi perton.txt

You can respond by writing me a letter, FAXing me, or emailing me. My contact information is below.

On behalf of my client, Norfolk Southern, I really appreciate your cooperation.

Paul Summers

WALLER LANSDEN DORTCH & DAVIS, LLP

PAUL G. SUMMERS, ESQ.
Partner
511 Union Street, Suite 2700
Nashville, TN 37219
Direct: 615-850-8790
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Paul . Summers@wal l erl aw. com

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Stan Joyner
Mayor

Maureen Fraser, *Alderman*
Jimmy Lott, *Alderman*
Tony Sarwar, *Alderman*
Tom Allen, *Alderman*
Mike Russell, *Alderman*



James H. Lewellen
Town Administrator

Lynn Carmack
Town Clerk

Town of Collierville

March 5, 2010

Mr. Thomas Love, Environmental Division
Tennessee Department of Transportation
Suite 900, James K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243

RE: Draft Environmental Assessment for Memphis Regional Intermodal Facility

Dear Mr. Love,

On behalf of the Town of Collierville, I would like to thank you and the Tennessee Department of Transportation (TDOT) for the opportunity to comment on the Draft Environmental Assessment for the Memphis Regional Intermodal Facility (IMF) near Rossville, Tennessee sent to us on February 8, 2010. At the request of Norfolk-Southern Railway's (NSR) representatives, Ms. Hagerty and Mr. Summers, we have expedited our review of the Draft Environmental Assessment.

I must preface this letter to say that it is not our intent to set a negative tone for the IMF, but to clearly and firmly voice legitimate local concerns through a constructive process such as the Draft Environmental Assessment (EA). As stated in my letter from October 2009, decisions about the intermodal facility are of great concern for Collierville, especially as it relates to traffic, land use, noise, and environmental impacts. Through this correspondence we seek to foster a relationship of multi-party communication and cooperation and to achieve a better understanding of projected impacts. A primary goal for our response is to provide a critique of the Draft EA, but an equally-important goal is to use this vehicle to make NSR, TDOT, TDEC, the Memphis Area MPO, and MDOT aware of our local land use and transportation goals, and consider how they might be impacted by the IMF. If these goals were known, perhaps the Draft EA would read differently and mitigation to the west would have been contemplated.

The Draft EA of February 7, 2010 clearly shows that there will be a positive economic impact to Collierville as a result of the IMF through additional industrial development, and our community is thankful for this prospect; however, the Draft EA only focuses on positive land use impacts to our community and the surrounding area and does little to address negative impacts to the west, particularly Collierville. From our decades of growth, Collierville has a firm understanding that with great economic prosperity comes a high level of responsibility to maintain the regionally-renowned quality of life we enjoy in Collierville. Collierville will be poised to serve the IMF through many quality acres to meet the industrial, office, and even residential demand to come, but we must go on record to say that explosive regional growth to the east of Memphis in a virgin "Greenfield" setting without adequate infrastructure or mitigation of impacts to existing communities could be detrimental to our region in the long run. Careful and proactive planning will help to mitigate against this possibility.

After reviewing the Draft EA, we have the following comments, questions, and concerns:

- **Impact to the existing Norfolk-Southern Railway (NSR) mainline between the proposed IMF and the existing Forrest Yard:** The Draft EA states that NSR anticipates four (4) new westbound trains arriving at the proposed IMF and four (4) eastbound trains originating from the proposed IMF per day in addition to the eighteen (18) trains passing through the area on a typical weekday (per Section 3.16.2). However, the Draft EA is silent on the anticipated impact on train volume for the existing Norfolk-Southern Railway (NSR) mainline between the proposed IMF and the existing Forrest Yard to the west. The number of trains per day, train speed, crossings blocked, train noise, and hazardous materials transported within Collierville are a primary concern. It is difficult for us to assess the impacts of the proposed IMF without knowing this information.

The Draft EA touts the advantages of rail over trucks concerning fuel efficiency, air pollution, and road congestion. But due to the existing volume of traffic (rail and vehicle) and the limited number of grade separated crossings, there are areas in Shelby County where rail is detrimental. Provided train traffic is to continue along this portion of the mainline, we request that steps be made to identify and address these areas, including, but not limited to the introduction of crossing improvements, imposing stricter speed limits on trains, and reducing noise. To better address long-term environmental sustainability, the NSR mainline in Shelby County should be, once again, available for regional passenger travel as it was many years ago.

- **Land Use Impacts:** Under Section 3.18.6, the Draft EA notes that “(i)n Shelby County, it is anticipated that indirect impacts would be minimized due to the likelihood that the stable and slightly declining population of Shelby County would result in very few new residential or industrial developments” (emphasis added, p.3-123). While the TACIR projections cited in the Draft EA contain a dim view of Shelby County’s future population growth, the areas of Shelby County in proximity to the proposed IMF, East Shelby County and Collierville in particular, have experienced a high rate of growth. From 1990 to 2000 (per the US Census), the Town of Collierville experienced a 121% population increase compared to Tennessee’s increase of 16.7% for the same time period. The latest Special Census count for Collierville certified by the state in 2008 showed a population increase of 39% from 2000.

In addition to Collierville’s adopted Land Use Plan, the recently completed I-269 Small Area Plan and the Downtown Area Plan (currently underway) indicate ample opportunities for future growth within Collierville and its Urban Growth Boundary. For example, the adopted I-269 Small Area Plan (provided as an attachment in our letter from October 2009) anticipates walkable office, retail, light manufacturing uses in the area (located in the vicinity of US 72, SR 385, and proposed I-269) and could support a population of approximately 8,000 additional residents. To indicate that the proposed IMF’s impacts either do not apply to Shelby County or stop at the Fayette County or Marshall County line is incorrect.

- **Transportation Impacts:** It is perplexing that, despite the proximity of the Industrial Road’s intersection with US 72 to the Tennessee state line and major transportation routes such as proposed I-269, SR 385, and US 72 located in Tennessee, traffic impacts were not considered in the Draft EA (referencing the Traffic Impact Study cited in Section 3.3.2) because the road is physically in Mississippi. Is traffic expected to stop at the state line?
- **Environmental Impacts:** There will be 233 acres of recharge area lost due to pavement, only 0.04% of the total recharge area (per Section 3.12.10 of the Draft EA). This may not be significant percentage-wise for the total recharge area; however, the University of Memphis Groundwater Institute’s (GWI) analysis (not included in the Draft EA) indicates that Collierville’s water is relatively young (35-50 years old), which means loss of nearby recharge could be significant.

Related to impacts to the aquifer, the Draft EA indicates that stream mitigation will be addressed via the state's in-lieu-fee program. Stream bottoms act as part of recharge for Memphis Sands Aquifer. When will mitigation occur?

The Draft EA (Section 3.16.3) states that only 3 to 4 percent of NSR's shipments contain hazardous materials and that any spills at the proposed IMF will be contained in a detention basin. Is this detention basin to be lined (e.g. concrete or compacted clay layer) to prevent seepage into the aquifer? Additionally, what are the operational controls? The Draft EA mentions ponds - will there be containment levees and treatment for spills?

Regarding floodplain impacts (Section 3.12.5), the Draft EA states that "NSR will voluntarily comply with Fayette County floodplain management regulations and EO 11988, *as long as such regulations and the EO do not prove unduly burdensome or unreasonably interfere with timely construction*" (emphasis added). In light of this, the EA should address what floodplain impacts can be expected if NSR decides not to comply with floodplain regulations.

In this section, the Draft EA also states that "(i)f impacts to the floodplain occur, the design selected for the floodplain encroachment will be supported by analysis of design alternatives with consideration given to: capital costs and risks; and economic, social and environmental concerns" (p.3-71). This appears to mean if the fix is too expensive, NSR may not fix the problem.

As stated in our correspondence to you on October 20, 2009, we would implore that NSR meet or exceed environmental regulations, just as would be expected of any private sector citizen.

Although the EA does not anticipate impacts to Collierville due to increases in truck and train volume, the practical realities are that impacts will spill outside of the limits of the EA. Collierville has aggressive plans for land use and transportation around its downtown and I-269 Area, both of which are traversed by US 72 and the NSR mainline. As you will see below, many of our plans for these parts of Collierville will necessitate a cooperative relationship with NSR. Collierville is historically a railroad town, which is part of our culture and Civil War history. While we value and want to build on our rail history, we have reservations about what the IMF could mean to our goals to achieve the following:

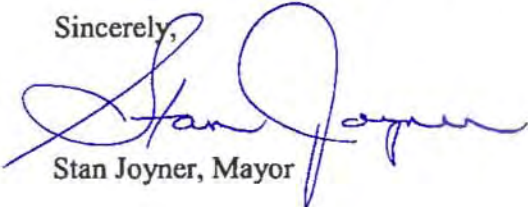
1. **Minimizing Truck Trips Using US 72 and I-269 Interchange:** The purpose of this is to promote an appropriate mix of land uses at that interchange per our I-269 Small Area Plan adopted in April of 2009. The plan identifies this area as an economic generator and a key gateway to Tennessee, as it is the first interchange after crossing the state line. The intersection of US 72 and the proposed 'Industrial Road' (the sole option for vehicular access to and from the proposed IMF) should be grade-separated to provide for safe and efficient access for truck traffic from the proposed IMF to the Chickasaw Trail Industrial Park in Marshall County. A grade-separated crossing will better disperse traffic along US 72 and other area state and local roadways.
2. **Moving the Cooper Street Rail Crossing to the East to Improve North/South Traffic Movement:** The Downtown Framework Plan promotes this through retention of key corridors like Main Street and Center Street; however, new north/south connections are needed, as Downtown is not easily reached from the overtaxed Byhalia Road, which is our only uninterrupted north/south road on the east side until the new I-269/SR385 extension is completed. Such a new north/south corridor would intersect the extension of Keough Road to US 72 to intersect with the extension of Winchester Road.
 - **Preferred Route:** The preferred route of the Steering Committee to accomplish this is a southern extension of Peterson Lake Road. Such an extension can be accomplished with little disturbance to

existing residences by carefully meandering through Downtown Collierville, and such an extension would involve careful coordination with Shelby County Schools at the location of Collierville Middle School and the NSR mainline, as it would involve a crossing that does not exist. The existing rail crossing at Cooper Street is inadequate, and should be rebuilt to the east to serve as this new crossing.

- **Alternative Route:** If the southern extension of Peterson Lake Road is not viable, an alternative is to extend Collierville-Arlington Road and Eastley Street to the south to cross the railroad and to join Keough Road. This route, not shown on the Framework Plan, is largely outside of the study area, and would need further study.
3. **Relocating the Railcars around the Depot Area:** This serves to expand views of the Square and to facilitate the development of a fourth side of the Square for increased long-term economic viability of our Square. This is one of the “top 12 goals” of the Downtown Collierville Small Area Plan, which is pending adoption likely this summer. To accomplish this, improved streetscapes would be needed to South Rowlett, Main Street, and Center Street. Additional train trips, associated noise, and reported needs to widen or expand the lines (double track) could impact the feasibility of our land use and economic development goals. This also may in some way be related to our celebration and interpretation of our Civil War and railroad history through interpretation of battle sites and through the creation of interpretive centers or kiosks.
 4. **Building a Parking Garage on Washington Street:** This is another one of the top 12 goals of the Downtown Collierville Small Area Plan. Associated with Item #3 above would be the eventual construction of a public parking garage behind the east side of the square to support the increased commercial viability of our downtown over time as the policies of the Downtown Plan come to fruition. NSR has a communications tower at this location currently, and to gain full use of the site for a parking structure, relocation of the tower to the IMF site or nearby Town property is needed. It should be noted that this garage may also provide important parking to a transit stop if light rail ever comes to fruition. With the level of density that will be adjacent to this garage, it will make it the most viable stop in Collierville, closely followed by the types of mixed use forms possible at Schilling Farms Planned Development to the west.

In closing, we appreciate the opportunity to participate in this process and look forward to these issues being discussed at the March 17, 2010 meeting with NSR and resolved as the Environmental Assessment continues.

Sincerely,



Stan Joyner, Mayor

Attachments

- 1) Regional Context Map
- 2) Downtown Plan (Excerpt from 3/1/10 Draft)
- 3) I-269 Small Area Plan (Excerpt)

MDOT Environmental Assessment Comments - Memphis Regional Intermodal Facility.txt
From: Johnson, Adam [ajohnson@mdot.state.ms.us]
Sent: Friday, March 19, 2010 4:26 PM
To: Hagerty, Robin L
Cc: Thurman, Kim; Allen, Richard
Subject: FW: Environmental Assessment Comments - Memphis Regional Intermodal Facility

Robin,

Overall, the EA looked to be very thorough. Our issues have more to do with industrial road, access to US 72, and impacts to the local residents from the intermodal facility and secondary development.

MDOT is responsible for maintaining the integrity of the Mississippi state highway system in a cost effective manner. When changes or modifications to the state highway system are proposed that have the potential to impact the efficiency of the traffic flow, MDOT looks to find a solution that will provide acceptable levels of service over a 20 year period of time or better. This philosophy helps prevent MDOT from making expensive and time consuming changes to our highway system every few years as an area develops and grows. Based on conversations with the various groups involved in the planning, design, and construction of the intermodal facility and the industrial road, MDOT has concerns that the potential for significant growth is there. In a meeting with William Adair, MDOT stated that a full traffic study would need to be performed that included everything that was included in Mr. Adair's plan's for the area or an interchange would need to be constructed that incorporated the various transportation components involved in the planned development. Mr. Adair stated that he was meeting with Norfolk Southern the week of March 15 to discuss the interchange option and would get back with MDOT shortly thereafter. Any design that would impact US 72 would need to be coordinated, reviewed, and approved by MDOT.

There are several locations in the document that refer to LOS D as an acceptable level of service. MDOT's Planning Division stated that in Mississippi the required level of service for a rural area is 'C' or better. Any planning numbers generated should be 20 years out or more.

On page 2-16 in the 3rd paragraph, the document states that "community and governmental entities in this part of Fayette County, Tennessee, have expressed a desire for the facility to access US Hwy 72 instead of SR-57 due to their functional classification, design capacity, and long range plans." At the October 22, 2009 public meeting the Mississippi residents in attendance also voiced their opposition to the project being put in their backyard and having the access placed on US 72 due to their concerns that the intermodal facility, truck traffic, and secondary development would damage the rural nature of the area. This sentiment should be noted. MDOT will most likely request a separate public hearing for Mississippi.

We appreciate the chance for comment. Should you have any questions, feel free to contact me.

MDOT Environmental Assessment Comments - Memphis Regional Intermodal Facility.txt
Adam Johnson

Location Engineer

Environmental Division

Mississippi Department of Transportation

Phone: (601) 359-7875

Cell: (769) 798-3677

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Finding of No Significant Impact

Appendix C - Summary of Comment for CP #4

Summary of Comments

TENNESSEE ENVIRONMENTAL STREAMLINING AGREEMENT (TESA) CONCURRENCE POINT #4

PREFERRED ALTERNATIVE AND PRELIMINARY MITIGATION PACKAGE

For
Norfolk Southern Railway
Memphis Regional Intermodal Facility
Fayette County, TN

PREPARED BY:
TENNESSEE DEPARTMENT OF TRANSPORTATION



October 2010



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3.0 TESA AGENCY COMMENTS SUMMARY	4
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1.0 INTRODUCTION

On September 24, 2010, the Tennessee Department of Transportation (TDOT), pursuant to the *Tennessee Environmental Streamlining Agreement (TESA)*, distributed copies of the *Preferred Alternative and Preliminary Mitigation* to the following TESA Agencies, pursuant to TESA of the final Concurrence Point:

- U.S. Army Corps of Engineers (USACE), Memphis District
- U.S. Environmental Protection Agency (EPA), Region 4
- U.S. Fish and Wildlife Service (FWS)
- Tennessee Valley Authority (TVA)
- Tennessee Department of Environment and Conservation (TDEC)
- Tennessee Wildlife Resources Agency (TWRA)

A courtesy copy was provided to Environmental Division Administrator, Mississippi Department of Transportation (MDOT).

The deadline for agencies to submit comments and/or indicate concurrence or non-concurrence was October 15, 2010. The review period was shortened from the normal 45-days to 21-days to meet deadlines and goals associated with the facility's ARRA stimulus funding. Concurrence with *TESA Concurrence Point # 4* was assumed for any agency not responding in writing by the October 15, 2010, deadline. None of the agencies requested an extension past the October 15 deadline.

2.0 AGENCY CONCURRENCE

All agencies concurred on *TESA Concurrence Point #4, Preferred Alternative and Preliminary Mitigation* for the Norfolk Southern Railway (NSR) Memphis Regional Intermodal Facility (IMF). The following TESA agencies signed and returned their concurrence signature page.

- U.S. Army Corps of Engineers (USACE), Memphis District
- U.S. Environmental Protection Agency (EPA), Region 4
- U.S. Fish and Wildlife Service (FWS)
- Tennessee Valley Authority (TVA)
- Tennessee Department of Environment and Conservation (TDEC)
- Tennessee Wildlife Resources Agency (TWRA)

MDOT provided an email response and EPA provided advisory comments with their concurrence signature page.

3.0 TESA AGENCY COMMENTS SUMMARY

This section describes responses received from TESA agencies regarding the TESA Concurrence Point #4 Package.

Agency	Date of Comment	Agency Comments	Responses
EPA	10/14/10	<p>1. Mobile Source Air Toxics (MSATs):</p> <p>a. Analysis for Potential Air Toxics Impacts</p> <p>The EA and Air Quality Technical Report recognize the potential for local impacts from air toxics, but do not attempt to quantify the concentrations or potential impacts. The EA states (p 3-50),</p> <p style="padding-left: 40px;">The additional freight activity contemplated as part of the project alternatives would have the effect of increasing diesel emissions in the vicinity of nearby homes, schools, and businesses; therefore, under each alternative there may be localized areas where ambient concentrations of MSAT would be higher than under the No Build alternative.</p> <p>The EA states,</p> <p style="padding-left: 40px;">Therefore, although the project would cause a minor localized increase in the emissions of criteria air pollutants and MSATs, it is expected to have no adverse impacts on air quality in the area.</p> <p>This statement is not supported adequately by analysis in the EA and the Air Quality Technical Report. Using the guidance from the September 30, 2009 FHWA Interim Guidance Update on Mobile Source Air Toxics Analysis in NEPA Documents, the MRIMF seems to qualify as a Level 3 project, requiring a quantitative analysis of MSATs.</p> <p style="padding-left: 40px;">Level 3 - Projects with Higher Potential MSAT Effects - these include projects that "create or significantly alter a major intermodal freight facility that has the potential to concentrate high levels of diesel particulate matter in a single</p>	<p>The July 8, 2010, EA Section 3.7.3.1 includes the FHWA guidance language on MSAT and to clarify that the air analysis for MRIMF was completed in compliance with the FHWA guidance, which requires qualitative analysis, does not require dispersion modeling and does not require screening level risk assessment.</p> <p>Air analysis for the Memphis Regional IMF included a quantitative inventory of emissions for the proposed facility and included the conservative estimation of MSATs for nonroad sources, e.g., yard equipment and locomotives, based on the ratio of VOC emissions from on-road mobile sources to the nonroad sources. This ratio was then applied to the individual MSAT emissions for the mobile sources to allow for an estimation of emissions for the nonroad equipment and locomotives. The estimated emissions were summed and compared to the countywide emissions for Fayette County, Tennessee, and Marshall County, Mississippi, which represents the only available MSAT emissions data.</p> <p>The maximum expected increase in truck traffic at the proposed facility is 834 trucks per typical weekday (less on weekends) (1668 round trips), which is less than 1.5 percent of EPA's guidance for total AADT for particulate matter and less than 1.2 percent of FHWA's guidance for total AADT for MSATs. The emissions from rail activity as estimated for the MRIMF are not large enough to make up the remaining 98.5 percent of emissions associated with "air quality projects of concern." The completed evaluations support the identification of the proposed Memphis Regional IMF as a Level 2 project that requires a qualitative analysis of MSATs due to the low potential MSAT effects.</p> <p>The location of the MRIMF is rural with approximately 55 residences located within ½ mile of the project limits and 20 residences located within ½ mile of the Industrial Road. Therefore, the project is considered to fall within the Level 2 category of projects with low potential MSAT effects that require</p>

Agency	Date of Comment	Agency Comments	Responses
		<p>location..." and are "Proposed to be located in proximity to populated areas."</p> <p>The MRIMF would be an intermodal freight facility. It is proposed to be located in a populated area. People live in the vicinity. Hence a Level 3 analysis, according to FHWA guidelines, seems appropriate.</p>	<p>a qualitative assessment of MSATs. To confirm this designation, both a qualitative and an initial quantitative analysis of MSAT emissions were conducted.</p>
EPA	10/14/10	<p>1. Mobile Source Air Toxics (MSATs): b. Discussion of Potential Mitigation Measures Given that the EA recognizes that the project will increase diesel emissions in the vicinity of nearby homes, schools, and businesses, the sponsors should discuss potential mitigation approaches and the mitigation measures to which they will commit. Both technological and behavioral approaches to reducing operational emissions from locomotives, trucks, cargo handling equipment, support activities, etc., should be evaluated in the EA and considered for the project. For example, emissions during the operation of the facility may be reduced by using the lowest emitting engines in cargo handling equipment (i.e., tier 2 or 3), auxiliary power units, automatic shutdown/startup systems, electric or hybrid gantries, etc. Emissions can also be reduced by enforcing behavior changes through implementation of approaches such as anti-idling policies. An idle reduction strategy that has been effective is the implementation of assigned pickup/drop-off time slots. This has the effect of minimizing queuing of trucks waiting for those activities.</p> <p>Additionally, during construction and for the final project design, every effort should be made to avoid air quality impacts. Such measures could include a ban on open burning, minimizing dust and debris generated during construction, maintaining the maximum amount of trees feasible within the project right-of-way, installing the latest air pollution control devices on all construction</p>	<p>As noted in the July 8 EA, NSR has committed to reducing its emissions by using Tier 4-engines for the overhead lift cranes at the proposed facility. The equipment operating at the site will also be using ULSD fuel, to the extent that it is available, which (as noted) should be the case following EPA's June 2010 fuel standard schedule, which provide for reduced sulfur content.</p> <p>The operation of the facility, in and of itself, can be characterized as an "environmentally beneficial project" since it will result in net annual reductions of more than 186 million truck miles and more than 23.8 million gallons of diesel fuel used nationwide. These reductions are consistent with national energy and environmental policy goals for congestion mitigation, dependence on fossil fuels, and air pollutant emission reductions (including greenhouse gases as discussed in July 8 EA Section 3.7.5).</p> <p>The July 8 EA Section 3.18 Construction Air Quality discusses such measures as minimizing open burning, subject to local ordinances, minimizing fugitive dust through BMP such as wetting down the roads and utilizing new technologies to reduce air impacts. Through the individual construction permitting process, Best Management Practices (BMP) will be identified, implemented and maintained during construction. For example: Open burning (if required) would only be performed with the approval of the TDEC Division of Air Pollution Control. Fugitive dust emissions during construction would be minimized using appropriate BMP.</p> <p>The construction and operation of the proposed facility will actually decrease emissions of criteria pollutants and MSATs at the Memphis location through the shift of a portion of the domestic intermodal shipments to the new facility. The Forrest IMF is located in mid-town Memphis having a dense population with lower-income and large minority populations</p> <p>It is also noted that pursuant to EPA, MSATs are a local</p>

Agency	Date of Comment	Agency Comments	Responses
		<p>equipment (see EPA's Verified technologies List for diesel engines at http://www.epa.gov/otag/retrofit/verif-list.htm) using ultra low sulfur fuel exclusively, and restricting the time that engines may be allowed to idle. This is not an exhaustive listing, but a sample of approaches that could help reduce air quality impacts.</p> <p>On page 8, Table 1: Summary of Potential Impacts from Build Alternative 1, TOOT states that there will be minor increases in MSATs pollutants. EPA disagrees with this statement and is disappointed in the lack of MSAT analysis especially given that these type of intermodal facilities will increase the level of MSATs. Further, there is an absence of MSATs mitigation measures in the mitigation plan. Recent research by EPA and others suggests that air pollution impacts may be lower near roads with mature nearby vegetation. Planting sufficiently tall and thick vegetation can promote dispersion of air pollution and reduce concentrations downwind of the road. Research also suggests that depressed roadways with vertical or sloped walls can reduce pollution concentrations downwind. EPA recommends that TOOT adopt mitigation measures to lessen MSAT health effect impacts.</p>	<p>phenomenon with elevated concentrations of pollutants emitted from motor vehicles near large roadways generally occurring within approximately 650 feet of the road, and concentrations returning to background levels beyond this distance. There are no sensitive receptors within this radius of the facility (e.g., schools, nursing homes, day cares, etc.). There are only approximately 55 residences located within ½ mile of the project limits and 20 residences located within ½ mile of the Industrial Road.</p> <p>The July 8 EA Section 3.14 states that the 210 areas left undisturbed has existing vegetation, consisting mainly of grass and trees. The area outside of the facility footprint, to be disturbed during construction, would be re-vegetated with grasses, native flora, and evergreen trees. Per the environmental commitments made, NSR will construct earthen berms along portions of the eastern and western sides of the facility as well as along portions of the western side of the lead track. These items based on the research referenced by EPA could reduce the pollution concentrations downwind.</p>
EPA	10/14/10	<p>2. Floodplains: As previously stated in EPA's comment letter (dated August 20, 2010), EPA recommends that TOOT conduct a more thorough analysis of impacts to the floodplain hydrology and also adopt state and local floodplain ordinances. The mitigation plan makes no mention of mitigation measures to ensure that flooding doesn't occur downstream. EPA recommends that TOOT put practices in place to ensure downstream property owners are not flooded.</p>	<p>The following statement was added to the environmental commitments listed in the FONSI, under Floodplain: "For encroachment in Zones AE or A, a professional engineer would certify that these encroachments would not increase the water surface elevation of the base flood more than one foot at any point within the community. The proposed stormwater control system would provide storage to allow discharges to mimic predevelopment hydrology, minimize initial flows following rain events, and decrease resultant peak flows."</p> <p>The Jul 8 EA Section 3.12 states: consistent with local ordinances, the facility has been designed to ensure that pre- and post-hydrology, including stormwater discharge, will not change significantly due to the project. NSR has incorporated the</p>

Agency	Date of Comment	Agency Comments	Responses
			<p>construction and maintenance practices outlined in the local floodplain practices, to the extent practicable, and do not anticipate floodplain impacts. For this project, NSR has incorporated all construction and maintenance practices, aside from the permitting and approval requirements, in Fayette County’s floodplain management regulations.</p> <p>In accordance with EO 11988, the analysis of floodplain impacts includes provisions of the Clean Water Act, the National Flood Insurance Act, the Flood Disaster Protection Act, and other applicable provisions relating to floodplain impacts. NSR has obtained the appropriate zoning authorizations from Fayette County for this project; however, as noted in the EA Section 1, in recognition of the importance of rail transportation in interstate commerce, Congress has enacted legislation providing that federally regulated railroads operating in interstate commerce are not subject to otherwise applicable local and state laws.¹ In accordance with these and other similar federal laws, most state and local regulations are preempted by railroads in order to ensure barriers to interstate commerce are not created. This includes local planning, zoning and similar laws and ordinances. While NSR plans to voluntarily comply with such local criteria whenever possible, there may be instances where those criteria are incompatible with rail operations.</p> <p>The Jul 8 EA Section 3.12 contains information regarding potential effects of the site on flood plain hydrology such as percentage of the site within drainage area and the post-construction stormwater discharge rate, as well as information related to the proposed stormwater control system that would provide storage to allow discharges to mimic predevelopment hydrology, minimize initial flows following rain events and decrease resultant peak flows.</p> <p>The project was specifically designed to minimize and avoid impacts to floodplains, wetlands and other sensitive aquatic areas such as streams and the project received a provisional Clean Water Act Section 404 permit, which includes mitigation in accordance with EPA and Corps mitigation regulations. Impacts to floodplains are specifically included in the Corps permitting procedures and review. The Jul 8 EA Section 3.12 states: “For</p>

¹ See Interstate Commerce Commission Termination Act of 1995 ("ICCTA"), 49 U.S.C. § 10501 and the Federal Railway Safety Act of 1970 ("FRSA"), 49 U.S.C. § 20101 et seq.

Agency	Date of Comment	Agency Comments	Responses
			<p>encroachment in Zones AE or A, a professional engineer would certify that these encroachments would not increase the water surface elevation of the base flood more than one foot at any point within the community." As the design has progressed, a No Rise certification has been issued for the proposed project. Accordingly, floodplains impacts are minor, if any, and have been addressed by applicable permitting entities.</p>
EPA	10/14/10	<p>3. Groundwater: EPA Recommends the following as a Mitigation Action: Prior to construction, some type of monitoring well sampling should be investigated using current groundwater wells or newly installed groundwater wells around the proposed IMF. The City of Collierville is located to the Northwest of this proposed facility and currently uses Groundwater from eleven deep wells and the City of Rossville has a few shallow groundwater wells to the Northeast of the proposed Memphis Regional IMF. Regional Groundwater flow appears to be to the West and Northwest and shallow Groundwater flow appears to be to the North and Northwest toward the Wolf River. Additionally, some type of removal action was initiated by EPA Region 4 at the Rossville Metals facility located East of the proposed IMF during 1998, after some contaminants were found in the soil and groundwater from a facility that went out of business.</p> <p>Additionally, in a letter from the University of Memphis, Groundwater Institute (dated August 17, 2010), Dr. Anderson states,</p> <p>"The best approach to ensuring limited impact of the proposed Memphis Regional IMF on ground-water and surface-water resources is to establish a ground-water well network and surface-water gage at the facility prior to construction and monitor water levels (or discharge for surface water) and potential contaminants on a recurring basis (quarterly</p>	<p>TDEC is participating in the NEPA process as well as conducting the permitting process for the ARAP and individual construction permit (ICP) for the Memphis Regional IMF. The letter from the University of Memphis, Groundwater Institute (GWI) (dated August 17, 2010) was addressed to TDEC. The Notice of Determination, which TDEC will issue with the permits, considered the information provided by GWI. The draft ICP includes significant surface water monitoring.</p> <p>As discussed in additional detail in the Jul 8 EA Section 3.12.6 and Section 3.13, NSR has proposed construction techniques that would provide protection to the underground water sources during construction and operation of the facility.</p> <p>Water wells and potential impacts are addressed in Jul 8 EA Sections 3.12, and 3.18. The IMF will not affect area water wells or quality of drinking water. Residential water wells are present around the project site along Knox Road, Neville Road, and SR-57. As reported by TDEC Ground Water Management Section, these wells are relatively shallow on the order of 90-150' deep. Based on topographic relief in the area and on the planned elevation of the facility, the screened well intervals should be 80 to 150' below the planned IMF elevation.</p> <p>The Town of Rossville obtains its water from three groundwater wells ranging from 90-102' deep. The Town of Collierville's water supply is taken from eleven deep wells pumping from 350' and 600'. Piperton obtains its water from Collierville. Rossville and Collierville both have a Well-Head Protection Program and Well-Head Protection Plan. The maximum Wellhead Protection zone per TN Public Water Supply Rule (1200-5-1-.34) is 750', which does not extend into the footprint of the proposed IMF.</p> <p>Ross Metal, located at 100 North Rail Road Street in Rossville, was identified in the Phase I ESA and is discussed in the in the July 8 EA in Section 3.16: "From 1978 to 1992, Ross Metals</p>

Agency	Date of Comment	Agency Comments	Responses
		<p>should be sufficient) for several years. Although a ground-water monitoring network is not specifically required by Federal or Tennessee State laws, the GWI staff feels that this is a prudent measure to take regarding the protection of ground-water resources in the area. The GWI is willing to assist with the design of an appropriate monitoring network and implement a monitoring strategy."</p> <p>The current mitigation plan does not adopt any of Dr. Anderson's recommendations. There has been much public concern regarding the impacts of the IMF to the aquifer and EPA strongly recommends that TDOT adopt the Groundwater Institute's recommendation of installing a groundwater network and surface-water gage at the facility prior to construction. Further, EPA recommends that TDOT continue to collaborate with Groundwater Institute and TDEC prior to construction and during the design of the facility.</p>	<p>operated a secondary lead smelter at the site. It received spent lead acid batteries, lead oxide, scrap metal, and other lead waste and material. Blast furnace slag was managed on site in a landfill. Wastewater and runoff was collected in the northeast corner of the Ross Metals facility and discharged into a wetland area. The EPA conducted a removal option at the site. The Ross Metals property is not anticipated to have caused a recognized environmental condition on Build Alternative 1 site due to its distance away and the anticipated groundwater flow direction away from the Ross Metals site toward the Wolf River."</p>

4.0 NON-TESA PARTICIPATING AGENCY COMMENT SUMMARY

This section describes responses received from *Non-TESA Agencies* regarding the *TESA Concurrence Point #4 Package*.

Agency	Date of Comment	Agency Comments	Responses
MDOT	10/15/10	We do not have any major issues with the preferred alternative nor the mitigation plan.	Acknowledge comment.
MDOT	10/15/10	MDOT stands by the comments made in the April 23, 2010 letter to TDOT Commissioner Gerald Nicely requesting that the Environmental Assessment for the MRIMF include an interchange where the truck traffic from the MRIMF will enter US 72. Based on the information laid out in the letter, MDOT strongly believes that an interchange is warranted.	<p>In response to MDOT's concerns, additional analysis on traffic impacts in the vicinity of intersection of US Hwy 72 and Industrial Road was conducted and is included in the <i>Analysis of Projected Traffic and Impacts in the Vicinity of the Intersection of U.S. Highway 72 and Industrial Road</i>, provided to MDOT on May 10, 2010. To address MDOT's comments, the following assumptions were adopted, providing a highly conservative analysis of potential traffic impacts: (i) a 2.5% background traffic growth rate, despite existing actual reductions in US Hwy 72 traffic; (ii) classification of US Hwy 72 as a rural principal arterial, with design speed of 70 mph, anticipated at four-lanes in CY 2032; (iii) inclusion of all direct traffic to and from the Memphis Regional IMF on Industrial Road; and (iv) inclusion of all indirect induced traffic utilizing intersection of US Hwy 72 and Industrial Road, despite economic analyses which found indirect development would occur within a 50 mile radius.</p> <p>Signal warrant analysis and interchange and grade separation warrant analysis were included in the revised traffic analysis, in response to MDOT's proposal for a grade-separated interchange at the intersection of US Hwy 72 and Industrial Road. In addition, the Environmental Assessment for the Memphis Regional IMF was substantially revised to incorporate the additional traffic analyses performed, address MDOT's comments, and assess potential direct, indirect and cumulative traffic impacts associated with the Memphis Regional IMF.</p> <p>Based on the revised traffic analysis, for Industrial Road to service the Memphis Regional IMF, a T-intersection is required at US Hwy 72. In CY 2032, the recommended intersection configuration includes a traffic signal, acceleration and deceleration lanes, and dual left turn lanes on the eastbound and southbound approaches. Even when including the highly conservative</p>

Agency	Date of Comment	Agency Comments	Responses
			<p>assumptions described above, a grade-separated interchange is not warranted and LOS C would prevail through CY 2032.</p> <p>MDOT raised several concerns relating to the proposed developments of Mr. William Adair. It is worth noting that the projects referenced by Mr. Adair would be constructed by Mr. Adair with non-Federal funds and an independent schedule, and are not included as part of the Memphis Regional IMF. Moreover, as noted by MDOT, funding for the proposed intersection has been obtained through the Mississippi Legislature, local partners and MDOT, further removing the intersection from the scope of the Memphis Regional IMF NEPA process. Given the separate funding, construction schedule and basis for MDOT's proposed grade separated interchange, inclusion in the Memphis Regional IMF NEPA process is not appropriate, and, as evidence by the revised traffic analysis, such grade separated interchange is not warranted by the potential impacts of the Memphis Regional IMF.</p>



DEPARTMENT OF THE ARMY
MEMPHIS DISTRICT, CORPS OF ENGINEERS
167 NORTH MAIN STREET B-202
MEMPHIS, TENNESSEE 38103-1894

October 14, 2010

REPLY TO

Operations Division
Regulatory Branch

Mr. Tom Love
TDOT Environmental Division
Suite 900
James K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243-0334

Dear Mr. Love:

This is in response to your Combined TESA Concurrence Point #4, Environmental Assessment for Memphis Regional Intermodal Facility near Rossville, Fayette County, Tennessee received in a letter September 25, 2010.

As you requested, this information was reviewed by our office. Based on our review, our office acknowledges that the information provided in the *Preferred Alternative and Preliminary Mitigation* is adequate. Therefore, our office acknowledges concurrence with the submitted information.

If you have questions, please contact Mitch Elcan at (901) 544-0337 and refer to File No. MVM-2009-234.

Sincerely,

A handwritten signature in black ink that reads "Tim H. Flinn".

Tim H Flinn, P.E.
Eastern Section Chief
Regulatory Branch

**Tennessee Environmental Streamlining Agreement (TESA)
TESA Concurrence Point #4
Memphis Regional Intermodal Facility near Rossville, Fayette County, Tennessee**

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Assessment (EA) for the Memphis Regional Intermodal Facility (Memphis Regional IMF) near Rossville, Fayette County, Tennessee. This EA is being developed by TDOT to document the impacts of the subjected project in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement (TESA)*. In accordance with TESA, we are requesting your review and concurrence on the *Concurrence Point #4, Preferred Alternative and Preliminary Mitigation*.

The *Preferred Alternative and Preliminary Mitigation* was sent to you on September 24, 2010, for a 21-day review period. [The review period has been shortened from 45-days due to the timing required by the ARRA funding.] Once you have had the opportunity to review the above-referenced document, please sign the attached form. In signing this document, you are indicating your concurrence on the purpose and need and actions and alternative in the environmental document.

Please sign and return this form to Tom Love electronically (Tom.Love@tn.gov) or at the address below by October 15, 2010.

Mr. Tom Love
TDOT Environmental Division
Suite 900
James k Polk Building
505 Deaderick Street
Nashville, TN 37243-0334

If you feel all provisions of the *TESA Concurrence Point #4* have been satisfied, please acknowledge concurrence with the *Preferred Alternative and Preliminary Mitigation*.

AGENCY: COE

CONCURRENCE: 

DATE: 10/14/10

**Tennessee Environmental Streamlining Agreement (TESA)
TESA Concurrence Point #4
Memphis Regional Intermodal Facility near Rossville, Fayette County, Tennessee**

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Assessment (EA) for the Memphis Regional Intermodal Facility (Memphis Regional IMF) near Rossville, Fayette County, Tennessee. This EA is being developed by TDOT to document the impacts of the subjected project in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement (TESA)*. In accordance with TESA, we are requesting your review and concurrence on the *Concurrence Point #4, Preferred Alternative and Preliminary Mitigation*.

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Please sign and return this form to Tom Love electronically (Tom.Love@tn.gov) or at the address below by October 15, 2010.

Mr. Tom Love
TDOT Environmental Division
Suite 900
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If you feel all provisions of the *TESA Concurrence Point #4* have been satisfied, please acknowledge concurrence with the *Preferred Alternative and Preliminary Mitigation*.

AGENCY: U.S. Environmental Protection Agency

CONCURRENCE: Jamie Higgins

DATE: 10-14-10

* Advisory Comments Attached

Concurrence Point 4, *Environmental Assessment, Memphis Regional Intermodal Facility, Rossville, Fayette County, Tennessee*

U.S. Environmental Protection Agency—Advisory Comments

NEPA Office Comments:

1. Mobile Source Air Toxics (MSATs):

a. Analysis for Potential Air Toxics Impacts

The EA and Air Quality Technical Report recognize the potential for local impacts from air toxics, but do not attempt to quantify the concentrations or potential impacts. The EA states (p 3-50),

The additional freight activity contemplated as part of the project alternatives would have the effect of increasing diesel emissions in the vicinity of nearby homes, schools, and businesses; therefore, under each alternative there may be localized areas where ambient concentrations of MSAT would be higher than under the No Build alternative.

The EA states,

Therefore, although the project would cause a minor localized increase in the emissions of criteria air pollutants and MSATs, it is expected to have no adverse impacts on air quality in the area.

This statement is not supported adequately by analysis in the EA and the Air Quality Technical Report. Using the guidance from the September 30, 2009 FHWA Interim Guidance Update on Mobile Source Air Toxics Analysis in NEPA Documents, the MRIMF seems to qualify as a Level 3 project, requiring a quantitative analysis of MSATs.

Level 3 - Projects with Higher Potential MSAT Effects – these include projects that “create or significantly alter a major intermodal freight facility that has the potential to concentrate high levels of diesel particulate matter in a single location...” and are “Proposed to be located in proximity to populated areas.”

The MRIMF would be an intermodal freight facility. It is proposed to be located in a populated area. People live in the vicinity. Hence a Level 3 analysis, according to FHWA guidelines, seems appropriate.

b. Discussion of Potential Mitigation Measures

Given that the EA recognizes that the project will increase diesel emissions in the vicinity of nearby homes, schools, and businesses, the sponsors should discuss potential mitigation approaches and the mitigation measures to which they will commit. Both technological and behavioral approaches to reducing operational emissions from locomotives, trucks, cargo handling equipment, support activities, etc., should be evaluated in the EA and considered for the project. For example, emissions during the

operation of the facility may be reduced by using the lowest emitting engines in cargo handling equipment (i.e., tier 2 or 3), auxiliary power units, automatic shutdown/startup systems, electric or hybrid gantries, etc. Emissions can also be reduced by enforcing behavior changes through implementation of approaches such as anti-idling policies. An idle reduction strategy that has been effective is the implementation of assigned pick-up/drop-off time slots. This has the effect of minimizing queuing of trucks waiting for those activities.

Additionally, during construction and for the final project design, every effort should be made to avoid air quality impacts. Such measures could include a ban on open burning, minimizing dust and debris generated during construction, maintaining the maximum amount of trees feasible within the project right-of-way, installing the latest air pollution control devices on all construction equipment (see EPA's Verified Technologies List for diesel engines at <http://www.epa.gov/otaq/retrofit/verif-list.htm>), using ultra low sulfur fuel exclusively, and restricting the time that engines may be allowed to idle. This is not an exhaustive listing, but a sample of approaches that could help reduce air quality impacts.

On page 8, Table 1: Summary of Potential Impacts from Build Alternative 1, TDOT states that there will be minor increases in MSATs pollutants. EPA disagrees with this statement and is disappointed in the lack of MSAT analysis especially given that these type of intermodal facilities will increase the level of MSATs. Further, there is an absence of MSATs mitigation measures in the mitigation plan. Recent research by EPA and others suggests that air pollution impacts may be lower near roads with mature nearby vegetation. Planting sufficiently tall and thick vegetation can promote dispersion of air pollution and reduce concentrations downwind of the road. Research also suggests that depressed roadways with vertical or sloped walls can reduce pollution concentrations downwind. EPA recommends that TDOT adopt mitigation measures to lessen MSAT health effect impacts.

2. Floodplains: As previously stated in EPA's comment letter (dated August 20, 2010), EPA recommends that TDOT conduct a more thorough analysis of impacts to the floodplain hydrology and also adopt state and local floodplain ordinances. The mitigation plan makes no mention of mitigation measures to ensure that flooding doesn't occur downstream. EPA recommends that TDOT put practices in place to ensure downstream property owners are not flooded.

3. Groundwater: EPA Recommends the following as a Mitigation Action: Prior to construction, some type of monitoring well sampling should be investigated using current groundwater wells or newly installed groundwater wells around the proposed IMF. The City of Collierville is located to the Northwest of this proposed facility and currently uses Groundwater from eleven deep wells and the City of Rossville has a few shallow groundwater wells to the Northeast of the proposed Memphis Regional IMF. Regional Groundwater flow appears to be to the West and Northwest and shallow Groundwater flow appears to be to the North and Northwest toward the Wolf River. Additionally, some type of removal action was initiated by EPA Region 4 at the Rossville Metals

facility located East of the proposed IMF during 1998, after some contaminants were found in the soil and groundwater from a facility that went out of business.

Additionally, in a letter from the University of Memphis, Groundwater Institute (dated August 17, 2010), Dr. Anderson states,

“The best approach to ensuring limited impact of the proposed Memphis Regional IMF on ground-water and surface-water resources is to establish a ground-water well network and surface-water gage at the facility prior to construction and monitor water levels (or discharge for surface water) and potential contaminants on a recurring basis (quarterly should be sufficient) for several years. Although a ground-water monitoring network is not specifically required by Federal or Tennessee State laws, the GWI staff feels that this is a prudent measure to take regarding the protection of ground-water resources in the area. The GWI is willing to assist with the design of an appropriate monitoring network and implement a monitoring strategy.”

The current mitigation plan does not adopt any of Dr. Anderson’s recommendations. There has been much public concern regarding the impacts of the IMF to the aquifer and EPA strongly recommends that TDOT adopt the Groundwater Institute’s recommendation of installing a groundwater network and surface-water gage at the facility prior to construction. Further, EPA recommends that TDOT continue to collaborate with Groundwater Institute and TDEC prior to construction and during the design of the facility.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
446 Neal Street
Cookeville, TN 38501

October 6, 2010

Mr. Tom Love
Tennessee Department of Transportation
Environmental Planning and Permits Division
Suite 900, James K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243-0334

Subject: Concurrence Point 4. Proposal to develop the Memphis Regional Intermodal Facility near Rossville, Fayette County, Tennessee. (Re: FWS# 10-CPA-0825).

Dear Mr. Love:

The Tennessee Department of Transportation (TDOT), in cooperation with the Federal Highway Administration (FHWA), has prepared an Environmental Assessment (EA) for the proposed construction of the Memphis Regional Intermodal Facility (MRIMF) in Fayette County, Tennessee. The purpose of the project is to meet current and future demand for intermodal transportation in the Memphis region. The facility is proposed to serve future transportation needs and reduce congestion, provide for improved safety, and contribute to economic growth. TDOT has requested that the U.S. Fish and Wildlife Service (Service) review and provide concurrence (or nonconcurrence) on Concurrence Point 4, *Preferred Alternative and Preliminary Mitigation Package*.

Concurrence Point 4 considered two alternatives under the NEPA process, the No-Build Alternative and one Build Alternative. The No-Build Alternative would continue to use the existing Forrest Intermodal Facility in Memphis. It was determined that the No-Build Alternative would not meet the demand for additional intermodal capacity in the Memphis area and thus, would not meet the purpose and need as documented in the approved NEPA Environmental Assessment. The Build Alternative was selected as the preferred alternative.

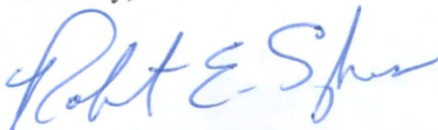
In a March 4, 2010 response to the Tennessee Department of Environment and Conservation's (TDEC) Public Notice NRS 10.013, our office expressed concern that the total stream impacts and mitigation proposals differed substantially between documents. In the *Draft Environmental Assessment Package* (Concurrence Point 3) as well as in this *Preferred Alternative and Preliminary Mitigation Package* (Concurrence Point 4), Table 1 summarizes potential impacts to streams as totaling 5,352 linear feet. Norfolk Southern Railway Company (NSRC) offered to mitigate for 3,946 linear feet of stream impacts in the Corps of Engineers Public Notice MVM 2009-234 and for 4,738

linear feet of stream in TDEC's Public Notice NRS 10.013. While we realize that a high estimate is likely provided in the NEPA documents (concurrence points 3 and 4) to ensure that consideration is given to all potential stream impacts, the stream mitigation proposals provided in the applications for water quality certifications were arbitrary and the applications, themselves, premature due to time constraints to meet requirements for TIGER funding. We recommend that NSRC be required to reapply for water quality certifications with adequate mitigation proposals once actual stream impacts are determined.

We believe that the provisions of TESA Concurrence Point 4 have been satisfied, and we concur with the *Preferred Alternative and Preliminary Mitigation Package*. Also, a review of our endangered species collection records does not indicate that federally listed or proposed endangered or threatened species occur within the present study area at this time. We note, however, that collection records available to the Service may not be all-inclusive. The signed TESA Concurrence Point 3 for this project is attached. Based on the best information available at this time, we believe that the requirements of section 7 of the Endangered Species Act of 1973, as amended, are fulfilled for this species. Obligations under section 7 of the Act must be reconsidered if (1) new information reveals impacts of the proposed action that may affect listed species or critical habitat in a manner not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the proposed action. The signed TESA Concurrence Point 4 for this project is attached.

Thank you for the opportunity to participate in this process. If you have any questions regarding our comments, please contact John Griffith of my staff at 931/528-6481 (ext. 228) or by email at john_griffith@fws.gov.

Sincerely,


Mary E. Jennings
Field Supervisor

Enclosure

**Tennessee Environmental Streamlining Agreement (TESA)
TESA Concurrence Point #4
Memphis Regional Intermodal Facility near Rossville, Fayette County, Tennessee**

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Assessment (EA) for the Memphis Regional Intermodal Facility (Memphis Regional IMF) near Rossville, Fayette County, Tennessee. This EA is being developed by TDOT to document the impacts of the subjected project in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement (TESA)*. In accordance with TESA, we are requesting your review and concurrence on the *Concurrence Point #4, Preferred Alternative and Preliminary Mitigation*.

The *Preferred Alternative and Preliminary Mitigation* was sent to you on September 24, 2010, for a 21-day review period. [The review period has been shortened from 45-days due to the timing required by the ARRA funding.] Once you have had the opportunity to review the above-referenced document, please sign the attached form. In signing this document, you are indicating your concurrence on the purpose and need and actions and alternative in the environmental document.

Please sign and return this form to Tom Love electronically (Tom.Love@tn.gov) or at the address below by October 15, 2010.

Mr. Tom Love
TDOT Environmental Division
Suite 900
James k Polk Building
505 Deaderick Street
Nashville, TN 37243-0334

If you feel all provisions of the *TESA Concurrence Point #4* have been satisfied, please acknowledge concurrence with the *Preferred Alternative and Preliminary Mitigation*.

AGENCY: U.S. FISH AND WILDLIFE SERVICE

CONCURRENCE: 

DATE: 10/6/10

**Tennessee Environmental Streamlining Agreement (TESA)
TESA Concurrence Point #4
Memphis Regional Intermodal Facility near Rossville, Fayette County, Tennessee**

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Assessment (EA) for the Memphis Regional Intermodal Facility (Memphis Regional IMF) near Rossville, Fayette County, Tennessee. This EA is being developed by TDOT to document the impacts of the subjected project in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement (TESA)*. In accordance with TESA, we are requesting your review and concurrence on the *Concurrence Point #4, Preferred Alternative and Preliminary Mitigation*.

The *Preferred Alternative and Preliminary Mitigation* was sent to you on September 24, 2010, for a 21-day review period. [The review period has been shortened from 45-days due to the timing required by the ARRA funding.] Once you have had the opportunity to review the above-referenced document, please sign the attached form. In signing this document, you are indicating your concurrence on the purpose and need and actions and alternative in the environmental document.

Please sign and return this form to Tom Love electronically (Tom.Love@tn.gov) or at the address below by October 15, 2010.

Mr. Tom Love
TDOT Environmental Division
Suite 900
James k Polk Building
505 Deaderick Street
Nashville, TN 37243-0334

If you feel all provisions of the *TESA Concurrence Point #4* have been satisfied, please acknowledge concurrence with the *Preferred Alternative and Preliminary Mitigation*.

AGENCY: TENNESSEE WILDLIFE RESOURCES AGENCY

CONCURRENCE: Robert Jodd

DATE: 10-4-2010

**Tennessee Environmental Streamlining Agreement (TESA)
TESA Concurrence Point #4
Memphis Regional Intermodal Facility near Rossville, Fayette County, Tennessee**

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Assessment (EA) for the Memphis Regional Intermodal Facility (Memphis Regional IMF) near Rossville, Fayette County, Tennessee. This EA is being developed by TDOT to document the impacts of the subjected project in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement (TESA)*. In accordance with TESA, we are requesting your review and concurrence on the *Concurrence Point #4, Preferred Alternative and Preliminary Mitigation*.

The *Preferred Alternative and Preliminary Mitigation* was sent to you on September 24, 2010, for a 21-day review period. [The review period has been shortened from 45-days due to the timing required by the ARRA funding.] Once you have had the opportunity to review the above-referenced document, please sign the attached form. In signing this document, you are indicating your concurrence on the purpose and need and actions and alternative in the environmental document.

Please sign and return this form to Tom Love electronically (Tom.Love@tn.gov) or at the address below by October 15, 2010.

Mr. Tom Love
TDOT Environmental Division
Suite 900
James k Polk Building
505 Deaderick Street
Nashville, TN 37243-0334

If you feel all provisions of the *TESA Concurrence Point #4* have been satisfied, please acknowledge concurrence with the Preferred Alternative and *Preliminary Mitigation*.

AGENCY: TDEC / WPC

CONCURRENCE: Preferred Alt. without comment

DATE: B. K. C. / 10.15.10

**Tennessee Environmental Streamlining Agreement (TESA)
TESA Concurrence Point #4**

Memphis Regional Intermodal Facility near Rossville, Fayette County, Tennessee

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Assessment (EA) for the Memphis Regional Intermodal Facility (Memphis Regional IMF) near Rossville, Fayette County, Tennessee. This EA is being developed by TDOT to document the impacts of the subjected project in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement (TESA)*. In accordance with TESA, we are requesting your review and concurrence on the *Concurrence Point #4, Preferred Alternative and Preliminary Mitigation*.

The *Preferred Alternative and Preliminary Mitigation* was sent to you on September 24, 2010, for a 21-day review period. [The review period has been shortened from 45-days due to the timing required by the ARRA funding.] Once you have had the opportunity to review the above-referenced document, please sign the attached form. In signing this document, you are indicating your concurrence on the purpose and need and actions and alternative in the environmental document.

Please sign and return this form to Tom Love electronically (Tom.Love@tn.gov) or at the address below by October 15, 2010.

Mr. Tom Love
TDOT Environmental Division
Suite 900
James k Polk Building
505 Deaderick Street
Nashville, TN 37243-0334

If you feel all provisions of the *TESA Concurrence Point #4* have been satisfied, please acknowledge concurrence with the *Preferred Alternative and Preliminary Mitigation*.

AGENCY: Tennessee Valley Authority

CONCURRENCE: Kenneth P. P.

DATE: 10/13/10

From: Johnson, Adam [ajohnson@mdot.state.ms.us]
Sent: Friday, October 15, 2010 11:32 PM
To: Hagerty, Robin L; 'Tom Love'
Cc: Thurman, Kim; Allen, Richard
Subject: RE: Memphis Regional IMF - Draft Preferred Alternative and Preliminary Mitigation

Categories: NSR MRIMF

Robin, Tom,

We do not have any major issues with the preferred alternative nor the mitigation plan. However we still stand by the comments made in the April 23, 2010 letter to TDOT Commissioner Gerald Nicely requesting that the Environmental Assessment for the MRIMF include an interchange where the truck traffic from the MRIMF will enter US 72. Based on the information laid out in the letter, MDOT strongly believes that an interchange is warranted.

We appreciate the chance to comment. Thank you for taking our comments into consideration.

Adam Johnson
Location Engineer
Environmental Division
Mississippi Department of Transportation
Phone: (601) 359-7875
Cell: (769) 798-3677

From: Hagerty, Robin L [mailto:robin.hagerty@amec.com]
Sent: Friday, September 24, 2010 4:24 PM
To: Johnson, Adam
Cc: Tom Love
Subject: Memphis Regional IMF - Draft Preferred Alternative and Preliminary Mitigation

Adam,

Attached is an electronic version of the Preferred Alternative and Preliminary Mitigation for the Memphis Regional IMF.

Please provide any comments by October 15, 2010.

The Transcript from the Public Hearing on August 2, 2010 is available on the project ftp site.

Please let me or Tom Love know if you have any questions or concerns or need a hard copy of the document(s).

Instructions to access the site:

ftp://MRIMF:2010MRIMF@amftp.amec.com

To open the FTP site

- Click on the following link, or
- Highlight and copy the link, launch Internet Explorer, paste the link into the Address box and click

Go or press Enter

- The site should open automatically for you

Note: If your computer is using Internet Explorer 7, clicking the following link or using internet Explorer as above may not work. If this is the case, please see the section below 'Use My Computer'

Use My Computer

- Copy the above link
- Right-click on the My Computer icon on your desktop
- Select and click Explore
- Paste the link into the Address box and click Go or press Enter

FTP site - amftp.amec.com

Username - MRIMF

Password - 2010MRIMF

Thanks, Robin

Robin L. Hagerty, PE, CPESC®

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Finding of No Significant Impact

Appendix D – Agency Comments to July 8 EA

Table 3 lists the comments provide by EPA on August 20, 2010 and the responses to the comments.

Table 3: EPA's Comments to July 8 EA / Responses

1. NEPA Level of Analysis: As stated in previous advisory comments (Concurrence Point 1, 2 & 3, dated October 23, 2009), EPA remains concerned regarding the level of analysis of the NEPA document. Given the mounting public opposition (reference public comments) to this project and the likelihood of impacts to the groundwater, floodplain, wetlands, and air quality, TDOT/FRA should thoughtfully consider the significance of environmental and socioeconomic impacts related to this project. The scope and size of the proposed project should be commensurate with the level of NEPA analysis.

We disagree that there is mounting public opposition to the project. Based upon public meetings and the amount and nature of public comment, public opposition has actually diminished. Approximately 58 citizens attended the Public Meeting held on October 22, 2009. Twenty-seven individuals provided comments to the project including 4 in support of the project... During the Public Hearing held August 2, 2010, approximately 91 citizens attended. Thirty-four citizens or groups provided comments to the project, including 7 citizens or groups providing comments in support of the project. TDOT is pleased that there has been substantial public participation in the project. TDOT and FRA have and will continue to thoroughly consider the potential impacts to the environment from the proposed project.

TDOT agrees that the level of analysis should be commensurate with the level of impact and here the Environmental Assessment (EA) level of analysis is appropriate. Based upon TDOT's preliminary assessment of impact, applying criteria from the Council on Environmental Quality (CEQ), EPA, FHWA and FRA regulations and guidance and including recent environmental assessment documents prepared by these federal agencies as well as applicable legal criteria, TDOT and FHWA have determined an EA is the appropriate documentation for the Memphis Regional IMF. The analysis contained in Section 3 of the July 8, 2010 EA clearly demonstrates that the project will not have significant effects and complies with all applicable EPA requirements. In determining that an EA is appropriate, the agencies conducted a direct, indirect, and cumulative impact analysis in accordance with regulations and guidance to ensure a hard look at project impacts was included. We note also that development of an EA for this project is not only consistent with regulations, guidance, and case law, but is consistent with NEPA documentation level applied to other project of similar scope and impact nationally and within this region. In accordance with the Executive Branch guidance with respect to projects under the American Recovery and Reinvestment Act (ARRA), full NEPA analysis and provisions were applied. The assessment is based upon substantial governmental and public review and comment. As noted below, a conclusion that there is significant impact cannot be supported, and several mitigation measures have been proposed for the impacts identified the EA. Accordingly, an EIS is not required or appropriate.

TDOT has previously provided the below response to a substantially similar comment in EPA's March 24, 2010 Comments in the Summary of Concurrence Point #3 at page 9:

TDOT and FHWA determined that an Environmental Assessment (EA) is the appropriate NEPA document based upon a preliminary assessment of impact. The Draft EA Section 3 provides a robust analysis of environmental and socioeconomic impacts. This analysis indicates that the project will comply with all EPA requirements protecting water, air, and other environmental resources. A thorough direct, indirect, and cumulative impact analysis in accordance with EPA, FHWA, FRA, CEQ, and other NEPA guidance has been performed, and a comprehensive mitigation package

Table 3: EPA's Comments to July 8 EA / Responses

addressing the proposed impacts, has been developed. Federal and TDOT public input procedures have been followed by providing for various public meetings and meetings with agencies and other groups, as well as review of and response to all agency and public comments.

If, following the analysis and comment on the EA, a decision is made that the impacts of the proposed project are not significant then a "Finding of No Significant Impact", or FONSI, will be prepared. This decision will take into account not only environmental factors but also economic considerations and other factors. If additional studies or information is required to make a decision then the lead agency may require additional activities be followed through an Environmental Impact Statement or EIS.

In addition, in response to comments during the Public Hearing comment period, TDOT has further clarified in Concurrence Point #4 on page 38 that:

In the NEPA process, a review moves from an EA into an EIS if the analysis determines there is a significant environmental impact which cannot be mitigated.

For this EA, the following technical studies were completed: Phase I Environmental Site Assessment, Traffic Impact Study, Phase I Archeological Survey, Architectural Historic Survey, Ecology Report, Noise Report, Geotechnical Investigation, Air Quality Technical Report, and Analysis of Projected Traffic and Impacts in the Vicinity of the Intersection of U.S. Highway 72 and Industrial Road. Based on the analysis, there were no significant impacts which could not be mitigated.

2. Areas of Controversy and Unresolved Issues: On page iv, TDOT states, "There are no major areas of controversy or any substantial unresolved issues related to the proposed Memphis Regional IMF project." EPA disagrees with this assertion due to the public's concerns regarding the possible impacts of this project as well as concerns outlined in the Town of Collierville's October 29, 2009 letter and numerous negative comments from the public during the October 22, 2009 public meeting. EPA recommends that TDOT recognize and address the public's and Town of Collierville's concerns within this section.

It appears that this comment is based on the previous version of the EA. The July 8, 2010 EA included revisions to address a substantially similar comment in EPA's March 24, 2010 Comments. Page iv of the July 8, 2010 EA includes the following revised language:

There are no major areas of controversy or any substantial unresolved issues related to the proposed Memphis Regional IMF project. The public and agencies have provided comments on several issues including impacts to air, water, and land resources, and impacts on traffic and noise, including cumulative impacts. The EA includes in-depth discussion to address these concerns.

TDOT recognized and addressed the public's and Collierville's concerns throughout the July 8, 2010 signed EA. In addition, a meeting was held with the Town of Collierville on March 17, 2010 and both the Town of Collierville and the public comments were addressed in Concurrence Point #3. As noted below, public opposition has decreased as the studies and information regarding impacts has been developed and disseminated to the public and governmental agencies. The nature of the issues raised in recent public meetings and level of comment indicate lessening concern regarding this project.

TDOT has previously provided the below response to a substantially similar comment in EPA's March 24, 2010 Comments in the Summary of Concurrence Point #3 at page 10:

As part of the TESA process, the agency comments were addressed. There is public concern about protection of the Memphis Sand aquifer which outcrops in Fayette County and the additional

Table 3: EPA’s Comments to July 8 EA / Responses

traffic that will be placed on US Hwy 72. These issues are adequately addressed in various sections of the Draft EA in Chapter 3. As part of addressing comments additional discussion was added to the Executive Summary on page iv to mention the public and agency concerns.

3. Hydrological Impacts: TDOT/NSR estimates that land impacts would include 76 acres for the lead tracks; 232 acres for concrete pavement, which would be placed over the re-charge area for the Memphis Sands Aquifer. 3-8 acres of wetlands would be impacted as well as 5,000 linear feet of stream. Also, the project footprint would cover at least 1 acre of floodplains. The scale and scope of the proposed project is not commensurate with the hydrological studies within the EA. Clearly, the entire hydrologic regime of this area will be impacted. These impacts could exacerbate flooding, affect groundwater re-charge and impact private wells. The current analysis lacks sufficient hydrologic studies to predict possible impacts to the hydrology of the local community and natural habitat. EPA recommends that TDOT/NSR conduct a more comprehensive hydrological study of the effects of this project on the hydrological regime of the local area.

The July 8, 2010 EA analyzes hydrologic impacts, impacts to floodplains, wetlands, and the Memphis Sand Aquifer. As stated in Table 3-23, with respect to floodplains, “Zone A – 32 acres within project boundary; less than 1 acre of impact to be minimized in design. Zone AE – 4 acres within project boundary; 0 acre of impact.” The project was specifically designed to minimize and avoid impacts to floodplains, wetlands and other sensitive aquatic areas such as streams and as EPA is aware the project has received a provisional Clean Water Act Section 404 permit, which includes mitigation in accordance with EPA and Corps mitigation regulations. Impacts to floodplains are specifically included in the Corps permitting procedures and review. Section 3.12 of the July 8, 2010 EA states: “For encroachment in Zones AE or A, a professional engineer would certify that these encroachments would not increase the water surface elevation of the base flood more than one foot at any point within the community.” As the design has progressed, a No Rise certification has been issued for the proposed project. Accordingly, floodplains impacts are minor, if any, and have been addressed by applicable permitting entities.

In addition, in response to comments during the Public Hearing comment period, TDOT has further clarified in Concurrence Point #4 at page 28 that:

Water wells and potential impacts are addressed in EA Sections 3.12, and 3.18. The IMF will not affect area water wells or quality of drinking water. Residential water wells are present around the project site along Knox Road, Neville Road, and SR-57. As reported by TDEC Ground Water Management Section, these wells are relatively shallow on the order of 90-150’ deep. Based on topographic relief in the area and on the planned elevation of the facility, the screened well intervals should be 80 to 150’ below the planned IMF elevation.

The Town of Rossville obtains its water from three groundwater wells ranging from 90-102’ deep. The Town of Collierville’s water supply is taken from eleven deep wells pumping from 350’ and 600’. Piperton obtains its water from Collierville. Rossville and Collierville both have a Well-Head Protection Program and Well-Head Protection Plan. The maximum Wellhead Protection zone per TN Public Water Supply Rule (1200-5-1-.34) is 750’, which does not extend into the footprint of the proposed IMF.

As discussed in additional detail in Section 3.12.6 and Section 3.13, NSR has proposed construction techniques that would provide protection to the underground water sources during construction and operation of the facility. Federal hazardous materials transportation laws and regulations limit freight that can and cannot be shipped through intermodal service. As discussed in additional detail in Section 3.16,

Table 3: EPA’s Comments to July 8 EA / Responses

<p><i>NSR has an extensive site specific spill prevention program and its record of intermodal shipment spills demonstrate that such spills are extremely rare and typically involve very small quantities.</i></p>
<p>4. Flood Plain Impacts, a. Direct Impacts</p> <p>1. On page 3-70, 3.12.5 Floodplain Impacts TDOT states that the, "NSR sited the facility outside of the Wolf River floodplain ... ". Although the facility might not be in the floodplain, how will the storm water discharge affect the hydrology of the flood plain?</p> <p><i>It appears that this comment is based on the previous version of the EA. The language referenced above is now part of 3.12.5 and included on page 3-99. The July 8, 2010 EA included revisions to address the identical comment in EPA’s March 24, 2010 Comments, as well as other comments received from agencies and the public. Sections 3.12.5 and 3.12.7 were revised to incorporate additional information regarding potential effects of the site on flood plain hydrology such as the percentage of the site within drainage area and the post-construction stormwater discharge rate, as well as information related to the proposed stormwater control system that would provide storage to allow discharges to mimic predevelopment hydrology, minimize initial flows following rain events and decrease resultant peak flows.</i></p> <p><i>TDOT has previously provided the below response to an identical comment in EPA’s March 24, 2010 Comments in the Summary of Concurrence Point #3 at page 11: ¹³</i></p> <p><i>In the Draft EA Section 3.12.7 Stormwater Impacts, additional information was added to clarify the potential effect of the site on flood plain hydrology including percentage of site within drainage area and post-construction stormwater discharge rate starting on page 3-109.</i></p>
<p>#4. Flood Plain Impacts, a. Direct Impacts</p> <p>2. Also, on page 3-71, TDOT states, "NSR will voluntarily comply with Fayette County floodplain management regulations and EO 11988, as long as such regulations and the EO do not prove to unduly burdensome or unreasonably interfere with timely construction." TDOT is implying that NSR might not comply with local and applicable flood plain management laws. During the recent floods in metro Atlanta, the NSR Austell Georgia facility has been harshly criticized by the public and local government for possibly contributing to the flooding of local homes. Given the large impervious surface footprint of this facility and recent controversy associated the NSR Austell, Georgia facility, EPA recommends that NSR and TDOT fully comply with all applicable (state and local) flood plain regulations.</p> <p><i>It appears that this comment is based on the previous version of the EA. The July 8, 2010 EA included revisions to address the identical comment in EPA’s March 24, 2010 Comments. Page 3-100 of the July 8, 2010 EA includes the following revised language:</i></p> <p><i>In accordance with EO 11988, the analysis of floodplain impacts includes provisions of the Clean Water Act, the National Flood Insurance Act, the Flood Disaster Protection Act, and other applicable provisions relating to floodplain impacts. For this project, NSR would adopt all construction and maintenance practices in Fayette County’s floodplain management regulations and obtain the appropriate zoning authorizations</i></p>

¹³ Please note that for ease of review, we have updated the references in the excerpts from the Summary of Concurrence Point #3 to reflect the excerpts current location in the July 8, 2010 EA.

Table 3: EPA’s Comments to July 8 EA / Responses

from Fayette County for this project. While NSR plans to voluntarily comply with such local criteria whenever possible, there may be instances where those criteria are incompatible with rail operations.¹⁴

TDOT has previously provided the below response to an identical comment in EPA’s March 24, 2010 Comments in the Summary of Concurrence Point #3 at pages 11-12:

Consistent with local ordinances, the facility has been designed to ensure that pre- and post-hydrology, including stormwater discharge, will not change significantly due to the project. NSR has incorporated the construction and maintenance practices outlined in the local floodplain practices, to the extent practicable, and do not anticipate floodplain impacts. For this project, NSR has incorporated all construction and maintenance practices, aside from the permitting and approval requirements, in Fayette County’s floodplain management regulations.

In accordance with EO 11988, the analysis of floodplain impacts includes provisions of the Clean Water Act, the National Flood Insurance Act, the Flood Disaster Protection Act, and other applicable provisions relating to floodplain impacts. NSR has obtained the appropriate zoning authorizations from Fayette County for this project; however, as noted in Section 1 of the Draft EA, in recognition of the importance of rail transportation in interstate commerce, Congress has enacted legislation providing that federally regulated railroads operating in interstate commerce are not subject to otherwise applicable local and state laws.¹⁵ In accordance with these and other similar federal laws, most state and local regulations are preempted by railroads in order to ensure barriers to interstate commerce are not created. This includes local planning, zoning and similar laws and ordinances. While NSR plans to voluntarily comply with such local criteria whenever possible, there may be instances where those criteria are incompatible with rail operations.

The recent flooding in metro Atlanta was part of a 500-year flood event. Interstate 285 was underwater at some locations and flooding in response to this exceptionally rare level of rainfall was rampant across metro Atlanta. During the flooding, water from the local area back-flowed onto the Austell Facility. There is no indication that the design of the facility or compliance with floodplain management regulations resulted in the flooding of local homes, but rather local flooding was the result of the 500 year storm event.

#4, Flood Plain Impacts, a. Direct Impacts

3. The flood plain analysis within the Draft EA isn't commensurate with the scale and scope of the proposed project. EPA recommends that TDOT conduct further analysis to ensure that the facility will not negatively impact the flood plain habitat and local residents and businesses.

It appears that this comment is based on the previous version of the EA. The July 8, 2010 EA

¹⁴ As noted in Section 3.1 of the EA, in recognition of the importance of rail transportation in interstate commerce, Congress has enacted legislation providing that federally regulated railroads operating in interstate commerce are not subject to otherwise applicable local and state laws. See Interstate Commerce Commission Termination Act of 1995 ("ICCTA"), 49 U.S.C. § 10501 and the Federal Railway Safety Act of 1970 ("FRSA"), 49 U.S.C. § 20101 et seq. In accordance with these and other similar federal laws, most state and local regulation of railroads is preempted in order to ensure barriers to interstate commerce are not created. This includes local planning, zoning and similar laws and ordinances. However, as discussed in this section, NSR will adopt local floodplain impact practices for this project.

¹⁵ See Interstate Commerce Commission Termination Act of 1995 ("ICCTA"), 49 U.S.C. § 10501 and the Federal Railway Safety Act of 1970 ("FRSA"), 49 U.S.C. § 20101 et seq.

Table 3: EPA's Comments to July 8 EA / Responses

included revisions to address the identical comment in EPA's March 24, 2010 Comments, as well as other comments received from agencies and the public. Sections 3.12.5, 3.12.7, 3.18.6.2 and 3.18.7.2 were revised to incorporate additional floodplain analysis. In addition, as part of the design process, NSR will complete a review of the hydraulic and hydraulic analysis of the affect of the project on the floodplain and the local areas.

TDOT has previously provided the below response to an identical comment in EPA's March 24, 2010 Comments in the Summary of Concurrence Point #3 at page 12:

Additional discussion was added to Sections 3.12.5 Floodplain Impacts on page 3-96 and 3.18.7.2 Cumulative Impacts to Floodplain on starting on page 3-185 to clarify impacts to and protection of the floodplain including additional information about the detention basins and watershed characteristics. Additional discussion was also added in Section 3.12.7 Stormwater starting on page 3-109 and 3.18.6.2 Cumulative Impacts to Aquatic Resources starting on page 3-173.

#4, Flood Plain Impacts

- b. **Indirect and Cumulative Impacts to Floodplain:** On page 3-183 there is a discussion regarding the indirect and cumulative impacts of the floodplain. On page 3-100, NSR states, "NSR has adopted the construction and maintenance practices outlined in the local floodplain practices, to the extent practicable, and do not anticipate floodplain impacts." NSR goes on to state, "While NSR plans to voluntarily comply with such local criteria whenever possible, there may be instances where those criteria are incompatible with rail operations." In the footnotes on page 3-100, NSR notes "... in recognition of the importance of rail transportation in interstate commerce, Congress has enacted legislation providing that federally regulate railroads operating in the interstate commerce are not subject to otherwise applicable local and state laws This includes local planning, zoning and similar laws and ordinances. However, as discussed in this section NSR will adopt local floodplain impact practices for this project." NSR is ambiguous as to whether or not they intend to adopt local floodplain ordinances. NSR has implied that they would disregard Fayette County's floodplain ordnances and Executive Order 11988 should the ordnance or EO interfere in meeting rail operations. What would be the cumulative impact of TDOT and NSR disregarding the local ordinances and EO? Also, the discussion doesn't include other proposed industrial developments (Industrial Road and Chickasaw Industrial Park) that will increase impervious surfaces, which could lead to more stormwater run-off and possible increases in flooding. In metro Atlanta, the NSR Austell IMF is currently being criticized by the local community and political officials for increasing the flooding of the local community. EPA recommends that TDOT and NSR conduct a more thorough engineering analysis regarding the indirect and cumulative impacts of the floodplain hydrology. Also, since this is a federally funded project, EPA recommends that TDOT and NSR fully comply with all Federal, State and local ordinances.

As discussed in response to comment 4.a.2 above, the discussion of floodplain impacts in the July 8, 2010 EA was revised. NSR will comply with all applicable Federal, State and local regulations. Section 3.18.7 of the July 8, 2010 EA includes analysis of the potential indirect and cumulative floodplain impacts associated with the Memphis Regional IMF, including referencing the local floodplain ordinances and covenants associated with development at Chickasaw Trails Industrial Park on page 3-184. In addition, as provided in response to comment 2 above, the flooding in Atlanta in 2009 was due to a 500-year flood event. The U.S. Geological Survey measured the greatest flow ever recorded (31,500 cubic feet per second) on Sweetwater Creek near Austell, Georgia. During the flooding, water from the local area back-flowed onto the Austell

Table 3: EPA's Comments to July 8 EA / Responses

Facility. There is no indication that the design of the facility or compliance with floodplain management regulations resulted in the flooding of local homes, but rather local flooding was the result of the 500 year storm event.

TDOT has previously provided the below response to a substantially similar comment in EPA's March 24, 2010 Comments in the Summary of Concurrence Point #3 at page 15:

NSR has incorporated the construction and maintenance practices outlined in the local floodplain practices, to the extent practicable, and do not anticipate floodplain impacts. For this project, NSR has incorporated all construction and maintenance practices, aside from the permitting and approval requirements, in Fayette County's floodplain management regulations. The wording in the Draft EA was revised to better explain compliance with floodplain regulations. See also above response to EPA Comment 6.b.

5. Traffic Analysis: In Section 3.3.3.2 Background Conditions (page 3-16), TDOT/NSR assumes that MDOT's proposed improvements to SR 72 (improving road from a 2 lane to a 4 lane) will be funded and constructed. What would the level of service be without the construction of this 4 lane road? TDOT and NSR needs to fully evaluate the Level of Service of SR 72 without the construction of a 4-lane road and integrate the existing 2 lane facility within the background and future conditions traffic analysis. EPA recommends that TDOT/NSR include the existing 2 lane traffic data within the Background Section (on page 3-6), within Table 3-3: Level of Service Background Conditions (2015 and 2032) (add another column), within Section 3.3.3.3 Future Conditions (on page 3-18 (and Table 3-5: Level of Service - Future Conditions (2015 and 2032))).

The Traffic Impact Study includes both 2-lane and 4-lane analysis of US Hwy 72. Based on MDOT's commitment to widen US Hwy 72, the 4-lane section of US Hwy 72 was discussed in the EA for year 2032. Traffic volumes on US Hwy 72 in the vicinity of the project site have decreased at a rate of approximately 1% per year over the past 5 years.¹⁶ Nevertheless, the existing traffic volumes at the study intersections were increased initially by 1% per year to simulate the background growth.¹⁷ The rate of increase was changed to 2.5% per year growth (as requested by MDOT).¹⁸ Table 3-3 and Table 3-5 of the July 8, 2010 EA include both a 1% and a 2.5% background growth rate and analyze US Hwy 72 as a 2-lane road in 2009 and 2015 and as a 4-lane road in 2032. Based on the analysis provided in the Traffic Impact Study and Section 3.3.2 of the July 8, 2010 signed EA, US Hwy 72 would be at Level of Service (LOS) D in 2015 with a 2.5% background growth rate at 2-lanes. If the 1% growth rate is used, US Hwy 72 would be at LOS C in 2015 and LOS D in 2032. Since MDOT expressed that LOS D would be unacceptable, US Hwy 72 should be widened by MDOT prior to US Hwy 72 reaching LOS D, consistent with the Mississippi Statewide Transportation Improvement Plan (STIP) for 2012. Existing traffic data for US Hwy 72 as a 2 lane road was utilized as part of the background traffic, in addition to being utilized to project the 1% and 2.5% growth rates.

In addition, in response to comments during the Public Hearing comment period, TDOT has further clarified in Concurrence Point #4 at page 17 that:

MDOT plans to widen US Hwy 72 are discussed in the EA Section 3.18.2.

¹⁶ AADT volumes from two TDOT and two MDOT count stations.

¹⁷ November 2009 AECOM Traffic Study

¹⁸ During a phone call between AMEC and MDOT on April 13, 2010, MDOT said their normal planning growth rate for NEPA studies was 2.5% growth compounded annually.

Table 3: EPA’s Comments to July 8 EA / Responses

Construction of US Hwy 72 from MS 302 to the TN State Line was programmed in the MS Statewide Transportation Improvement Plan (STIP) for 2012.¹⁹ MDOT is in the process of updating its environmental documentation for widening their last section of US Hwy 72.

As discussed in the EA Section 3.3, in anticipation of the planned widening of US Hwy 72 to four lanes in the vicinity of the project area, MDOT has requested that the design and construction of the proposed intersection of Industrial Road and US Hwy 72 include widening US Hwy 72 to four-lanes, with stub-outs to the east and west. Based on the Traffic Impact Study (on file with TDOT and MDOT) and as illustrated in the EA Figure 3-11, show what improvements are warranted at US Hwy 72 and Industrial Road. These improvements could be made by the private Developer in conjunction with the MDOT Highway Occupancy Permit (HOP): turn lane for right and turn lane for left turning vehicles from Industrial Road; eastbound left turn lane on US Hwy 72; locate the intersection to provide adequate sight distance to the west and east; and acceleration and deceleration lanes on the westbound section of US Hwy 72.

6. Indirect and Cumulative Impacts to Social and Community Resources:

- a. There is very little discussion regarding the IMF impacts on the local communities within Mississippi. Mount Pleasant, MS, is the closest community to the IMF freight truck entrance, but there is no mention of this community and the direct, indirect or cumulative impacts to this community. EPA recommends that TDOT and NSR better evaluate the impacts to Mississippi communities especially Mount Pleasant.

It appears that this comment is based on the previous version of the EA. The July 8, 2010 EA included revisions to address the identical comment in EPA’s March 24, 2010 Comments. Section 3.18.4 was revised to incorporate discussion of potential indirect and cumulative impacts to Mt. Pleasant. Additionally, Sections 3.4, 3.5, 3.6, 3.18.3 and 3.18.4 of the July 8, 2010 EA discuss potential direct, indirect and cumulative impacts to the social and community resources to areas in either Tennessee or Mississippi.

TDOT has previously provided the below response to an identical comment in EPA’s March 24, 2010 Comments in the Summary of Concurrence Point #3 at page 13:

Additional information was added to the Draft EA Section 3.18.4 Economic Impacts starting on page 3-166 to discuss potential impacts of the IMF to the closest community in MS, which is Mt. Pleasant.

#6. Indirect and Cumulative Impacts to Social and Community Resources:

- b. TDOT does not discuss the impacts of the IMF on property value. EPA recommends that TDOT discuss the possible impacts of the IMF on property value in both nearby communities in Mississippi and Tennessee.

It appears that this comment is based on the previous version of the EA. The July 8, 2010 EA included discussion of the impacts of the IMF on property value in Table 4-3, in response to public comments regarding property value.

TDOT has previously provided the below response to an identical comment in EPA’s March 24, 2010 Comments in the Summary of Concurrence Point #3 at page 14:

During construction, there would be the potential for temporary impacts to adjacent residential and institutional property values while NSR is clearing the site, constructing

¹⁹ Mississippi DOT 2010-2013 STIP, US 72 from FR 302 to Tennessee State Line, NEED 10 4752.

Table 3: EPA's Comments to July 8 EA / Responses

the access road, and installing the visual barriers. Any additional effect on property values in the area would be expected to be minimal during construction. Installation of barrier berms would also be completed during the initial stages of construction to provide visual buffers to the extent possible for local viewsheds.

The Transportation Research Board (TRB) has acknowledged the difficulty in observing and predicting property values in Section 11 of - Guidebook for Assessing the Social and Economic Effects of Transportation Projects (NCHRP RPT456, Part B). TRB methods for assessing effects on property values hinge on some form of observation of the property-value effects associated with similar types of projects in similar types of areas. To be useful, such observations require observable changes or differences in property values, reflecting a competitive and efficient market for land and buildings, unbiased by subsidies, price controls, or location restrictions. In short, it is exceptionally difficult to find a corresponding example that is appropriate from a location, time and market perspective.

Following the announcement date of the Whitaker IMF in Austell, an independent MAI (Member of the Appraisal Institute) appraiser concluded that there should be negligible, if any, impact on prevailing residential property values or rate of sales as a result of the announcement or construction of the Norfolk Southern intermodal facility. Current findings suggest the same trend exists for sales prices of homes within the neighborhood closest to the facility as that of the remaining zip code.

While local residential property values have declined throughout the US due to economic conditions, it is anticipated that regional economic benefits stimulated by the project would support the local and regional economy including residential and institutional property values.

In addition, in response to comments during the Public Hearing comment period, TDOT has further clarified in Concurrence Point #4 at page 23 that:

The potential land use and social impacts are addressed in the EA Sections 3.4 and 3.18. The indirect and cumulative impacts of the IMF are discussed in the EA Sections 3.18. Based on the experience from other IMFs, the property values of existing residential homes may initially decrease during construction; though over the long-term, property value increases. IMFs have the potential to attract development and jobs to the community. Crime and decreased property values are not a natural outcome. During the design phase, efforts will be made to minimize negative impacts to adjacent property owners.

7. Public Outreach and Coordination in Mississippi. All of the public meetings are being held in Tennessee despite the fact that the sole freight truck entrance point is in Mississippi. The citizens of Mississippi will have the burden of dealing with increased truck traffic and congestion. What has NSR or TDOT done to coordinate and solicit input from the local residents in Mississippi? Specifically, has TDOT and NSR coordinated with the community leaders within Mount Pleasant, MS, which is located just outside of the IMF entrance? EPA recommends that TDOT conduct a public meeting in Mississippi and solicit input from residents and community leaders in Mount Pleasant.

Notice of the Public Hearing was published in both the Marshall County (Mississippi) and Fayette Co (Tennessee) local newspapers along with the Memphis Commercial Appeal. Individual copies of the notice were sent to surrounding residents, as well as citizens in both Tennessee and Mississippi expressing an interest in the project. The July 8, 2010 EA was available for public

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review in both Tennessee and Mississippi, including copies placed at the Byhalia, Mississippi public library and at the Batesville and Holly Springs MDOT offices. To ensure the input of nearby communities were considered, NSR met with officials from Marshall County on April 9, 2010 and conducted follow-up conference calls on April 12 and July 23, 2010 to discuss the project. In addition, both NSR and TDOT had meetings, conference calls and correspondence with MDOT to discuss the project and potential impacts in Mississippi.

Of the 91 people who signed in at the Public Hearing, 69 noted their address as being in Tennessee, 20 as being in Mississippi and two as from outside of the area (Georgia and Texas). Of the 19 comment cards, 12 indicated that they work, live, or farm in Tennessee, 3 indicated that they work, live, or farm in Mississippi, and 4 indicated they work, live, or farm in a mixture of Tennessee and Mississippi.

TDOT has previously provided the below response to an identical comment in EPA’s March 24, 2010 Comments in the Summary of Concurrence Point #3 at page 16:

As an outreach to MS residents potentially impacted by the project, the Public Meeting notice was published in both the Marshall County (MS) and Fayette Co (TN) local newspapers along with the Memphis Commercial Appeal. Additionally mailers were sent out to surrounding residences.

A similar process will occur for announcement of the Public Hearing. The EA will be available for public review in the Byhalia (MS) and Collierville (TN) Public Libraries, Batesville and (location to be provided) MDOT offices, and Rossville (TN) City Hall.

Additional discussion was added to the Draft EA Section 4.3 Public Involvement on page 4-12 to 14 to separate participation at the public meeting by MS vs. TN residences.

In addition, in response to comments during the Public Hearing comment period, TDOT has further clarified in Concurrence Point #4 at page 39 that:

The public participation process is outlined in EA Section 4 and in the Coordination Plan on file with TDOT and distributed to local, state and federal agencies with authority or responsibility over potentially impacted resources. In addition to the NEPA Public Information Meeting, local and governmental meetings were held to discuss the project. As identified in the EA Section 4, MDOT is a cooperating agency in the development of the EA. Due to scheduling conflicts MDOT and other agencies involved in the development of the assessment could not attend the Public Hearing; however, it is uncommon and often not feasible for each involved agency to attend all public meetings for a project. MDOT was at the Public Meeting in October 2009 and provided comments to the Draft EA as well as providing substantive guidance regarding the affect on MS resources including transportation.

8. Mobile Source Air Toxics (MSATs)

- a. In Section 3.7.31 Mobile Source Air Toxics (MSATs), page 3-48, TDOT/NSR notes there are currently 55 residences within ~ mile of the project limits, and another 5 within ~ mile of the Industrial Road. TDOT/NSR goes on to state, "The operation of the Memphis Regional IMF will result in an overall reduction in air emissions on a large scale regional and national basis by significantly reducing highway congestion and truck traffic between the Memphis area and the northeast United States and other markets." Attempting to justify increases in local emissions based on reductions of MSATs regionally or nationally seems to miss the point that MSATs are a local phenomenon. MSATs have local impacts which are the reason that modeling the concentrations at nearby locations is important. Also, within the

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Air Quality Technical Report on page 27, TDOT/NSR states that, "the operation of the proposed Memphis Regional IMF would result in minor increase in MSAT emissions in Fayette County and Marshall County, and would correspond to a concurrent decrease in MSAT emissions...". For a project of this magnitude, the air toxics analysis should include a quantitative inventory of emissions by location; dispersion modeling to estimate air toxics concentrations in areas along and outside the footprint of the project; and a screening level risk assessment of the potential impacts of the emissions on nearby groups.

In response to agency and public comments, the July 8, 2010 EA included revisions to Section 3.7.3.1 to incorporate FHWA guidance language on MSAT and to clarify that the air analysis for MRIMF was completed in compliance with the FHWA guidance, which requires qualitative analysis, does not require dispersion modeling and does not require screening level risk assessment. Air analysis for the Memphis Regional IMF included a quantitative inventory of emissions for the proposed facility and included the conservative estimation of MSATs for nonroad sources, e.g., yard equipment and locomotive based on the ratio of VOC emissions from on-road mobile sources to the nonroad sources. This ratio was then applied to the individual MSAT emissions for the mobile sources to allow for an estimation of emissions for the nonroad equipment and locomotives.

TDOT has previously provided the below response to a substantially similar comment in EPA’s March 24, 2010 Comments in the Summary of Concurrence Point #3 at page 26:

In the Draft EA, Sections 3.7 Air Quality Impacts 3.7.3.1 starting on page 3-45 discussion was added to incorporate FHWA guidance language on MSAT and to clarify that the air analysis for MRIMF was completed in compliance with the FHWA guidance, which requires a qualitative analysis.

The air toxics analysis included a quantitative inventory of emissions for the proposed facility. The estimated emissions were summed and compared to the countywide emissions for Fayette County, Tennessee and Marshall County, Mississippi, which represents the only available MSAT emissions data.

The location of the MRIMF is rural with approximately 55 residences located within ½ mile of the project limits and 5 residences located within ¼ mile of the Industrial Road. Therefore, the project is considered to fall within the Level 2 category of projects with low potential MSAT effects that require a qualitative assessment of MSATs. To confirm this designation, both a qualitative and an initial quantitative analysis of MSAT emissions were conducted.

#8. Mobile Source Air Toxics (MSATs)

- b. Diesel exhaust is of particular importance at an intermodal facility. Diesel exhaust is a complex mixture of hundreds of constituents in gaseous and particulate form. The particulate matter present in diesel exhaust consists primarily of fine particles, whose small size allows them to reach deeply into the lungs. EPA's 2002 final "Health Assessment Document for Diesel Engine Exhaust" classified exposure to diesel exhaust as likely to be carcinogenic to humans at environmental exposures. Recent studies continue to show that populations living near large diesel emissions sources are likely to experience greater diesel exhaust levels than the overall U.S. population, potentially placing them at greater health risk. (For example, see the diesel risk studies performed by the California Air Research Board at the ports of Los Angeles and Long Beach, California's rail yards, and West Oakland. Rail yard study at: <http://www.arb.ca.gov/dieselldocuments/rstudy.htm> Oakland Community diesel risk evaluation at:

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<p>http://www.arb.ca.gov/chicommunities/ralwestoakland/documents/draftsummary031908.pdf Ports of Los Angeles and Long Beach studies at: http://www.arb.ca.gov/regact/marine2005/portstudy0406.pdf) Emissions associated with an intermodal facility involve not only those from line-haul and switching locomotives and cranes at the facility itself, but also emissions from many other sources such as trucks along the feeder routes to the IMF and at distribution centers serviced by the IMF.</p> <p><i>It appears that this comment is based on the previous version of the EA. In response to agency and public comments, the July 8, 2010 EA included revisions to Sections 3.7, 3.18, and 3.19 to provide additional information and analysis of potential impacts on air associated with the Memphis Regional IMF, including additional discussion of MSAT emissions, including diesel exhaust, in Section 3.7.3.1.</i></p> <p><i>TDOT has previously provided the below response to an identical comment in EPA’s March 24, 2010 Comments in the Summary of Concurrence Point #3 at page 27:</i></p> <p><i>All the referenced studies are associated with rail yards, IMFs, ports and air analysis in California. As evidenced by California’s unique environmental status as the only state with a waiver from EPA to enact stricter air pollution standards for motor vehicles than the federal government’s, comparisons to air analysis and practices in California are not relevant to analysis of the MRIMF, which is being located in an area in attainment for all NAAQs. See California State Motor Vehicle Pollution Control Standards; Notice of Decision Granting a Waiver of Clean Air Act Preemption for California’s 2009 and Subsequent Model Year Greenhouse Gas Emission Standards for New Motor Vehicles, 74 FR 32744 (July 8, 2009).</i></p> <p><i>Additionally, most of the studies referenced are distinguishable from the MRIMF because the analysis is focused on rail yards, ports or a collection of multiple facilities, rather than individual IMFs.</i></p> <p><i>Further, even the studies related to IMFs are distinguishable from the MRIMF based on the size of the facilities (often much larger than the MRIMF), location of the facilities (all the IMFs are located in California with California’s unique environmental characteristics and air quality as well as differing state regulations and local concerns), and the age of the facility (often older than the MRIMF, which is a new facility, committed to utilizing new technologies, such as Tier 4-engines for the overhead lift cranes). The Draft EA Sections 3.7, 3.18, and 3.19 provide analysis of potential impacts on air associated with the MRIMF.</i></p>
<p>#8, Mobile Source Air Toxics (MSATs)</p> <p>c. For modeling impacts of this project, EPA recommends that TDOT/NSR use AERMOD and;</p> <p><i>Sections 3.7, 3.18, and 3.19 of the July 8, 2010 EA include analysis of potential impacts on air associated with the Memphis Regional IMF. Section 3.7.3.1 includes discussion of modeling methodologies utilized, which included MOBILE6.2 and NONROAD.</i></p> <p><i>TDOT has previously provided the below response to an identical comment in EPA’s March 24, 2010 Comments in the Summary of Concurrence Point #3 at pages 21-22:</i></p> <p><i>As discussed in the Draft EA Section 3.7.3 starting on page 3-43, the MRIMF, and Industrial Road used to access the facility, are located in Fayette County, Tennessee and Marshall County, Mississippi. Both of these counties are in attainment for all applicable air pollutants. Therefore, a detailed analysis of the emission and subsequent dispersion of air pollutants was not required and neither AERMOD nor other available air dispersion models were used. As discussed in the Draft</i></p>

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EA Section 3.7.3.1 starting on page 3-45 some air quality analysis was still undertaken to evaluate impacts using MOBILE6.2 and NONROAD.

#8, Mobile Source Air Toxics (MSATs), c

1. Identify other large sources of air toxics in the area, and other air toxics sources in the area whose emissions are likely to increase or decrease if the project moves forward (e.g. is the new facility likely to foster residential or business development that might be affected by emissions from the site or its support roads; will there be additional or expanded roadways or railways related to the IMF and distribution facilities, e.g., the Industrial Road, US Highway 72 in Mississippi, SR 385 in Tennessee, roads to nearby existing or anticipated distribution facilities, links to the existing Memphis area intermodal facility and port operations, etc.). The impact of these facilities and infrastructure, whose existence and/or size is related to the planned IMF, should be evaluated just as the proposed Memphis IMF itself. The evaluation should also cite existing relevant air monitoring data.

Sections 3.7, 3.18, and 3.19 of the July 8, 2010 EA include analysis of potential impacts on air associated with the Memphis Regional IMF, including evaluations of existing air quality and potential future development in the vicinity of the proposed facility.

TDOT has previously provided the below response to an identical comment in EPA's March 24, 2010 Comments in the Summary of Concurrence Point #3 at page 29:

As discussed in the Draft EA Section 3.7.2 starting on page 3-41 a comprehensive analysis was performed to quantify the facility's air emissions at maximum design capacity and to predict the impact of those emissions on ambient air quality in the vicinity of the facility. Under current conditions, there are no large sources of air toxics in the immediate vicinity of the proposed facility. Figure 3-14, shows the locations of nearby sensitive receptors, confirming the current lack of nearby development and/or receptors.

In Section 3.18.12 Indirect and Cumulative Impacts for Air starting on page 3-193, the analysis of any impacts associated with the potential future development in the vicinity of the proposed facility is discussed.

The EPA's AirData Database only identified countywide emissions with no relevant air monitoring data. No known monitoring stations have been identified in Fayette County, Tennessee.

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<p>#8, Mobile Source Air Toxics (MSATs), c</p> <p>2. Evaluate the potential impact of emissions on nearby individuals and groups including sensitive populations such as those at schools, hospitals, day care facilities, nursing homes, etc. How many people live in the area, and are any nearby communities medically underserved or environmental justice communities? Are there populations with currently high rates of adverse health conditions that might be exacerbated by the air toxics emissions?</p> <p><i>Sections 3.7, 3.18, and 3.19 of the July 8, 2010 EA include analysis of potential impacts on air associated with the Memphis Regional IMF, including identifying locations of nearby sensitive receptors in Figure 3-14.</i></p> <p><i>TDOT has previously provided the below response to an identical comment in EPA's March 24, 2010 Comments in the Summary of Concurrence Point #3 at page 29:</i></p> <p><i>A discussion of the air quality analysis methodology, results, and conclusions is provided in the Draft EA Sections 3.7, 3.18 and 3.19.</i></p> <p><i>The proposed location of the facility is rural with only approximately 55 residences located within ½ mile of the project limits and 20 residences located within ½ mile of the Industrial Road. As shown on Figure 3-14 on page 3-45, there are no sensitive populations (e.g. schools, hospitals, day care facilities, nursing homes, etc.) near the proposed facility.</i></p> <p><i>As concluded in the Draft EA Section 3.4.2 starting on page 3-33, no adverse impacts to a minority or low income population have been identified as a result of the MRIMF.</i></p> <p><i>The No-Build Alternative is in mid-town Memphis having a dense population with lower-income and large minority population.</i></p>
<p>#8, Mobile Source Air Toxics (MSATs)</p> <p>d. At present, the NEPA documents doesn't 1) inform the public as to all reasonably foreseeable, adverse impacts resulting from the project, or 2) identify differences in impacts among the alternatives, 3) identify possible mitigation measures, including actions that may be outside the jurisdiction of the lead agency, including possible changes to the project design.</p> <p><i>Section 3 of the July 8, 2010 EA includes discussion of all reasonably foreseeable direct, indirect and cumulative impacts of the Memphis Regional IMF. Section 2 of the July 8, 2010 EA includes discussion of 6 build alternatives and the no build alternative, including identifying differences in impacts throughout Section 2 and as summarized in Table 2-2. Section 3 of the July 8, 2010 EA identifies potential mitigation measures and project design considerations including but not limited to discussions of noise mitigation measures in Section 3.8, stream mitigation measures in Section 3.12.2, wetland mitigation measures in Section 3.12.3, Memphis Sand mitigation measures in Section 3.12.6, and stormwater mitigation measures in Section 3.12.7. In addition, the Environmental Commitments section beginning on page xi of the July 8, 2010 EA describes the measures that NSR proposes to utilize to avoid, minimize, and/or mitigate impacts to the human and natural environment associated with construction and implementation of Memphis Regional IMF, including detailed design modifications. Concurrence Point #4, Preferred Alternative and Preliminary Mitigation Package includes further summary of the alternatives analysis and mitigation measures associated with the Memphis Regional IMF.</i></p> <p><i>TDOT has previously provided the below response to a substantially similar comment in EPA's March 24, 2010 Comments in the Summary of Concurrence Point #3 at page 28:</i></p> <p>1. The direct, indirect, and cumulative impacts are discussed in the Draft EA. After</p>

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<p><i>the EA is approved, it will be released to the public for their review and comment.</i></p> <ol style="list-style-type: none"> 2. <i>As part of the TESA process, Concurrence Point #2 is the Proposed Actions and Alternatives. The TESA and participating agencies concurred with the projects’ actions and alternatives. The alternative analysis is Section 2 of the Draft EA.</i> 3. <i>Mitigation and sub-alternatives to reduce impacts are discussed throughout the Draft EA in Section 3 in direct and cumulative impacts sections.</i>
<p>#8, Mobile Source Air Toxics (MSATs)</p> <p>e. A screening-level analysis was done for EPA’s 2008 locomotive and marine rule which addressed the local impacts of ports and rail yards on minority and low income populations as well as children. A summary of the analysis is found in Section 2.4.1 of the Regulatory Impact Analysis (http://www.epa.gov/otaq/regs/nonroad/420r08001a.pdf). The analysis includes two rail yards in Tennessee.</p> <p><i>Sections 3.7, 3.18, and 3.19 of the July 8, 2010 EA include analysis of potential impacts on air associated with the Memphis Regional IMF. The Memphis Regional IMF is not a rail yard and would have different impacts than the large rail yards identified in EPA’s 2008 rule. Section 3.4.2 of signed EA analyzes potential impacts to minority or low income population and determines there will be no adverse impacts to minority and/or low- income populations.</i></p> <p><i>TDOT has previously provided the response to an identical comment in EPA’s March 24, 2010 Comments in the Summary of Concurrence Point #3 at page 30.</i></p>
<p>#8, Mobile Source Air Toxics (MSATs), e</p> <ol style="list-style-type: none"> 1. Prepare an estimate of maximum impacts anticipated in the area around the proposed facilities, including an assessment of the potential impacts of both the construction and operation of each alternative considered. <p><i>It appears that this comment is based on the previous version of the EA. In response to agency and public comments, the July 8, 2010 EA included revisions to add a general qualitative evaluation of the alternatives in Section 3.7.3.1 at page 3-50.</i></p> <p><i>TDOT has previously provided the response to an identical comment in EPA’s March 24, 2010 Comments in the Summary of Concurrence Point #3 at page 31.</i></p>

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<p>#8. Mobile Source Air Toxics (MSATs), e</p> <ol style="list-style-type: none">2. Identify alternatives to avoid or minimize the impacts of the proposed project. For example:<ol style="list-style-type: none">a. A ban on open burning during construction- all materials that would normally be burned should be recycled to the extent feasible to avoid health and visibility impacts.b. Minimizing dust and debris generated during construction.c. Construction limited to the smallest footprint feasible to avoid environmental degradation and reduce the amount of dust generated during construction.d. Maintenance of the maximum amount of trees feasible to reduce footprint, noise and dust dispersion during construction.e. Installation of the latest air pollution control devices on all construction equipment (see EPA's Verified Technologies List for diesel engines at http://www.epa.gov/otag/retrofit/verif-list.htm).f. Use of ultra low sulfur fuel exclusively for construction equipment/trucks/locomotives, etc.g. Restriction on the time that engines may be left to idle. <p><i>Sections 3.7 and 3.19 of the July 8, 2010 signed EA, as well as the Environmental Commitments section beginning on page xi, identify multiple areas in which NSR has committed to reduce or minimize potential impacts on air, including the use of Tier 4 engines or the overhead lift cranes, use of ultra low sulfur fuel, to the extent that it is available, and adoption of Best Management Practices (BMPs) to minimize dust and debris associated with construction.</i></p> <p><i>TDOT has previously provided the response to an identical comment in EPA's March 24, 2010 Comments in the Summary of Concurrence Point #3 at page 23.</i></p>
<p>#8. Mobile Source Air Toxics (MSATs)</p> <ol style="list-style-type: none">f. On page 50, last paragraph states, "EPA's vehicle and fuel regulations, coupled with fleet turnover, would cause substantial reductions over time that in almost all cases the MSAT levels in the future will be significantly lower than today." It is important to note that projected emission reductions do not absolve the sponsor and FHWA from the responsibility to protect public health from emissions associated with this project by using appropriate mitigation measures. <p><i>Sections 3.7 and 3.19 of the July 8, 2010 signed EA, as well as the Environmental Commitments section beginning on page xi, identify multiple areas in which NSR has committed to reduce or minimize potential impacts on air, including the use of Tier 4 engines or the overhead lift cranes, use of ultra low sulfur fuel, to the extent that it is available, and adoption of Best Management Practices (BMPs) to minimize dust and debris associated with construction.</i></p> <p><i>TDOT has previously provided the below response to a substantially similar comment in EPA's March 24, 2010 Comments in the Summary of Concurrence Point #3 at page 32:</i></p> <p><i>A discussion of the air quality analysis methodology, results, and conclusions is provided in Sections 3.7, 3.18 and 3.19 of the Draft EA. The proposed location of the facility is rural with only approximately 55 residences located within ½ mile of the project limits and with another 5 residences located within ¼ mile of the Industrial Road. Within this radius as shown on Figure 3-14 on page 3-45, there are no sensitive populations. Section 3.4 discusses the lack of adverse impacts to a minority or low income populations associated with the MRIMF.</i></p> <p><i>The No-Build Alternative is in mid-town Memphis having a dense population with lower-income and large minority populations. Construction and operation of the</i></p>

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proposed facility will actually decrease emissions of criteria pollutants and MSATs at the Memphis location through the shift of a portion of the domestic intermodal shipments to the new facility. Although there is no requirement to do so, NSR has already committed to reducing its emissions by using only Tier 4-engines for the overhead lift cranes) at the proposed facility. The equipment operating at the site will also be using ULSD fuel, to the extent that it is available. Other mitigation measures are being considered as part of the environmental review process.

#8. Mobile Source Air Toxics (MSATs)

g. Identify alternatives to avoid or minimize the impacts of the proposed project. For example:

1. A ban on open burning during construction- all materials that would normally be burned should be recycled to the extent feasible to avoid health and visibility impacts.
2. Minimizing dust and debris generated during construction.
3. Construction limited to the smallest footprint feasible to avoid environmental degradation and reduce the amount of dust generated during construction.
4. Maintenance of the maximum amount of trees feasible to reduce footprint, noise and dust dispersion during construction.
5. Installation of the latest air pollution control devices on all construction equipment (see EPA's Verified Technologies List for diesel engines at <http://www.epa.gov/otag/retrofit/verif-list.htm>).
6. Use of ultra low sulfur fuel exclusively for construction equipment, trucks, locomotives, etc.
7. Restriction on the time that engines may be left to idle.
8. Etc.

It appears that this comment is a duplicate of comment 8.e.2 above. Please see response provided above to comment 8.e.2.

EPA Comment #8, Mobile Source Air Toxics (MSATs)

h. The FHWA's September 30, 2009, Interim Guidance Update on Mobile Source Air Toxic Analysis in NEPA Documents addresses the level of analysis that is warranted by different types of transportation projects. The guidance identifies three levels or tiers of analysis. The most rigorous level is tier 3 which includes, according to the guidance: (3) Projects with Higher Potential MSAT Effects

This category includes projects that have the potential for meaningful differences in MSAT emissions among project alternatives. We expect a limited number of projects to meet this two-pronged test. To fall into this category, a project must:

- Create or significantly alter a major intermodal freight facility that has the potential to concentrate high levels of diesel particulate matter in a single location; or
- Create new or add significant capacity to urban highways such as interstates, urban arterials, or urban collector-distributor routes with traffic volumes where the AADT is projected to be in the range of 140,000 to 150,000 or greater by the design year.

And also

- Proposed to be located in proximity to populated areas

In response to agency and public comments, the July 8, 2010 EA included revisions to Section 3.7.3.1 to incorporate FHWA guidance language on MSAT and to clarify that the air analysis for

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MRIMF was completed in compliance with the FHWA guidance, which supports the identification of the Memphis Regional IMF as a Level 2 project requiring qualitative analysis.

TDOT has previously provided the below response to an identical comment in EPA’s March 24, 2010 Comments in the Summary of Concurrence Point #3 at page 33:

Additional explanation added to the Draft EA Sections 3.7.3.1 Air Quality Impacts starting on page 3-45 to incorporate FHWA guidance language on MSAT and to clarify that the air analysis for MRIMF was completed in compliance with the FHWA guidance, which requires a qualitative analysis.

The maximum expected increase in truck traffic at the proposed facility is 834 trucks per typical weekday (less on weekends) (1668 round trips), which is less than 1.5 percent of EPA’s guidance for total AADT for particulate matter and less than 1.2 percent of FHWA’s guidance for total AADT for MSATs. The emissions from rail activity as estimated for the MRIMF are not large enough to make up the remaining 98.5 percent of emissions associated with “air quality projects of concern.” The completed evaluations support the identification of the proposed Memphis Regional IMF as a Level 2 project that requires a qualitative analysis of MSATs due to the low potential MSAT effects.

In addition, the proposed location of the facility is rural with only approximately 55 residences located within ½ mile of the project limits and 20 residences located within ½ mile of the Industrial Road. Within this radius as shown on Figure 3-14 on page 3-45, there are no sensitive populations (e.g., schools, hospitals, day care facilities, nursing homes, etc.). Therefore, the proposed project does not fulfill the second prong of the two-prong test which requires that the project be located in proximity to populated areas.

#8. Mobile Source Air Toxics (MSATs)

i. The Memphis Regional Intermodal Facility project is among the types specifically identified in this guidance from the FHWA, i.e., a new major intermodal freight facility that will involve heavy truck, train, and support equipment operations, and that is in a populated area. The September 30, 2009, guidance states that for these level 3 projects there should be "Quantitative analysis to differentiate alternatives for projects with higher potential MSAT effects." Is there a quantitative analysis that compares the different alternatives from an air toxics perspective?

In response to agency and public comments, the July 8, 2010 EA included revisions to add a general qualitative evaluation of the alternatives in Section 3.7.3.1 at page 3-50.

TDOT has previously provided the below response to an identical comment in EPA’s March 24, 2010 Comments in the Summary of Concurrence Point #3 at page 33:

An initial quantitative analysis of MSAT emissions was completed for the proposed project. An analysis that compares different alternatives from an air toxics perspective was not needed as only one alternative, the Build Alternative, meets the purpose and need for an intermodal facility including the ability to perform 327,000 lifts per year. Therefore, emissions from any alternative meeting the need and purpose would be comparable to the Build Alternative performing 327,000 lifts per year

#8. Mobile Source Air Toxics (MSATs)

j. On page 3-58, second paragraph, TDOT/NSR states, "Because of the limitations in the methodologies for forecasting health impacts described, any predicted difference in health impacts between alternatives is likely to be much smaller than the uncertainties associated with

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predicting impacts. Consequently, the results of such assessment would not be useful to decision makers, who would need to with this information against project benefits...". It should be noted that a screening level analysis using existing models and available toxicity information, can be conducted to compare the potential impacts of different alternatives. EPA published the Air Toxics Reference Library in order to assist in the screening evaluation of air toxics exposures for health impacts. That library is available at http://www.epa.gov/ttn/fera/risk_atra_main.html. Additionally, disclosure of health impacts within a NEPA document is not only to assist decision makers, but is to also inform and educate the public on potential impacts.

In response to agency and public comments, the July 8, 2010 EA included revisions to Section 3.7.3.1 to incorporate FHWA guidance language on MSAT and to clarify that the air analysis for MRIMF was completed in compliance with the FHWA guidance. The language quoted by EPA above comes directly from FHWA’s guidance language on MSAT in Appendix C-Prototype Language for Compliance with 40 CFR 1502.22.

TDOT has previously provided the below response to a substantially similar comment in EPA’s March 24, 2010 Comments in the Summary of Concurrence Point #3 at page 34:

Draft EA Sections 3.7.3.1 Air Quality Impacts starting on page 3-45 was expanded to incorporate FHWA guidance language on MSAT and to clarify the air analysis for MRIMF was completed in compliance with the FHWA guidance.

The No-Build Alternative is located in mid-town Memphis having a dense population with lower-income and large minority populations.

Construction and operation of the proposed facility will actually decrease emissions of criteria pollutants and MSATs at the Memphis location through the shift of a portion of the domestic intermodal shipments to the new facility.

Only one build alternative which met the purpose and need for an intermodal facility was carried forward into the EA, the Build Alternative. This and any alternative meeting the purpose and need would perform 327,000 lifts per year. Therefore, emissions from any alternative would be comparable to the Build Alternative performing 327,000 lifts per year.

#8. Mobile Source Air Toxics (MSATs)

k. The EA notes that the project will result in rail traffic and is expected to increase truck traffic up to 1668 round trips on a typical weekday, the EA should discuss the literature concerning near-roadway health impacts. There is a large and growing body of studies on the topic.

It appears that this comment is based on the previous version of the EA. . The July 8, 2010 EA included revisions to address a substantially similar comment in EPA’s March 24, 2010 Comments. Section 3.7.3.1, page 3-49 to 3-50, of the July 8, 2010 EA included revisions to incorporate discussion of near-roadway health studies.

TDOT has previously provided the below response to a substantially similar comment in EPA’s March 24, 2010 Comments in the Summary of Concurrence Point #3 at page 34:

Discussion was added In the Draft EA, Section 3.7.3.1, page 3-45 about the near-roadway health impacts.

9. Groundwater Impacts:

a. On page 3-108, the maintenance pad will handle maintenance and fueling activities and have 5 above ground tanks (ASTs) ranging in size from 300 - 3,000 gallons. The ASTs will be required to have secondary containment. The stormwater from the maintenance pad will be

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treated by an oil- water separator and the pollutants discharged to the Rossville separate sewer system. Are there any considerations of requiring the City of Rossville, WWTP to require pre-treatment conditions prior to allowing this discharge into the separate sewer system from the maintenance pad area oil-water separator? There is no indication of how large the maintenance pad area is, but a large storm event could trigger more water for the Rossville WWTP to handle, prior to discharge into a stream. According to the University of Memphis, Groundwater Institute, 95% of the recharge of the aquifer occurs through the areas streams.

The maintenance pad area is approximately 8,900 square feet with the drainage area into the bio-treatment pond being 0.6 acre. As stated on page 3-108 of the June 8, 2010 signed EA, “The stormwater from the maintenance pad would be treated via an oil-water separator. The pollutants would be disposed of through the Rossville separate sewer system. The remaining stormwater would be discharged into a bio-treatment pond. The bio-treatment pond is not lined to allow for vegetation and natural processes to function as designed. Effluent from the bio-treatment pond would pass through a lined stormwater detention basin” and ultimately into Stream 6. In other words, any process water created on the maintenance pad will be sent through the City of Rossville’s collection system for final treatment at their WWTP after passing through the site’s oil-water separator.

NSR has been in contact with Rossville regarding sewer and water demands from the proposed project starting on October 5, 2010. Based on the projected facility demands, the water for the project will be provided by Piperton, while the sewer is provided by Rossville. The sewer system design for the site will be consistent with the capabilities and requirements of the Town of Rossville. While the water system design for the site will be consistent with the capacity and requirements for the City of Piperton.

#9. Groundwater Impacts:

b. On page 3-108, the construction of the paved concrete container and trailer transfer and parking area within the operating yard and maintenance pad area would eliminate direct recharge in this 233 acre section of the IMF. Of the 650 acre project area, 270 acres outside of the 380 acre facility would be either left natural or restored to open or green space, which would allow for continued recharge. The majority of the stormwater collected on the paved operating yard would discharge into Stream 6 after passing through the stormwater basins, which fundamentally matches the pre-construction drainage pattern. The stormwater directed to Streams 5 and 6 would allow recharge to occur through the Unnamed Tributary of Wolf River. The large paved area has eliminated direct recharge to the groundwater. It is mentioned that only 4 spills have occurred at Norfolk Southern Railroad in the last 2 years (2008-2009) with the largest spill of 25 gallons. It would be good to get more information on the spills and whether or not the spilled product actually reached a surface water in a recharge area like this. No comment is made on whether the Stormwater BMPs are adequate enough to protect the recharge areas, but some type of clay material will be compacted in the bottom of the stormwater basins. EPA recommends that TDOT further discuss the stormwater BMPs protective relationship to the recharge area.

NSR has applied for an individual construction permit with TDEC, which includes a site specific SWPPP and detailed stormwater BMPs. TDEC held a joint individual ARAP and individual construction permit hearing on August 3, 2010. Based on the plans provided by NSR and the comments received, TDEC plans on issuing their statement of determination and the permits on or before October 30, 2010. During the TDEC individual construction permit, NSR worked closely with TDEC to respond to public and agency comments regarding stormwater and the utilization of

Table 3: EPA’s Comments to July 8 EA / Responses

<p><i>BMPs.</i></p> <p><i>NSR has met with the GWI on March 16 and July 27, 2010, to discuss the potential impacts of the Memphis Regional IMF on the Memphis Sand and its recharge area, including stormwater impacts. In a letter to TDEC from the GWI dated August 17, 2010, the GWI stated: “After our two meetings, I am convinced that the personnel from AMEC and Norfolk Southern Corporation are more than aware of the value of the Memphis Sand as a drinking water aquifer. The Build Alternative 1 would disturb approximately 440 acres of the 650 acres of the property. Within the 380 acres facility on the property, 233 acres would be paved. These 233 acres would virtually shut off any recharge to the Memphis Sand immediately below. However, the GWI does not view this as a significant impact to the Memphis Sand as a whole.”</i></p> <p><i>More specifically, the GWI addressed construction practices related to the Memphis Sand and noted that “During construction, Norfolk Southern has plans in place to immediately respond to sand exposed as a result of grading of their facility and provide a 12-inch compacted clay cap over any exposures that might exist after the finished grade is reached. If sufficient clay is not available locally, then the required volume would be brought in to provide the required coverage. Norfolk Southern also has an emergency response plan to deal with any petroleum spills or other contaminants that might occur during construction or operation of the facility. Since the tonnage is containerized, overt spillage is not likely to pose a problem.”</i></p> <p><i>None of the 4 spills referenced above reached a surface water in a recharge area similar to the Memphis Sand and as noted by GWI above, NSR has an emergency response plan and spill is not likely to pose a problem.</i></p>
<p>#9, Groundwater Impacts:</p> <p>c. EPA recommends that prior to construction, some type of monitoring well sampling should be investigated using current groundwater wells or newly installed groundwater wells. Monitoring well sampling is needed since the City of Collierville is located to the Northwest of this proposed facility and currently uses groundwater from eleven deep wells. The City of Rossville has a few shallow groundwater wells to the Northeast of the proposed Memphis Regional IMF. Regional groundwater flow appears to be to the West and Northwest and shallow groundwater flow appears to be to the North and Northwest toward the Wolf River.</p> <p><i>As discussed above, NSR has applied for an individual construction permit with TDEC, which includes a site specific SWPPP and monitoring plan. TDEC does not have a requirement to conduct monitoring well sampling.</i></p> <p><i>In response to agency and public comments, the July 8, 2010 EA included revisions to Sections 3.12.6 and 3.18.6 to incorporate additional analysis of potential impacts on wells associated with the Memphis Regional IMF. As stated in the July 8, 2010 EA Section 3.12.6, Collierville’s water supply is taken from eleven deep wells pumping from 350 foot and 600 foot sands, substantially below the finished elevation of the facility. In addition, NSR has proposed construction techniques that would provide protection to the underground water sources during construction and operation of the facility.</i></p> <p><i>In addition, in response to comments during the Public Hearing comment period, TDOT has further clarified in Concurrence Point #4 at page 28 that:</i></p> <p><i>Water wells and potential impacts are addressed in EA Sections 3.12, and 3.18. The IMF will not affect area water wells or quality of drinking water. Residential water wells are present around the project site along Knox Road, Neville Road, and SR-57. As reported by TDEC Ground Water Management Section, these wells are relatively shallow on the order of 90-150’ deep. Based on topographic relief in the area and on</i></p>

Table 3: EPA’s Comments to July 8 EA / Responses

<p><i>the planned elevation of the facility, the screened well intervals should be 80 to 150’ below the planned IMF elevation.</i></p> <p><i>The Town of Rossville obtains its water from three groundwater wells ranging from 90-102’ deep. The Town of Collierville’s water supply is taken from eleven deep wells pumping from 350’ and 600’. Piperton obtains its water from Collierville. Rossville and Collierville both have a Well-Head Protection Program and Well-Head Protection Plan. The maximum Wellhead Protection zone per TN Public Water Supply Rule (1200-5-1-.34) is 750’, which does not extend into the footprint of the proposed IMF.</i></p> <p><i>As discussed in additional detail in Section 3.12.6 and Section 3.13, NSR has proposed construction techniques that would provide protection to the underground water sources during construction and operation of the facility. Federal hazardous materials transportation laws and regulations limit freight that can and cannot be shipped through intermodal service. As discussed in additional detail in Section 3.16, NSR has an extensive site specific spill prevention program and its record of intermodal shipment spills demonstrate that such spills are extremely rare and typically involve very small quantities.</i></p>
<p>EPA Comment #9, Groundwater Impacts:</p> <p>d. Additionally, some type of removal action was initiated by EPA Region 4 at the Rossville Metals facility during 1998, after some contaminants were found in the soil and groundwater. EPA recommends that TDOT/NSR further investigate and discuss this removal action in the Final EA.</p> <p><i>Ross Metal, located at 100 North Rail Road Street in Rossville, was identified in the Phase I ESA and is discussed in the in the July 8, 2010 EA in Section 3.16: “From 1978 to 1992, Ross Metals operated a secondary lead smelter at the site. It received spent lead acid batteries, lead oxide, scrap metal, and other lead waste and material. Blast furnace slag was managed on site in a landfill. Wastewater and runoff was collected in the northeast corner of the Ross Metals facility and discharged into a wetland area. The EPA conducted a removal option at the site. The Ross Metals property is not anticipated to have caused a recognized environmental condition on Build Alternative 1 site due to its distance away and the anticipated groundwater flow direction away from the Ross Metals site toward the Wolf River.”</i></p>
<p>10. Sustainability. EPA encourages TDOT and NSR to continue to work collaboratively with TDEC, MDEQ, MDOT, USACE, other resource agencies, public and other stakeholders to construct an environmentally sustainable facility. NSR has the opportunity to construct a "Green" facility and to set an example and standard for future IMF design.</p> <p><i>As part of the TESA process, TDOT has and will continue to coordinate with the TESA agencies (USACE, EPA, U.S. Fish and Wildlife Service, Tennessee Valley Authority, TDEC, and Tennessee Wildlife Resources Agency) and the coordinating agencies (MDOT and USACE). In addition, TDOT has further addressed comments during the Public Hearing comment period in Concurrence Point #4.</i></p> <p><i>As noted in Section 3.15.2 of the July 8, 2010 signed EA, NSR was the first large railroad in the nation to join the U.S. Green Building Council, a Washington based nonprofit dedicated to promoting cost-efficient and energy-saving buildings. The administrative building for the Memphis Regional IMF is being designed for submission as a LEED Green Building Rating System certified building.</i></p>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

August 20, 2010

Ms. Suzanne B. Herron, P.E., CPESC
Director
Environmental Division
Tennessee Department of Transportation
505 Deaderick Street, Suite 900
Nashville, TN 37243

**SUBJECT: Memphis Regional Intermodal Facility, Rossville, Fayette County,
Tennessee**

Dear Ms. Herron,

The U.S. Environmental Protection Agency (EPA) has reviewed the referenced Environmental Assessment (EA) in accordance with its responsibilities under Section 309 of the Clean Air Act and Section 102(2) (C) of the National Environmental Policy Act (NEPA). The U.S. Department of Transportation (DOT), Federal Railroad Administration (FRA) and Tennessee Department of Transportation (TDOT) proposes to construct, own and operate a new intermodal facility (IMF) known as the Memphis Regional Intermodal Facility to serve the Memphis Metropolitan area. The purpose of the proposed project is to increase freight transportation capacity in the Memphis Tennessee region and to meet current and future demands for freight transportation to and from the Northeast US. Upon construction, Norfolk Southern Railway (NSR) will own and operate the proposed facility.

In February 2010, Tennessee was selected to receive funds to support the development of this project from the DOT, Transportation Investment Generating Economic Recovery (TIGER) Program as part of the American Recovery and Reinvestment Act (ARRA) of 2009. As a result of the Federal funding the proposed Memphis Regional IMF project is subject to the requirements of NEPA. The DOT FRA and TDOT are the lead agencies for the proposed project and the Federal Highways Administration (FHWA), Mississippi Department of Transportation (MDOT), and the U.S. Army Corps of Engineers (USACE) are Cooperating Agencies.

Six alternative locations were evaluated for the Memphis Regional IMF project (two in Shelby County and four in Fayette County); however, five of the build alternatives were eliminated for further consideration. The No Action alternative and One Build Alternative were selected for further consideration. Build Alternative 1 consists of constructing and operating a new IMF in southern Fayette County, Tennessee, near Rossville. The facility would occupy about 380 acres of a 650 acre parcel. The facility would include lead tracks from the NSR mainline, a loop track, container and trailer transfer and storage yard, SR 57 overpass and an access road. A privately

developed road adjacent to the property, Industrial Road, will be the vehicle and freight truck access road to the facility and will connect the facility to US Highway 72. While Industrial Road is being developed with non-Federal funds, the direct, indirect and cumulative impacts of Industrial Road were evaluated as a part of this EA.

EPA appreciates FRA, TDOT and NSR's proactive and cooperative response in resolving issues relating to the project; however, EPA remains concerned regarding the project's possible impacts to air quality and groundwater. Additionally, EPA is concerned that the large land use changes could affect the floodplain hydrology. A more detailed list of concerns is attached.

The discussion of mobile source air toxics (MSATs) in the EA and in the air quality technical report presents information that is not consistent with the findings of many air quality studies. In general, air toxics impacts for highway projects should be evaluated based on emissions, dispersion modeling, and screening level risk assessment in locations where people work and reside. A discussion should be included regarding the near-roadway health impacts and the potential for such impacts during and following completion of this project. EPA recommends TDOT more thoroughly consider air toxics in their alternative analysis, quantify construction and operational emissions of MSATs, discuss dispersion emissions and exposure levels and identify appropriate avoidance, minimization, and/or mitigation opportunities especially for a project of this magnitude.

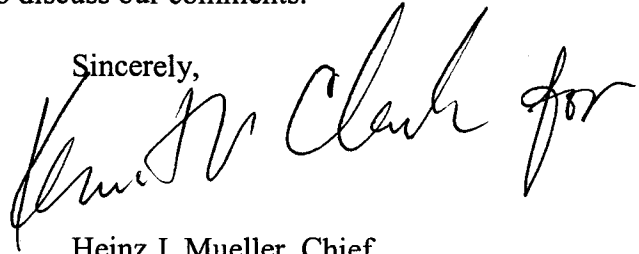
Perhaps of greatest environmental concern to the public is the project's impact to the groundwater. The Memphis Sand Aquifer is the area's sole source of drinking water and the project footprint is over the re-charge area for this vital aquifer. EPA recommends that prior to construction, some type of monitoring well sampling should be investigated using current groundwater wells or newly installed groundwater wells. EPA also encourages TDOT and NSR to continue to work collaboratively with the Tennessee Department of Conservation (TDEC) in determining the impacts to the aquifer and private wells as well as developing mitigation measures.

EPA continues to be concerned regarding direct, indirect and cumulative impacts to floodplain habitat and the project's impacts to floodplain hydrology. It is also uncertain as to whether NSR will comply with state and local floodplain laws and ordinances. EPA finds that the level of floodplain analysis within the EA isn't commensurate with the scale and scope of the proposed project. EPA recommends that TDOT conduct further analysis to ensure the facility will not significantly impact the flood plain habitat nor cause flooding of local residents and businesses. EPA also recommends that NSR commit to following state and local flood plain laws.

Given the mounting public concern to this project and the likelihood of impacts to the groundwater, floodplain, and air quality, TDOT/FRA should thoughtfully consider the significance of environmental and socioeconomic impacts related to this project. The scope and size of the proposed project should be commensurate with the level of NEPA analysis.

We appreciate the opportunity to review the proposed action. Please contact Jamie Higgins at (404) 562-9681 if you want to discuss our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Heinz J. Mueller for". The signature is written in a cursive, flowing style.

Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

Enclosures

cc: Tom Love – Tennessee Department of Transportation

*Draft Environmental Assessment, Memphis Regional Intermodal Facility, Rossville,
Fayette County, Tennessee*

U.S. Environmental Protection Agency—Advisory Comments

Overall: EPA is concerned with the number of environmental impacts that are reflected in the comments below. We highly encourage TDOT and FHWA address these concerns before releasing the Final EA/FONSI to the public.

NEPA Office Comments:

1. NEPA Level of Analysis: As stated in previous advisory comments (Concurrence Point 1, 2 & 3, dated October 23, 2009), EPA remains concerned regarding the level of analysis of the NEPA document. Given the mounting public opposition (reference public comments) to this project and the likelihood of impacts to the groundwater, floodplain, wetlands, and air quality, TDOT/FRA should thoughtfully consider the significance of environmental and socioeconomic impacts related to this project. The scope and size of the proposed project should be commensurate with the level of NEPA analysis.

2. Areas of Controversy and Unresolved Issues: On page iv, TDOT states, “There are no major areas of controversy or any substantial unresolved issues related to the proposed Memphis Regional IMF project.” EPA disagrees with this assertion due to the public’s concerns regarding the possible impacts of this project as well as concerns outlined in the Town of Collierville’s October 29, 2009 letter and numerous negative comments from the public during the October 22, 2009 public meeting. EPA recommends that TDOT recognize and address the public’s and Town of Collierville’s concerns within this section.

3. Hydrological Impacts: TDOT/NSR estimates that land impacts would include 76 acres for the lead tracks; 232 acres for concrete pavement, which would be placed over the re-charge area for the Memphis Sands Aquifer. 3-8 acres of wetlands would be impacted as well as 5,000 linear feet of stream. Also, the project footprint would cover at least 1 acre of floodplains. The scale and scope of the proposed project is not commensurate with the hydrological studies within the EA. Clearly, the entire hydrologic regime of this area will be impacted. These impacts could exacerbate flooding, affect groundwater re-charge and impact private wells. The current analysis lacks sufficient hydrologic studies to predict possible impacts to the hydrology of the local community and natural habitat. EPA recommends that TDOT/NSR conduct a more comprehensive hydrological study of the effects of this project on the hydrological regime of the local area.

4. Flood Plain Impacts:

a. Direct Impacts

1. On page 3-70, 3.12.5 Floodplain Impacts TDOT states that the, “NSR sited the facility outside of the Wolf River floodplain...”. Although the facility might not be in the floodplain, how will the storm water discharge affect the hydrology of the flood plain?

2. Also, on page 3-71, TDOT states, “NSR will voluntarily comply with Fayette County floodplain management regulations and EO 11988, as long as such regulations

and the EO do not prove to unduly burdensome or unreasonably interfere with timely construction.” TDOT is implying that NSR might not comply with local and applicable flood plain management laws. During the recent floods in metro Atlanta, the NSR Austell Georgia facility has been harshly criticized by the public and local government for possibly contributing to the flooding of local homes. Given the large impervious surface footprint of this facility and recent controversy associated the NSR Austell, Georgia facility, EPA recommends that NSR and TDOT fully comply with all applicable (state and local) flood plain regulations.

3. The flood plain analysis within the Draft EA isn’t commensurate with the scale and scope of the proposed project. EPA recommends that TDOT conduct further analysis to ensure that the facility will not negatively impact the flood plain habitat and local residents and businesses.

b. Indirect and Cumulative Impacts to Floodplain: On page 3-183 there is a discussion regarding the indirect and cumulative impacts of the floodplain. On page 3-100, NSR states, “NSR has adopted the construction and maintenance practices outlined in the local floodplain practices, **to the extent practicable**, and do not anticipate floodplain impacts.” NSR goes on to state, “While NSR plans to voluntarily comply with such local criteria whenever possible, there may be instances where those criteria are **incompatible with rail operations**.” In the footnotes on page 3-100, NSR notes

“...in recognition of the importance of rail transportation in interstate commerce, Congress has enacted legislation providing that federally regulate railroads operating in the interstate commerce are not subject to otherwise applicable local and state laws.... This includes local planning, zoning and similar laws and ordinances. However, as discussed in this section NSR will adopt local floodplain impact practices for this project.”

NSR is ambiguous as to whether or not they intend to adopt local floodplain ordinances. NSR has implied that they would disregard Fayette County’s floodplain ordinances and Executive Order 11988 should the ordinance or EO interfere in meeting rail operations. What would be the cumulative impact of TDOT and NSR disregarding the local ordinances and EO? Also, the discussion doesn’t include other proposed industrial developments (Industrial Road and Chickasaw Industrial Park) that will increase impervious surfaces, which could lead to more stormwater run-off and possible increases in flooding. In metro Atlanta, the NSR Austell IMF is currently being criticized by the local community and political officials for increasing the flooding of the local community. EPA recommends that TDOT and NSR conduct a more thorough engineering analysis regarding the indirect and cumulative impacts of the floodplain hydrology. Also, since this is a Federally funded project, EPA recommends that TDOT and NSR fully comply with all Federal, State and local ordinances.

5. Traffic Analysis: In Section 3.3.3.2 Background Conditions (page3-16), TDOT/NSR assumes that MDOT’s proposed improvements to SR 72 (improving road from a 2 lane to a 4 lane) will be funded and constructed. What would the level of service be without the construction of this 4 lane road? TDOT and NSR needs to fully

evaluate the Level of Service of SR 72 without the construction of a 4-lane road and integrate the existing 2 lane facility within the background and future conditions traffic analysis. EPA recommends that TDOT/NSR include the existing 2 lane traffic data within the Background Section (on page 3-6), within Table 3-3: Level of Service – Background Conditions (2015 and 2032) (add another column), within Section 3.3.3.3 – Future Conditions (on page 3-18(and Table 3-5: Level of Service – Future Conditions (2015 and 2032).

6. Indirect and Cumulative Impacts to Social and Community Resources:

a. There is very little discussion regarding the IMF impacts on the local communities within Mississippi. Mount Pleasant, MS, is the closest community to the IMF freight truck entrance, but there is no mention of this community and the direct, indirect or cumulative impacts to this community. EPA recommends that TDT and NSR better evaluate the impacts to Mississippi communities especially Mount Pleasant.

b. TDOT does not discuss the impacts of the IMF on property value. EPA recommends that TDOT discuss the possible impacts of the IMF on property value in both nearby communities in Mississippi and Tennessee.

7. Public Outreach and Coordination in Mississippi. All of the public meetings are being held in Tennessee despite the fact that the sole freight truck entrance point is in Mississippi. The citizens of Mississippi will have the burden of dealing with increased truck traffic and congestion. What has NSR or TDOT done to coordinate and solicit input from the local residents in Mississippi? Specifically, has TDOT and NSR coordinated with the community leaders within Mount Pleasant, MS, which is located just outside of the IMF entrance? EPA recommends that TDOT conduct a public meeting in Mississippi and solicit input from residents and community leaders in Mount Pleasant.

8. Mobile Source Air Toxics (MSATs)

a In Section 3.7.31 Mobile Source Air Toxics (MSATs), page 3-48, TDOT/NSR notes there are currently 55 residences within ½ mile of the project limits, and another 5 within ¼ mile of the Industrial Road. TDOT/NSR goes on to state, “The operation of the Memphis Regional IMF will result in an overall reduction in air emissions on a large-scale regional and national basis by significantly reducing highway congestion and truck traffic between the Memphis area and the northeast United States and other markets.” Attempting to justify increases in local emissions based on reductions of MSATs regionally or nationally seems to miss the point that MSATs are a local phenomenon. MSATs have local impacts which are the reason that modeling the concentrations at nearby locations is important. Also, within the Air Quality Technical Report on page 27, TDOT/NSR states that, “the operation of the proposed Memphis Regional IMF would result in minor increase in MSAT emissions in Fayette County and Marshall County, and would correspond to a concurrent decrease in MSAT emissions...”. For a project of this magnitude, the air toxics analysis should include a quantitative inventory of emissions by location; dispersion modeling to estimate air toxics concentrations in areas along and outside the footprint of the project; and a screening level risk assessment of the potential impacts of the emissions on nearby groups.

b. Diesel exhaust is of particular importance at an intermodal facility. Diesel exhaust is a complex mixture of hundreds of constituents in gaseous and particulate form. The particulate matter present in diesel exhaust consists primarily of fine particles, whose small size allows them to reach deeply into the lungs. EPA's 2002 final "Health Assessment Document for Diesel Engine Exhaust" classified exposure to diesel exhaust as likely to be carcinogenic to humans at environmental exposures. Recent studies continue to show that populations living near large diesel emissions sources are likely to experience greater diesel exhaust levels than the overall U.S. population, potentially placing them at greater health risk. (For example, see the diesel risk studies performed by the California Air Research Board at the ports of Los Angeles and Long Beach, California's rail yards, and West Oakland.

Rail yard study at: <http://www.arb.ca.gov/diesel/documents/rrstudy.htm>

Oakland Community diesel risk evaluation at:

<http://www.arb.ca.gov/ch/communities/ra/westoakland/documents/draftsummary031908.pdf>

Ports of Los Angeles and Long Beach studies at:

<http://www.arb.ca.gov/regact/marine2005/portstudy0406.pdf>) Emissions associated with an intermodal facility involve not only those from line-haul and switching locomotives and cranes at the facility itself, but also emissions from many other sources such as trucks along the feeder routes to the IMF and at distribution centers serviced by the IMF.

c. For modeling impacts of this project, EPA recommends that TDOT/NSR use AERMOD and;

1. Identify other large sources of air toxics in the area, and other air toxics sources in the area whose emissions are likely to increase or decrease if the project moves forward (e.g. is the new facility likely to foster residential or business development that might be affected by emissions from the site or its support roads; will there be additional or expanded roadways or railways related to the IMF and distribution facilities, e.g., the Industrial Road, US Highway 72 in Mississippi, SR 385 in Tennessee, roads to nearby existing or anticipated distribution facilities, links to the existing Memphis area intermodal facility and port operations, etc.). The impact of these facilities and infrastructure, whose existence and/or size is related to the planned IMF, should be evaluated just as the proposed Memphis IMF itself. The evaluation should also cite existing relevant air monitoring data.
2. Evaluate the potential impact of emissions on nearby individuals and groups including sensitive populations such as those at schools, hospitals, day care facilities, nursing homes, etc. How many people live in the area, and are any nearby communities medically underserved or environmental justice communities? Are there populations with currently high rates of adverse health conditions that might be exacerbated by the air toxics emissions?

d. At present, the NEPA documents doesn't 1) inform the public as to all reasonably foreseeable, adverse impacts resulting from the project, or 2) identify differences in impacts among the alternatives, 3) identify possible mitigation measures, including

actions that may be outside the jurisdiction of the lead agency, including possible changes to the project design.

e. A screening-level analysis was done for EPA's 2008 locomotive and marine rule which addressed the local impacts of ports and rail yards on minority and low income populations as well as children. A summary of the analysis is found in Section 2.4.1 of the Regulatory Impact Analysis (<http://www.epa.gov/otaq/regs/nonroad/420r08001a.pdf>). The analysis includes two rail yards in Tennessee.

1. Prepare an estimate of maximum impacts anticipated in the area around the proposed facilities, including an assessment of the potential impacts of both the construction and operation of each alternative considered.
2. Identify alternatives to avoid or minimize the impacts of the proposed project.

For example:

- a. A ban on open burning during construction— all materials that would normally be burned should be recycled to the extent feasible to avoid health and visibility impacts.
- b. Minimizing dust and debris generated during construction.
- c. Construction limited to the smallest footprint feasible to avoid environmental degradation and reduce the amount of dust generated during construction.
- d. Maintenance of the maximum amount of trees feasible to reduce footprint, noise and dust dispersion during construction.
- e. Installation of the latest air pollution control devices on all construction equipment (see EPA's Verified Technologies List for diesel engines at <http://www.epa.gov/otaq/retrofit/verif-list.htm>).
- f. Use of ultra low sulfur fuel exclusively for construction equipment, trucks, locomotives, etc.
- g. Restriction on the time that engines may be left to idle.

f. On page 50, last paragraph states, "EPA's vehicle and fuel regulations, coupled with fleet turnover, would cause substantial reductions over time that in almost all cases the MSAT levels in the future will be significantly lower than today." It is important to note that projected emission reductions do not absolve the sponsor and FHWA from the responsibility to protect public health from emissions associated with this project by using appropriate mitigation measures.

g. Identify alternatives to avoid or minimize the impacts of the proposed project. For example:

1. A ban on open burning during construction— all materials that would normally be burned should be recycled to the extent feasible to avoid health and visibility impacts.
2. Minimizing dust and debris generated during construction.
3. Construction limited to the smallest footprint feasible to avoid environmental degradation and reduce the amount of dust generated during construction.

4. Maintenance of the maximum amount of trees feasible to reduce footprint, noise and dust dispersion during construction.
5. Installation of the latest air pollution control devices on all construction equipment (see EPA's Verified Technologies List for diesel engines at <http://www.epa.gov/otaq/retrofit/verif-list.htm>).
6. Use of ultra low sulfur fuel exclusively for construction equipment, trucks, locomotives, etc.
7. Restriction on the time that engines may be left to idle.
8. Etc.

h. The FHWA's September 30, 2009, Interim Guidance Update on Mobile Source Air Toxic Analysis in NEPA Documents addresses the level of analysis that is warranted by different types of transportation projects. The guidance identifies three levels or tiers of analysis. The most rigorous level is tier 3 which includes, according to the guidance:

(3) Projects with Higher Potential MSAT Effects

This category includes projects that have the potential for meaningful differences in MSAT emissions among project alternatives. We expect a limited number of projects to meet this two-pronged test. To fall into this category, a project must:

- Create or significantly alter a major intermodal freight facility that has the potential to concentrate high levels of diesel particulate matter in a single location; or
- Create new or add significant capacity to urban highways such as interstates, urban arterials, or urban collector-distributor routes with traffic volumes where the AADT is projected to be in the range of 140,000 to 150,000 or greater by the design year.

And also

- Proposed to be located in proximity to populated areas

i. The Memphis Regional Intermodal Facility project is among the types specifically identified in this guidance from the FHWA, i.e., a new major intermodal freight facility that will involve heavy truck, train, and support equipment operations, and that is in a populated area. The September 30, 2009, guidance states that for these level 3 projects there should be "Quantitative analysis to differentiate alternatives for projects with higher potential MSAT effects." Is there a quantitative analysis that compares the different alternatives from an air toxics perspective?

j. On page 3-58, second paragraph, TDOT/NSR states, "Because of the limitations in the methodologies for forecasting health impacts described, any predicted difference in health impacts between alternatives is likely to be much smaller than the uncertainties associated with predicting impacts. Consequently, the results of such assessment would not be useful to decision makers, who would need to weigh this information against project benefits...". It should be noted that a screening level analysis using existing models and available toxicity information, can be conducted to compare the potential impacts of different alternatives. EPA published the Air Toxics Reference Library in order to assist in the screening evaluation of air toxics exposures for health impacts. That library is

available at http://www.epa.gov/ttn/fera/risk_atra_main.html. Additionally, disclosure of health impacts within a NEPA document is not only to assist decision makers, but is to also inform and educate the public on potential impacts.

k. The EA notes that the project will result in rail traffic and is expected to increase truck traffic up to 1668 round trips on a typical weekday, the EA should discuss the literature concerning near-roadway health impacts. There is a large and growing body of studies on the topic.

9. Groundwater Impacts:

a. On page 3-108, the maintenance pad will handle maintenance and fueling activities and have 5 above ground tanks (ASTs) ranging in size from 300 - 3,000 gallons. The ASTs will be required to have secondary containment. The stormwater from the maintenance pad will be treated by an oil- water separator and the pollutants discharged to the Rossville separate sewer system. Are there any considerations of requiring the City of Rossville, WWTP to require pre-treatment conditions prior to allowing this discharge into the separate sewer system from the maintenance pad area oil-water separator. There is no indication of how large the maintenance pad area is, but a large storm event could trigger more water for the Rossville WWTP to handle, prior to discharge into a stream. According to the University of Memphis, Groundwater Institute, 95% of the recharge of the aquifer occurs through the areas streams.

b. On page 3-108, the construction of the paved concrete container and trailer transfer and parking area within the operating yard and maintenance pad area would eliminate direct recharge in this 233 acre section of the IMF. Of the 650 acre project area, 270 acres outside of the 380 acre facility would be either left natural or restored to open or green space, which would allow for continued recharge. The majority of the stormwater collected on the paved operating yard would discharge into Stream 6 after passing through the stormwater basins, which fundamentally matches the pre-construction drainage pattern. The stormwater directed to Streams 5 and 6 would allow recharge to occur through the Unnamed Tributary of Wolf River. The large paved area has eliminated direct recharge to the groundwater. It is mentioned that only 4 spills have occurred at Norfolk Southern Railroad in the last 2 years (2008-2009) with the largest spill of 25 gallons. It would be good to get more information on the spills and whether or not the spilled product actually reached a surface water in a recharge area like this. No comment is made on whether the Stormwater BMPs are adequate enough to protect the recharge areas, but some type of clay material will be compacted in the bottom of the stormwater basins. EPA recommends that TDOT further discuss the stormwater BMPs protective relationship to the recharge area.

c. EPA recommends that prior to construction, some type of monitoring well sampling should be investigated using current groundwater wells or newly installed groundwater wells. Monitoring well sampling is needed since the City of Collierville is located to the Northwest of this proposed facility and currently uses groundwater from eleven deep wells. The City of Rossville has a few shallow groundwater wells to the Northeast of the proposed Memphis Regional IMF. Regional groundwater flow appears

to be to the West and Northwest and shallow groundwater flow appears to be to the North and Northwest toward the Wolf River.

d. Additionally, some type of removal action was initiated by EPA Region 4 at the Rossville Metals facility during 1998, after some contaminants were found in the soil and groundwater. EPA recommends that TDOT/NSR further investigate and discuss this removal action in the Final EA.

10. Sustainability. EPA encourages TDOT and NSR to continue to work collaboratively with TDEC, MDEQ, MDOT, USACE, other resource agencies, public and other stakeholders to construct an environmentally sustainable facility. NSR has the opportunity to construct a “Green” facility and to set an example and standard for future IMF design.

Finding of No Significant Impact

Appendix E – Public Hearing Materials, Public Comments and Responses

Table 4 summarizes the consolidation of public comments received and provides a response.

Table 4: Consolidated Public Comments and Response

Applicable EA Section / Category	Consolidation of Public Comments	Responses
1 Operation	Freight revenues all over the country are declining dramatically.	<p>The purpose and need of the IMF is addressed in EA Section 1. The long-term trend and projection is for the intermodal mode of transportation to increase. The Memphis Regional IMF would flatten the increase in demand for long-haul trucks from the highway system by transferring their containers or trailers to IMF trains. The project would improve transportation efficiencies regionally and nationally. Domestic IMF traffic planned for the proposed IMF is growing dramatically in 2010. Year to date (first 7 months of 2010) NSR domestic traffic has increased over 28% when compared to same timeframe in 2009 or over 25% when compared to the same timeframe in 2008. The multi-year trend of dramatic growth in domestic intermodal traffic is the impetus for developing the Memphis Regional IMF. These figures support increased freight demand as set forth in the EA Section 1.0 Purpose and Need and the studies cited in the EA.</p> <p>Additionally, based on the analysis contained in the American Association of State Highway and Transportation Officials (AASHTO) July 2010 Report, <i>Transportation Reboot: Restarting America's Most Essential Operating System – The Case for Capacity: To Unlock Gridlock, Generate Jobs, Deliver Freight, and Connect Communities, Part 2 of the Series, Unlocking Freight</i> noted increased freight demand despite economic issues in 2008 and pointed out the need for transportation infrastructure including intermodal to support national transportation and economic needs.</p>
2.2 Alternative – No-Build	Prefer the No-Build Alternative. It is environmentally safer, less urban sprawl and suburb disturbance. Best solution from a business, environmental, and tax payer perspective.	<p>The purpose and need is addressed in EA Section 1 and the alternative selection criteria are addressed in EA Section 2. The No-Build alternative does not meet the need and purpose of the project. The No-Build alternative would cause an increase in long-distance highway truck traffic rather than an increase in environmentally preferable rail-truck intermodal service, hamper economic growth in the Memphis Region, and eliminate the public benefits of intermodal transportation by decreasing transportation and energy efficiency and increasing emissions.</p> <p>NSR's existing Forrest IMF in an urbanized area of Memphis is operating at or above its original design capacity and is currently using less effective methodologies to handle the volume of freight moving through the facility. It cannot be expanded due to physical space limitations (surrounded by streets and houses). The projected requirement for intermodal freight is approximately 2-½ times the Forrest IMF capacity.</p>

Table 4: Consolidated Public Comments and Response

Applicable EA Section / Category	Consolidation of Public Comments	Responses
2.2 Other Alternatives	An IMF should not be built in the aquifer recharge zone. A location outside of the recharge zone should be selected.	The purpose and need of the IMF is addressed in EA Section 1 and the alternative selection criteria are addressed in EA Section 2. A location outside the footprint of the Memphis Sand aquifer (which underlies a vast area including parts of KY, TN, AL, AR, MS, LA, and TX) does not meet the project’s purpose and/or meet the screening criteria defined in the EA Section 2.1. The Rossville area fits well with the warehousing growth trends (EA Figure 1-9), proximity to highway infrastructure, proximity to NSR’s mainline (EA Figure 2-2), and locations with sufficient space for an IMF.
2.3 Build Alternative	Strongly support IMF coming to Fayette County. Support the project. There is no way the current facility can handle any growth. We (Tennessee) need the economic development that it will bring. Prefer rail transport of materials to trucks on highway	The purpose and need is addressed in EA Section 1 and the alternative evaluation criteria are addressed in EA Section 2. Build Alternative 1 best meets the defined criteria and is the only build alternative brought forward into the EA.
3.1 Land Use	How the land is zoned has no impact on what makes the land environmentally appropriate. The project would cause urban sprawl at its ugliest. There are options in Memphis metro area already built that are vacant or underutilized. Completely bad idea that in the long run ruins a lovely farming and residential area.	The alternatives, potential land use and social impacts are addressed in the EA Sections 2.0, 3.1, 3.4 and 3.18 and in the Air, Ecology and Noise Technical Reports (on file with TDOT). As discussed in the EA Section 2, between 2003 and 2009, six alternatives were evaluated for the Memphis Regional IMF project. As noted in the EA Section 3, the project is not expected to have substantial land use or social impacts. The project will obtain and comply with applicable permits. Impacts to natural environment will be avoided, minimized or mitigated during project design. Fayette County’s urban growth plan, Rossville planning and zoning regulations, and Marshall County’s zoning regulations, provide for industrial development at this location, EA Figure 3-2.
3.3 Overpass	Concerned about the overpass. The way I understand it out there it’s going to end about a hundred feet east of Neville Road, and it’s going to be a high incline. What safety precautions are they going to put at the end of Neville Road to access the highway without getting run over?	The indirect impacts of the overpass construction are discussed in the EA Section 3.18 and 3.19. The proposed SR-57 overpass geometry meets TDOT design guidelines for sight distance for traffic accessing Neville Road at SR-57 and entering SR-57 from Neville Road.

Table 4: Consolidated Public Comments and Response

Applicable EA Section / Category	Consolidation of Public Comments	Responses
3.3 Traffic Rush Hour	The added traffic at rush hour was not sufficiently addressed. Just because the peak use is during mid-day doesn't mean there will not be a problem. What are the road conditions going to be like with all of these additional trucks on the road during so-called rush hour?	As discussed in the EA Section 3.3 and the Traffic Impact Studies (on file with TDOT and MDOT), AM and PM rush hours were reviewed as maximum traffic volume times when evaluating warrant requirements and determining LOS. These are the volumes used to design the recommended improvements to the intersection of US Hwy 72 and Industrial Road. The peak traffic time for the proposed IMF (between noon and 2 p.m.) is predicted to occur at a different time of day than US Hwy 72 current rush hours (6 - 8 a.m. and 4 - 6 p.m.).
3.3 Widening US 72	US 72 is a two-lane highway. The widening of US 72 to 4-lanes needs to be completed before the access road for the IMF is allowed to connect to US 72. MDOT is nowhere close to widening US 72.	MDOT plans to widen US Hwy 72 are discussed in the EA Section 3.18.2. Construction of US Hwy 72 from MS 302 to the TN State Line was programmed in the MS Statewide Transportation Improvement Plan (STIP) for 2012. ²⁰ MDOT is in the process of updating its environmental documentation for widening their last section of US Hwy 72. As discussed in the EA Section 3.3, in anticipation of the planned widening of US Hwy 72 to four lanes in the vicinity of the project area, MDOT has requested that the design and construction of the proposed intersection of Industrial Road and US Hwy 72 include widening US Hwy 72 to four-lanes, with stub-outs to the east and west. ²¹ The Traffic Impact Study (on file with TDOT and MDOT) and the EA Figure 3-11 show what improvements are warranted at US Hwy 72 and Industrial Road. These improvements could be made by the private Developer in conjunction with the MDOT Highway Occupancy Permit (HOP): turn lane for right and turn lane for left turning vehicles from Industrial Road; eastbound left turn lane on US Hwy 72; locate the intersection to provide adequate sight distance to the west and east; and acceleration and deceleration lanes on the westbound section of US Hwy 72.

²⁰ Mississippi DOT 2010-2013 STIP, US 72 from FR 302 to Tennessee State Line, NEED ID 4752.

²¹ Meeting with MDOT, NSR, AECOM, AMEC, and Developer in Batesville on October 22, 2009.

Table 4: Consolidated Public Comments and Response

Applicable EA Section / Category	Consolidation of Public Comments	Responses
<p>3.3 Traffic Volume</p>	<p>Three trucks per minute is too much for other drivers to deal with. US 72 is already overloaded. Estimating a slight increase in truck traffic on US 72 with a thousand trucks or more projected a day, where we currently have hundreds a day, is not slight. We now can't handle the traffic that's going through there at this time. If you're going to add all of these additional trucks on the road during the course of the day, how are you going to handle it and what are the road conditions going to be like?</p>	<p>As discussed in the EA Section 3.3 and the Traffic Impact Studies (on file with TDOT and MDOT), the 2009 Level of Service (LOS) for the 2-lane section of US Hwy 72 near the proposed location of Industrial Road is LOS C, which is considered acceptable. The access point to the IMF and the nearby commercial development is onto US Hwy 72. Near the proposed location of Industrial Road, the 2009 traffic on US Hwy 72 is 20% heavy vehicle traffic.</p> <p>Even though traffic volumes have been decreasing on US Hwy 72 for the past 5 years, the background traffic volume was assumed for study purpose to increase by 2.5% per year, as requested by MDOT. In 2015, less than 13% of the predicted traffic on US Hwy 72 would be from the IMF. By 2032, the IMF traffic is predicted to be only 10% of the traffic on US Hwy 72. Based on the predicted background increase in traffic and the predicted volume of IMF traffic in 2015 and 2032, the LOS for the proposed 4-lane section of US Hwy 72²² would be LOS C. If US Hwy 72 remains 2-lane with a 1% growth rate, the LOS would remain LOS C in 2015. If the 2.5% growth rate requested by MDOT is used, the assumed traffic would be at the lower end of the LOS D threshold range. The Highway Capacity Manual (HCM) states “most design or planning efforts typically use service flow rates at LOS C or D to ensure an acceptable operating service for facility users.”</p>

²² MDOT has the widening of US Hwy 72 programmed to start construction in 2012.

Table 4: Consolidated Public Comments and Response

Applicable EA Section / Category	Consolidation of Public Comments	Responses
<p>3.3 Traffic SR-57/SR-196</p>	<p>What will be the impact from the traffic on SR-57/ SR-196? Are SR-57/ SR-196 adequate to handle increased traffic generated by the IMF?</p> <p>There will be absurd amounts of traffic added to SR-57.</p> <p>No study of increased traffic on HWY 57 that is only 2 lanes inconsequence to vehicles avoiding increased traffic on HWY 72.</p> <p>There is no LOS for SR-57 and US-72 in Collierville in the EA. Traffic with a destination in Collierville, Cordova, or Germantown may find it more convenient to travel on SR-57 in Collierville, thus making the intersection of US-72 and SR-57 and traffic on SR-57 more crowded.</p> <p>Consideration needs to be made of the impact of trucks and workers that will use SR-196 as a shortcut to SR-57 regardless of the availability of I-69 and SR-196. It is doubtful that many drivers (truck, construction, employees of the IMF) needing to go East on SR-57 to Rossville, Moscow, Somerville, etc. will use any route other than north on SR-196. SR-196 is a minor arterial road with 2 large turns near Old State Line Road and no traffic light at the intersection of SR-57 and SR-196.</p> <p>The impact of future traffic NB on SR-196 was not addressed nor was the impact of increased traffic at the intersections of SR-196/SR-57 or SR-57/US 72.</p>	<p>As discussed in the EA Section 3.3 and the Traffic Impact Studies (on file with TDOT and MDOT), the IMF would not increase truck traffic on SR-57, because the facility access is via US Hwy 72. The major movements are expected to be on US Hwy 72, SR-385, I-69/269, I-240, I-55, and US Hwy 78 to the likely warehouse locations shown on the EA Figure 1-9 in Olive Branch, Capleville, Southaven, Jago, and Memphis.</p> <p>As discussed in the EA Section 1, the IMF is expected to initially have 140 employees. The personnel vehicles from the IMF employees were taken into account in the Traffic Impact Studies (on file with TDOT and MDOT).</p> <p>According to MDOT Traffic Impact Guidelines (approved by TDOT), only the access points, arterials, and intersections where the traffic generated by the facility would be greater than 5% of the access point, arterial, and intersection capacity are required to be studied. Therefore, US Hwy 72 between Red Bank Road and SR-196 along with intersections of Red Bank Road, Industrial Road, Cayce Road and SR-196 were studied. The other intersections / arterials were not studied because the IMF traffic is predicted to be less than 5% of their capacity.</p>

Table 4: Consolidated Public Comments and Response

Applicable EA Section / Category	Consolidation of Public Comments	Responses
3.3 Safety	There will be safety issues with more trucks driving along the road where I live. There have been such a high number of accidents in this section. The roads are not even marked properly for passing lanes or anything else in that section.	<p>As discussed in the EA Section 3.18.2, the MS Strategic Highway Safety Plan²³ outlines MS's mission, vision, and goal for prioritizing and coordinating safety initiatives to allow available funding to produce the greatest results in reducing traffic injuries and fatalities.</p> <p>As discussed in the Traffic Impact Study (on file with TDOT and MDOT), the crash data²⁴ was used in the warrant evaluations for determining the recommended improvements to US Hwy 72 at the intersection of Industrial Road. These improvements for 2015 include: turn lane for right and turn lane for left turning vehicles from Industrial Road; eastbound left turn lane on US Hwy 72; locate the intersection to provide adequate sight distance to the west and east; and acceleration and deceleration lanes on the westbound section of US Hwy 72. These improvements could be made by the private Developer in conjunction with the MDOT Highway Occupancy Permit (HOP).</p>
3.3 Traffic SR-385	The extensive use of SR-385 trucks by entering US 72 was not adequately addressed.	<p>As discussed in the EA Section 3.3 and the Traffic Studies (on file with TDOT and MDOT), the traffic generated by the Memphis Regional IMF would comprise less than 5% of the capacity of the SR-385/US Hwy 72 interchange. Because the IMF traffic is less than 5% of the intersection capacity, according to MDOT Traffic Impact Guidelines (approved by TDOT), the intersection was not required to be studied.</p> <p>As discussed in the EA Section 3.18, SR-385 is a fully controlled 4-lane median divided freeway that currently provides a connection from I-240 in Memphis to SR-57 in Piperton. Construction of SR-385 from SR-57 to I-40 is currently underway and is expected to be completed by 2012.</p>

²³ MDOT, Mississippi Strategic Highway Safety Plan, January 2007.

²⁴ Provided by the Mississippi Department of Public Safety

Table 4: Consolidated Public Comments and Response

Applicable EA Section / Category	Consolidation of Public Comments	Responses
<p>3.3 Traffic Beyond US 72</p>	<p>The studies do not address where the trucks will go past US 72. Shouldn't the study show percentage of trucks that would access SR-385 E/W, I-269 to I-40 E/W, MS-302, and US 78? The studies do not address how trucks would make a left hand turn from the access road onto US 72. Will there be an overpass or traffic light on US 72? Graphs concerning increased traffic on US 72 were inadequate without supporting numbers. The studies do not say how they weighted tractor trailers differently than car. Obviously, tractor trailers would cause higher impact to traffic and road conditions. The studies do not provide breakdown of vehicle numbers now vs. vehicle numbers when project done, nor does it show the potential increases number of trucks from the project.</p>	<p>As discussed in the EA Section 3.3 and the Traffic Studies (on file with TDOT and MDOT), the traffic generated by the Memphis Regional IMF would comprise less than 5% of the capacity of the SR-385/US Hwy 72 interchange, I-269/69, MS 302 and US Hwy 78. Because the IMF traffic is less than 5% of their capacity, according to MDOT Traffic Impact Guidelines (approved by TDOT), the arterials and intersections were not required to be studied. The Traffic Impact Study (on file with TDOT and MDOT) and its Figures 4A/4B shows the assumption that 20% of the trucks and 10% of the cars leaving the IMF will turn left heading east on US Hwy 72 with the balance turning right to go west on US Hwy 72. The Traffic Impact Study Figures 5A/B shows the predicted vehicle numbers in 2015.</p> <p>The analysis recommended these improvements for 2015: one each turn lanes for right and left turning vehicles from Industrial Road; eastbound left turn lane on US Hwy 72; locate the intersection to provide adequate sight distance to the west and east; and acceleration and deceleration lanes on the westbound section of US Hwy 72. Based on the predicted traffic volumes, a traffic signal was not warranted at the proposed intersection of US Hwy 72 and Industrial Road. All capacity analysis and calculations utilized the appropriate truck percentages and the significant presence of trucks was accounted for in the acceleration/deceleration recommendations and sight distance analysis. These improvements could be made by the private Developer in conjunction with the MDOT Highway Occupancy Permit (HOP)</p>
<p>3.4 Taxes/ Services</p>	<p>The existing infrastructure is far too small, it is too costly, to accommodate what will be needed to enlarge it with our current tax base we have. Property taxes will be going up to support this private project.</p> <p>Cost to local tax payer for road upkeep. Fayette County does not have money to support road maintenance/ improvements for the additional trucks. They do not have adequate fire dept for spills or hazardous materials. There will be a need for extra police force.</p> <p>Cayce VFD never contacted. They will have primary responsibility for all traffic exiting facility in Marshall County.</p>	<p>The social and local community and potential impacts are addressed in the EA Sections 3.4 and 3.18. The IMF will not be paid for by property taxes. To the extent that additional expenditures are required for police, fire and emergency services that might occur from the indirect result of the IMF, the indirect economic growth with the associated increase in tax base would offset these costs.</p> <p>The Traffic Impact Studies (on file with TDOT and MDOT) do not show any requirements for road improvements in Fayette County. As discussed in the EA Section 3.16, the likelihood of hazardous material shipment spills is remote. From 2004 to 2009, the spill ratio for all such shipments handled by NSR was 0.00000156 per container or trailer handled.</p> <p>After the public hearing, the Cayce Volunteer Fire Department (VFD) was contacted for any additional comments/discussion.</p>

Table 4: Consolidated Public Comments and Response

Applicable EA Section / Category	Consolidation of Public Comments	Responses
3.4 Property Value	IMF will have negative impact on neighborhood and property values.	The potential land use and social impacts are addressed in the EA Sections 3.4 and 3.18. The indirect and cumulative impacts of the IMF are discussed in the EA Sections 3.18. Based on the experience from other IMFs, the property values of existing residential homes may initially decrease during construction; though over the long-term, property value increases. IMFs have the potential to attract development and jobs to the community. Crime and decreased property values are not a natural outcome. During the design phase, efforts will be made to minimize negative impacts to adjacent property owners.
3.4 Utilities	What type of sewer system will the IMF use?	The sewer connection is addressed in the EA Section 3.12 and 3.16. The IMF restrooms and the material captured during maintenance activities in the oil-water separator from the maintenance pad area of the facility would be disposed of through the Rossville separate sewer system.
3.6 Economic	Tremendously negative impact on the tax base.	The economic benefits from the proposed IMF are in the EA Sections 3.6 and 3.18.4. Based on a regional study, the Memphis Regional IMF would contribute to a projected cumulative economic impact of \$2.7 billion by 2020 and to employment growth of 6,186 new, saved, or benefited jobs in the same period. The potential increase in developments drawn to the area could increase the Fayette, Shelby, and Marshall Counties' tax base. The IMF is not expected to result in any negative impacts to the tax base.
3.7 Air	Noxious fumes, poor air quality would result from the proposed use. Concerned about air pollution impacts on area. Jeopardize air quality. There would be an increase in air pollution with traffic congestion at site and on highways of surrounding areas.	Air quality and potential impacts are addressed in EA Sections 3.7, 3.18, and 3.19. EPA has established National Ambient Air Quality Standards for criteria air pollutants, i.e., lead, NO _x , CO, SO _x , ozone, and particulate matter and the facility is designed to comply with applicable requirements to maintain these standards in Fayette County. The Air Quality Technical Report on file with TDOT presents the results of the analysis of potential air emissions and air quality impacts from facility construction and operation. The report indicates the facility would have no adverse effect on air quality, with only minor increases in emission of criteria pollutants and Mobile Source Air Toxics (MSATs) expected. Mitigation would not be required.

Table 4: Consolidated Public Comments and Response

Applicable EA Section / Category	Consolidation of Public Comments	Responses
3.8 Noise	The noise will impact more than three people. Concerned about noise pollution impacts on a rural area. What about back-up alarms?	Noise and potential impacts from the facility construction and operation are addressed in EA Sections 3.8, 3.18, and 3.19. The Noise Technical Report (on file with TDOT) indicates that the potential impacts from the facility affect three residences, according to FRA and FHWA criteria. The noise study was based in part on results of actual noise monitoring conducted at the NSR IMF in Austell, GA. Although not required by the noise analysis, the Memphis Regional IMF design includes berms along the western edge of the facility and between a section of the lead tracks and Neville Road to reduce noise impacts. Noise modeling in the assessment considered all aspects of equipment noise emissions, including standard back-up alarms. NSR has been testing alternative back-up warning technology to replace the normal beeping type warning system with a more localized type warning system.
3.9 Historical	No studies have been done at existing sites (in regard to archeological resources).	From May 27 to June 3 and from July 21 to July 24, 2009, archaeologists conducted a Phase I Archaeological Survey for the proposed development. The archaeological survey covered approximately 772.8 acres and consisted of background research, pedestrian field reconnaissance, subsurface testing of the project area, analysis of the materials recovered, and a report of findings. The survey area encompasses large stretches of pastureland, wooded hill slopes, and drainages. The survey area is near or bordered by Parnell Road to the west, the NSR railroad line north of SR-57 to the north, Knox Road to the east and the TN/MS state line, less than 3,000' to the south.
3.12 Natural Resources	There has been insufficient assessment of impacts on stream water quality and wildlife. The proposed land use/development project will likely impair ground water quantity and quality.	The natural resources and potential impacts including habitat are addressed in the EA Sections 3.12, 3.18, and 3.19 and the Ecology Report on file with TDOT. The IMF property is 650 acres with 380 acres to be developed, which constitutes a very small percentage of land currently in forest or agricultural use within Fayette County. The project will obtain and comply with applicable permits which protect environmental resources and water quality. Impacts to natural resources will be avoided, minimized or mitigated during project design and construction.
3.12.5 Floodplain	The EA indicates that the area is a "flood hazard area". With the recent flooding events in mind, what does that mean?	Floodplain/stormwater and potential impacts are addressed in EA Sections 3.12, 3.18, and 3.19. The IMF is located outside of the mapped flood hazard area. Pre- and post-construction hydrology will not change substantially due to the project. Impacts to the Zone A floodplain will be avoided, minimized, or mitigated during project design. A No-Rise Certification was provided for the project in the Zone A floodplain.
3.12.6 Aquifer (Lead Tracks)	The Lead Tracks between NSR mainline and IMF are going to be within 500' of my house, approximately 45' in ground. Are they going to pad it with clay like they are the facility? Since sand is approximately 10' below surface.	The majority of the lead tracks are being placed on compacted fill material. Based on the borings taken in the area, the Memphis Sands are not expected to be exposed in this area. If exposed, the lead track areas would be treated the same as the rest of the facility (as detailed below and in the EA Section 3.12.6).

Table 4: Consolidated Public Comments and Response

Applicable EA Section / Category	Consolidation of Public Comments	Responses
3.12.6 Aquifer	<p>Damage to the Memphis Sand Aquifer will directly affect residents of Fayette County. Twin Hill Ranch serves as an important recharge area for the region's drinking water source. Proposed site sits upon a delicate water recharge area for the Memphis Sands Aquifer, the regions only source of drinking water.</p> <p>Scientific research clearly demonstrates land uses most harmful to aquifers include paving over land surface (which impedes rainfall recharge).</p>	<p>The Memphis Sand aquifer and potential impacts are addressed in EA Sections 3.12 and 3.18. The aquifer underlies a vast area including parts of KY, TN, AL, AR, MS, LA, and TX. The recharge area underlies over 2,200 square miles in west TN alone. The IMF overlays less than 0.03% of the west TN recharge area. In addition, the IMF will occupy approximately 58% of the entire project area with 42% fallow. The proposed IMF is expected to have no significant impact on the aquifer. Based on available data and study, most recharge occurs in the streams. The facility will be developed primarily in the upland area. Consequently, the relatively small footprint combined with its upland location should not affect the overall recharge in the area.</p> <p>NSR is following all applicable Federal, State, and local regulations for construction and operation of the IMF within the outcrop area. NSR is taking a proactive approach to protect the aquifer by installing a compacted clayey soil layer atop exposures of the sand aquifer that are revealed during grading. NSR would install compacted clay liners in the detention basins to impede infiltration. In the container/trailer parking area, a concrete pad acts as an additional protective barrier for any underlying groundwater resources. The concrete pad and/or clay layer is designed to prevent infiltration in the rare event of a spill.</p>
3.12.6 Aquifer Regulation	<p>You didn't say to absolutely protect it. I don't know of any standards saying what the correct thing is to protect the aquifer.</p>	<p>There are numerous programs specifically directed toward protection of underground aquifers from contamination. These include the Safe Drinking Water Act (SDWA) and its wellhead protection programs; Resource Conservation and Recovery Act (RCRA) and its comprehensive and stringent regulation of hazardous wastes; Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and its Superfund Amendment and Reauthorization Act (SARA) reporting requirements; Clean Water Act spill prevention, control and countermeasures (SPCC) program; DOT Pipeline and Hazardous Materials Safety Administration (PHMSA) hazardous materials transport and response regulations; and Emergency Planning and Community Right to Know Act (EPCRA) and its hazardous substance inventory and reporting requirements. The SDWA, RCRA, and CERCLA regulates activities, which may affect groundwater, and the PHMSA, SPCC, SARA and EPCRA establishes prevention and reporting programs, which prevent spills from reaching groundwater and require reporting of spills whether or not they have potential to reach groundwater. These regulatory programs provide a robust and comprehensive groundwater protection. The proposed IMF will be in compliance with the applicable environmental laws.</p>

Table 4: Consolidated Public Comments and Response

Applicable EA Section / Category	Consolidation of Public Comments	Responses
<p>3.12.6 Aquifer Location</p>	<p>Main concern is water in the aquifer. What is the depth/location of the aquifer in this particular area? What's the probability of it being exposed?</p> <p>If they can't figure out where the aquifer is, I'll tell them it's 35 or 40 feet below the surface. Memphis Sand aquifer touches the surface in numerous places on the Twin Hill Ranch; the site for the proposed IMF sits atop the Memphis Sand.</p> <p>The breach protection areas (of the Memphis Sand aquifer) would be modeled after the existing wellhead protection areas, a designated area within whose boundaries no potential sources of contamination could be located.</p>	<p>Memphis Sand and potential impacts are addressed in EA Sections 3.12, 3.18, and 3.19. The potential impacts to soils are addressed in the EA Section 3.13 and 3.19. The Memphis Sand underlies the entire site at variable depth. Lenses or "fingers" of the sands outcrop or reach the ground surface in locations within the site. A Geotechnical investigation of the site included the completion of 79 borings. Based on the borings and the planned elevation of the IMF, the soil type considered representative of Memphis Sand aquifer may be exposed in two locations; at pad tracks 5/6 and the maintenance building. The investigation and construction techniques were shared with Ground Water Institute (GWI) at University of Memphis and TDEC Memphis Environmental Field Office (EFO). Any areas where site grading work exposes the Memphis Sand would be over excavated and covered with 12" thick compacted layer of clayey soil to cap the exposure before continuing with facility construction. The large concrete parking pad on top of any capped exposures would be another protective barrier for any underlying groundwater resource. A spill would have to traverse the paved area into the storm drains and escape from clay-lined basins with shut off valves in order to enter the environment, which is extremely unlikely to happen. These multiple layers are designed to prevent infiltration while NSR performs clean-up of undesirable material in the rare event of a spill. The project will obtain and comply with applicable NPDES permits to insure stormwater discharges meet water quality standards. Appropriate BMPs would be used to prevent erosion, control sediment movement, and stabilize disturbed soil.</p>
<p>3.12.6 Wells</p>	<p>We don't want it at the risk of hundreds of thousands of people's drinking water. Will the project affect area shallow drinking water wells (Rossville, Knox Road)? Local residents on shallow well water will be most affected by water degradation. The issue of protecting the water supply was not adequately addressed. Potential water pollution (let's get pro-active, not reactive).</p>	<p>Water wells and potential impacts are addressed in EA Sections 3.12 and 3.18. The IMF will not affect area water wells or the quality of drinking water. Residential water wells are present around the project site along Knox Road, Neville Road, and SR-57. As reported by TDEC Ground Water Management Section, these wells are relatively shallow on the order of 90-150' deep. Based on topographic relief in the area and on the planned elevation of the facility, the screened well intervals should be 80 to 150' below the planned IMF elevation.</p> <p>The Town of Rossville obtains its water from three groundwater wells ranging from 90-102' deep. The Town of Collierville's water supply is taken from eleven deep wells pumping from 350' and 600'. Piperton obtains its water from Collierville. Rossville and Collierville both have a Well-Head Protection Program and Well-Head Protection Plan. The maximum Wellhead Protection zone per TN Public Water Supply Rule (1200-5-1-.34) is 750', which does not extend into the footprint of the proposed IMF.</p> <p>As discussed in additional detail in Section 3.12.6 and Section 3.13, NSR has proposed construction techniques that would provide protection to the underground water sources during construction and operation of the facility.</p>

Table 4: Consolidated Public Comments and Response

Applicable EA Section / Category	Consolidation of Public Comments	Responses
3.12.7 Stormwater	Basins used to capture the water should have extra capacity for flash floods and hurricane type weather. We cannot predict rain volume. The paving over and making impervious the land surface will inhibit recharge to the aquifer and will dramatically alter-surface water drainage.	Floodplain/stormwater and potential impacts are addressed in EA Sections 3.12, 3.18, and 3.19. Pre- and post-hydrology would not change significantly due to the project. Permanent basins are designed for a 100-year storm, which exceeds local regulation of 25-year design storm. Temporary basins are designed for a 2-year, 24-hour storm in accordance with TDEC requirements.
3.12.8 Endangered Species	The EA identifies 3 State Listed Species within 4 miles of the IMF project site with "no known at this time" When will it be known if some of these species are present? The website for the TN Natural Heritage Program for Rare Species has 3 invertebrate animal species listed, 7 vascular plant species listed, and 6 vertebrate animal species listed in Fayette County yet only 3 are identified in the EA. Is it not possible that <i>Aimophila aestivalis</i> , Bachman's Sparrow, which nests on the ground in dense cover, is in the area? What about the <i>Sorex longirostris</i> , Southeastern Shrew or <i>Zapus hudsonius</i> , Meadow Jumping Mouse? Why were they left off the EA's list? If they are present, will they be lost by the IMF project? Why does the EA state "No Adverse Effects" for State Listed species and shows for Federally Threatened or Endangered Species "None On-site". How was this determined? How can this kind of blanket statement be made?	Threatened and endangered species and potential impacts are addressed in EA Section 3.12. TDEC, TWRA, and FWS reviewed and concurred with the finding of the EA that there are no anticipated impacts to threatened or endangered species. Project impacts on state-listed (and federally listed) species would not be expected to extend beyond the facility footprint with possible exceptions as noted in the EA. As noted in Section 3.12, based on input from the TDEC Natural Heritage Program on June 24, 2009, the site was evaluated for state-listed and federally-listed species known to occur within the area in the vicinity project, utilizing the Tennessee Natural Heritage Program Rare Species Observations for Fayette County. The EA Section 3.12.8.1 describes these species and the survey information for these species. With respect to state listed and federally listed species, presence of the <i>Sorex longirostris</i> , <i>Zapus hudsonius</i> , and <i>Aimophila aestivalis</i> were not observed and therefore are not known to be present at the site. As the project site is similar in nature to surrounding areas and does not contain specifically unique habitats, it is not expected that these species' populations would be adversely impacted. Some loss of wildlife would be expected to occur during construction and operation of the project. Based on available habitat, site reconnaissance, and FWS correspondence, no federally-listed species would be expected to be found on-site. Therefore, it was determined that there are no adverse effects to Federally-listed threatened and endangered species. As recommended by TDEC Natural Heritage Program, NSR will minimize the potential effects to flora and fauna by maintaining riparian buffers along streams, where practicable, and implementing a stormwater management system during both construction and operation of the facility. To further enhance habitats within the facility, NSR will use appropriate revegetation techniques to stabilize slopes to help prevent the establishment of invasive exotic plants, as listed by the TN Exotic Pest Plant Council.
3.12.12 Permits	There is no proven precedent that the mitigation plan of debiting at a 2:1 ratio would keep our water quality from degradation.	The impacts and proposed mitigation are addressed in EA Sections 3.12, in Concurrence Point #4, Section 5, and in the TDEC and USACE permit applications. Impacts to wetlands and streams will be mitigated as required by the USACE and TDEC through the permitting process. The proposed stream mitigation is based on ratios outlined in "Stream Mitigation Guidelines for the State of Tennessee" (July 1, 2004). The proposed wetland mitigation is through a wetland bank in the same watershed.

Table 4: Consolidated Public Comments and Response

Applicable EA Section / Category	Consolidation of Public Comments	Responses
3.14 Visual	Concerned about visual impacts on area/aesthetics.	Visual/lighting and potential impacts from the facility operation and construction are addressed in EA Sections 3.14, 3.18, and 3.19. Visual impacts off the IMF site from lighting will be avoided, minimized or mitigated during project design. Light poles and fixtures will be required within the container and trailer loading areas and at rail switches along the lead tracks. Lights within the yard area will be on 70-foot tall poles as opposed to the standard 100-foot tall poles. Lights outside the yard area will be on standard 40-foot tall street poles. The fixtures will direct light downward. The downward directing lights would create illumination of less than 0.5 foot candle along the IMF boundary; average light level within the facility ranges from 2-5 foot candles, EA, Figure 3-20.
3.14 Scenic	How will the project affect the scenic designation of SR-57?	The project will not affect the scenic designation of SR-57. The scenic designation limits new outdoor advertising such as billboards. The Memphis Regional IMF will not be constructing advertising signage along SR-57 and therefore, will not be affecting its scenic designation.
3.16 Hazardous Materials (Amount)	About two million deliveries a year will be made, and that only a minimal of like three or four percent would carry hazard materials. If you do the math, that's 60 or 70 or 80 thousand deliveries of hazardous materials. To me, that is not a minimal amount of hazardous material.	<p>Hazardous materials and potential impacts are addressed in the EA Sections 3.16 and 3.18. The Memphis Regional IMF is projected to handle 327,000 lifts per year. Between 3-4% of the containers and/or trailers transported by NSR through its intermodal facility contain materials that are considered hazardous. Department of Transportation's (DOTs) list of materials considered hazardous includes items such as paint, liquids that are flammable or corrosive, batteries, materials under pressure such as gases and fire extinguishing equipment, and some auto parts including air bags. Many of these materials classified as hazardous are consumer products that require additional protective packaging for transportation under DOT PHMSA requirements. NSR does not transport the following items intermodally: toxic inhalation hazards, asbestos, and certain types of explosives, radioactive materials, and spontaneously combustible materials.</p> <p>During the period 2004 through 2009, NSR intermodal transported 16,070,989 intermodal units. The spill ratio for shipments was 0.00000156 per container or trailer handled (25 spills in 5 years with 17 of the spills being less than 1 gallon). Accordingly, spills involving intermodal shipments are extremely rare and typically involve small volumes. NSR has emergency response personnel on call at all times to respond to spills or releases and accordingly the risk of a spill affecting groundwater or off-site areas is extremely low.</p>
3.16 Hazardous Materials (Inspections)	How frequent and accurate are cargo inspections to ensure that there are no hazardous materials in the containers that the trains will carry and the trucks will deliver.	<p>Before freight is accepted for transport, shippers of hazardous materials are required by Federal law to classify the material, describe the material in shipping papers, meet DOT packaging requirements, ensure the freight is marked and labeled as required, and ensure that the freight is in proper condition for transportation. Federal regulations specify packaging and container requirements.</p> <p>The DOT has a comprehensive program for shipment of hazardous material which includes inspection requirements and strict enforcement.</p>

Table 4: Consolidated Public Comments and Response

Applicable EA Section / Category	Consolidation of Public Comments	Responses
<p>3.16 Hazardous Materials (Warning)</p>	<p>Will there be an alarm system installed to warn area residents when a spill occurs? What about NSR's past history in major spills requiring evacuations, i.e. Graniteville SC spill?</p>	<p>Hazardous materials are addressed in the EA Sections 3.16 and 3.18. The types of materials that could require evacuation of the surrounding area are forbidden by NSR from being shipped in intermodal containers and trailers. These forbidden items include toxic inhalation hazards, asbestos, and certain types of explosives, radioactive materials, and spontaneously combustible materials. NSR will have a spill response plan for the facility and will coordinate that plan with local emergency responders, as appropriate, but, an audible warning system is not planned.</p> <p>Any spills of hazardous substances in quantities deemed to be harmful and exceed a reportable quantity are required to be reported immediately to local emergency planning committee, State emergency response commission, and National Emergency Response Center by law. These authorities immediately invoke local, state, and national emergency response measures and resources appropriate to a particular spill situation.</p> <p>The Graniteville, SC, spill did not involve intermodal shipments and did not occur in an IMF.</p>
<p>3.16 Hazardous Materials (Spills)</p>	<p>Potential ground water contamination in the event of a spill. No emergency spill plan. If poison is spilled, it will eventually permeate, it will go through clay, it will go through concrete and make its way to the aquifer. The truck and train traffic, plus contents of containers, pose contamination sources that would directly reach the Memphis Sands aquifer.</p>	<p>Hazardous materials and potential impacts are addressed in the EA Sections 3.16 and 3.18. Only a very small percentage of the commodities moved through the IMF will be classified "hazardous" and spills of material are expected to be rare and small. If a spill occurred, it would most likely be contained and cleaned on the paved areas within the facility. Spills would be reported as required. If not contained on an impervious surface, the spill would be collected in the storm drains, which are collected within permanent basins. The basins would be clay-lined with shut-off structures, which can be closed as needed. In addition, the facility would have a site specific Spill Prevention Control and Countermeasure Plan (SPCCP) as required by the Clean Water Act.</p> <p>On an annual basis, NSR typically transports approximately 2.2 to 2.7 million shipments or containers through their existing IMFs across the eastern United States, of which only 3 to 4 percent contain hazardous materials. During the period 2004 through 2009, NSR intermodal transported 16,070,989 intermodal units. During that same time there were 25 spills from intermodal units inside IMFs, or 0.00000156 per container or trailer handled. Additionally, the trend has been toward fewer spills each year (2004-10, 2005-5, 2006-2, 2007-4, 2008-1 and 2009-3). Of these 25 spills, 17 were one gallon or less in size and only one spill was over 25 gallons. Accordingly, spills involving intermodal shipments are extremely rare and typically involve small volumes.</p>
<p>3.16 Hazardous Materials (Chemicals)</p>	<p>Did the study address every single chemical that will be transported through the yard? If not, then the study is incomplete. All hazardous materials are not in tanks.</p>	<p>The DOT hazardous material regulations comprehensively regulate hazardous material shipments and classify all chemicals transported by rail into categories of hazardous materials. These categories are addressed in the EA Section 3.16. The IMF will comply with all applicable DOT regulations pertaining to hazardous materials.</p>

Table 4: Consolidated Public Comments and Response

Applicable EA Section / Category	Consolidation of Public Comments	Responses
<p>3.16 Hazardous Materials (Equipment)</p>	<p>What about maintaining IMF equipment and the spill associated with these activities? What about leaks from truck and/or trains parked or idling in the facility?</p>	<p>Stormwater and Hazardous Materials and their potential impacts are addressed in the EA Sections 3.12, 3.16, and 3.18. Maintenance and fueling activities from IMF equipment would occur within the maintenance pad area. This area includes 7 above ground storage tanks (ASTs) ranging in size from 300 to 3,000 gallons.²⁵ The larger AST would store diesel fuel with the other 6 holding gasoline, motor oil, anti-freeze, transmission oil, used oil, and hydraulic oil. Material captured from the maintenance pad area during maintenance activities would be collected in the oil-water separator and discharge through the Rossville sewer system. In the unlikely event of a spill from these activities, emergency protocols in the site specific spill prevention control and countermeasure (SPCC) plan for response and recovery would go into immediate effect. A variety of emergency response resources also would be available as necessary, including facility personnel, local, state and federal emergency responders as well as emergency response contractor resources. EPA considered regulation of stormwater from transportation facilities, which includes IMFs. Their review indicated that level of pollutants from areas not involved with vehicle maintenance and vehicle cleaning (or airport deicing) did not warrant pollutant control measures under the NPDES permit program. Therefore, the trucks or trains parked or idling in an IMF do not require pollutant control measures under the NPDES program as they do not present contamination risk. Releases of oil or hazardous substances in amounts that may be harmful are required to be reported and appropriate response measures taken. Trucks picking up or dropping off containers/trailers at the IMF would be processing thru the IMF in an average of 25 minutes. Accordingly, the likelihood of leaks from trucks parked or idling in the facility is minimal.</p>
<p>3.18 Indirect / Cumulative</p>	<p>How is the potential construction of distribution building, truck stops, etc. going to affect the area? Land zoned residential estate around the site. The IMF will hinder high end development. The IMF will kill any future urban and housing development. Is Memphis and surrounding area going to become one large RR yard?</p>	<p>The cumulative impacts of the IMF are discussed in the EA Section 3.18, including some of the potential activities of the Developer and the anticipated growth of the Chickasaw Trails Industrial Park and other areas. Development is controlled through the local governments. Fayette County has an urban growth plan and a zoning board for planning and growth regulations. The Towns of Rossville, Piperton, and Collierville have defined urban growth boundary (UGB) and zoning boards for planning and growth regulations. Marshall County has zoning regulations. The property to be used for Build Alternative 1 is within the Rossville UGB and zoned industrial, Figure 3-1 and the Developer's property in Marshall County has been zoned commercial/industrial as part of the Chickasaw Trails Industrial Park.</p>

²⁵ Per 40 C.F.R. Part 112, ASTs must have secondary containment adequate to contain full amount of the tank contents, applicable inspection, testing and spill detection measures.

Table 4: Consolidated Public Comments and Response

Applicable EA Section / Category	Consolidation of Public Comments	Responses
<p>3.18 Indirect Traffic</p>	<p>Has anyone considered or done any transportation studies as to whether secondary growth would be around the facility and what the impact around transportation would be? No mention of highways other than US 72, no mention of congestion on Byhalia Road, Knox Road, SR-196, or SR-385. I-269 maybe not finished before project done.</p> <p>The TDOT website has no completion date listed for section 9 of I-69 (through northern MS and Western TN specifically Shelby and Fayette Counties). How soon after the IMF is completed and operational will I-69 be able to relieve the traffic load on the already crowded TN interstate system? The section of SR-385 from SR-57 to N SR-193 is scheduled to be completed in 2013, according to the TDOT website. Will this be before or after the completion and beginning of operations of the IMF?</p>	<p>The indirect and cumulative impacts of the IMF are discussed in the EA Section 3.18. An assessment of indirect transportation effects related to the IMF was conducted and is documented in the <i>Analysis of Projected Traffic and Impacts in the Vicinity of the Intersection of U.S. Highway 72 and Industrial Road</i> (on file with TDOT and MDOT). This traffic assessment includes impacts on Knox Road and SR-196. Byhalia Road and SR-385 were considered outside the study area because the IMF traffic is less than 5% of their capacity, according to MDOT Traffic Impact Guidelines (approved by TDOT), the arterials and intersections were not required to be studied.</p> <p>The EA Figure 3-23 shows the segment information for SR-385. The last segment of SR-385 was in the TDOT September 2009 letting with an estimated completion date of September 2012. The IMF is not expected to directly increase traffic on SR-57, due to no direct access. TDOT is sponsoring a study of traffic impacts on the broader highway network, including an assessment of other improvement projects already scheduled. Figure 3-24 shows the proposed location of I-269. Neither MDOT nor TDOT has released a construction schedule for I-269, respectively. MDOT has programmed the widening of US 72 for construction to begin in 2012.</p>
<p>3.19 Construction</p>	<p>Will the construction of the IMF cause delays on the already busy SR-57?</p>	<p>The indirect impacts of the overpass construction are discussed in the EA Section 3.18 and 3.19. A temporary bypass would be established to allow traffic to move along SR-57 during construction of the overpass. The construction of the IMF would have only temporary effects on traffic on SR-57 as the majority of equipment and materials moved by truck will enter the facility from US Hwy 72. Any materials supplied by train would enter the facility by crossing SR-57 temporary bypass at grade.</p>
<p>3.19 Construction</p>	<p>What agency is going to verify that any exposed Memphis Sand is capped? Who's the inspection authority? Or is it just self-inspected? How you will determine that you have, in fact, penetrated into an outcrop area? Who will make that decision?</p>	<p>The potential construction impacts of the IMF are discussed in the EA Section 3.19. NSR has made commitments to use special construction techniques to protect any exposures of Memphis Sand that occurs during site grading and NSR will have personnel on site during construction who are familiar with the Memphis Sands. The personnel will identify and assure appropriate actions are taken to address any potential exposures.</p> <p>The project would be required to obtain an Individual NPDES Construction Permit from TDEC. The permit requirements and provisions will be followed.</p>

Table 4: Consolidated Public Comments and Response

Applicable EA Section / Category	Consolidation of Public Comments	Responses
3.19 Construction	Water, which drains from the site, is not captured or tested. Testing should be done by independent testers.	Floodplain/stormwater and potential impacts are addressed in EA Sections 3.12, 3.18, and 3.19. Both temporary and permanent basins will be used on site to collect and treat stormwater from the site. The project would be required to obtain an Individual NPDES Construction Permit. As part of the individual permitting process, the site specific SWPPP would be developed including a detailed monitoring plan with quality control and reporting requirements. The permit requirements and provisions will be followed to meet water quality standards. Under the Federal Clean Water Act, self-reporting and analysis certified by the appropriate entity responsible for compliance is appropriate.
NEPA Process	Why is Norfolk Southern paying for the environmental study? Should an independent company be hired by TDOT and MDOT to make a study? Please conduct environmental studies that are NOT done by NSR. This is an obvious conflict of interest.	NSR, through its consultant, is providing technical support and assistance for information necessary for an EA. The EA was independently reviewed, edited, and compiled by the cooperating and participating agencies, as well as the FRA and FHWA. Use of a consultant to assist in preparation of technical documentation is common practice under NEPA and consistent with CEQ guidance and regulations. Reviews by all cooperating and participating agencies along with the public should provide a fair EA of the project and any final determinations made regarding the NEPA documentation or projects are the purview of the lead agencies.
NEPA Process	Request an Environmental Impact Statement (EIS) be completed instead of an Environmental Assessment (EA).	In the NEPA process, a review moves from an EA into an EIS if the analysis determines there is a significant environmental impact. For this EA, the following technical studies were completed: Phase I Environmental Site Assessment, Traffic Impact Study, Phase I Archeological Survey, Architectural Historic Survey, Ecology Report, Noise Report, Geotechnical Investigation, Air Quality Technical Report, and Analysis of Projected Traffic and Impacts in the Vicinity of the Intersection of U.S. Highway 72 and Industrial Road. Based on the analysis, there were no significant impacts.
NEPA Process	Because the project is receiving ARRA TIGER funding, an EIS is required if a private entity uses Federal authorization or funding.	As discussed in the EA Summary and Section 1.0, in February 2010, Tennessee was selected to receive funds to support the development of this project from the U.S. Department of Transportation (DOT), Transportation Investment Generating Economic Recovery (TIGER) Program as part of the American Recovery and Reinvestment Act (ARRA) of 2009. As a result of this Federal funding, the proposed Memphis IMF project is subject to the requirements of the National Environmental Policy Act of 1969 (NEPA). The EA has been prepared to meet those NEPA requirements. ²⁶

²⁶ FRA NEPA requirements at 64 Fed. Reg. 28545 (May 26, 1999); FHWA NEPA requirements at 23 C.F.R. 771 (2009), 65 Fed. Reg. 33960 (May 25, 2000).

Table 4: Consolidated Public Comments and Response

Applicable EA Section / Category	Consolidation of Public Comments	Responses
4 Agency Involvement	MS people did not come, TN people said they could not discuss. MS representatives were no show.	The public participation process is outlined in EA Section 4 and in the Coordination Plan on file with TDOT and distributed to local, state and federal agencies with authority or responsibility over potentially impacted resources. In addition to the NEPA Public Information Meeting, local and governmental meetings were held to discuss the project. As identified in the EA Section 4, MDOT is a cooperating agency in the development of the EA. Due to scheduling conflicts MDOT and other agencies involved in the development of the assessment could not attend the Public Hearing; however, it is uncommon and often not feasible for each involved agency to attend all public meetings for a project. MDOT was at the Public Meeting in October 2009 and provided comments to the Draft EA as well as providing substantive guidance regarding the effect on MS resources including transportation.
Funding	Taxpayers should not have to pay for this infrastructure of the SR-57 overpass that will only benefit a privately traded company. The project is not fully funded, who will pay shortfall and over budget costs. Concerned about the government facilitating this project with tax dollars.	Various governmental agencies recognize that the facility will bring substantial public benefits in the form of local jobs and economic growth, and by transferring more long distance freight from highway to rail. NSR is contributing a significant (~36%) share of the project cost, but cannot alone financially justify the entire project. Using public funds to develop infrastructure to move freight is not a new concept as highways and roadways used by trucks across the nation are funded from tax receipts. In addition to NSR funds, due to the employment, economic, and other public benefits the project will bring, the construction of the IMF has been awarded economic stimulus funding from the Federal government. The potential increase in development drawn to the area could increase the effective tax bases in Fayette and Shelby Counties, Tennessee, and Marshall County, Mississippi and as noted in the EA Section 3.6, would promote economic development in the region. The long-haul trucks removed from state highways will reduce state highway maintenance and construction costs. Funding to pay for the entire cost of the project has been identified to the DOT. In the event of cost overruns, NS will either contribute more funding or reduce the initial size of the MRIMF.

1 IN THE MATTER OF
2 NORFOLK SOUTHERN RAILWAY
3 MEMPHIS REGIONAL INTERMODAL FACILITY

4
5
6 In Rossville
7 Fayette County, Tennessee

8 NEPA PUBLIC HEARING
9 HELD ON AUGUST 2, 2010
10 Collierville Town Hall
11 500 Poplar View Parkway
12 Collierville, Tennessee
13 5:00 - 7:00 p.m.

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19
20 FACILITATOR: MR. JOE RILEY

21
22
23
24 VICKIE L. STOVER, COURT REPORTER
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1 **MS. LAWRENCE:** Good evening. I
2 want to welcome everyone to this hot
3 summer night. On behalf of Governor
4 Bredesen and Commissioner Nicely we're
5 here tonight for the public hearing for
6 the Norfolk Southern NEPA process, the
7 NEPA hearing for the environmental
8 assessment. We're here to discuss the
9 proposed Memphis Regional Intermodal
10 Facility. We are here tonight to offer
11 you the opportunity to provide public
12 comment, input for the environmental
13 assessment. If you do not want to speak
14 aloud, you do have the opportunity to
15 speak to a court reporter; you have
16 comment cards that are available in front
17 of you that you can also fill out; you can
18 also speak publicly later on this evening.

19 There are representatives here
20 tonight from Norfolk Southern, also from
21 the Department of Transportation, which I
22 am from. I did not introduce myself. I
23 apologize. My name is Nicole Lawrence.
24 I'm the community relations officer from

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1 TDOT.

2 And with that said, I'm going to
3 turn it over to Mr. Jim Ozment.

4 **MR. OZMENT:** Thank you. Good
5 evening, everyone. Again, I'm Jim Ozment.
6 I work for the Tennessee Department of
7 Transportation's environmental division.
8 I'm from Nashville. As Nicole said, we're
9 here tonight to discuss and take public
10 comments on the environmental assessment
11 studies that have been done for the
12 Norfolk Southern facility that's proposed
13 here in Fayette County.

14 First of all, I want to see if I
15 can use this new technology here. All
16 right.

17 So, we're here to discuss the
18 status of the project, to inform the
19 public about what studies have shown that
20 have been done so far, to take public
21 comment and provide an opportunity for
22 everyone to have input into this, because
23 we understand this is very important to
24 your community and to yourself.

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1 A little about the status of the
2 project and how it started, Norfolk
3 Southern applied for federal aid through
4 one of the stimulus projects that were
5 available, some of the funding. And that
6 in itself invokes a federal action. And a
7 federal action requires what's called
8 NEPA, National Environmental Policy Act,
9 to study and insure environmental
10 conditions have been at least recognized
11 and mitigated and minimized or avoided.
12 So, that is the process. When that
13 happens, there's usually a lead federal
14 agency and a lead state agency to help
15 facilitate that process. TDOT is acting
16 as the lead state agency for this. The
17 Federal Railroad Administration is acting
18 as a joint lead with the Federal Highway
19 Administration as the overseers and
20 eventual signers of the documents and
21 approvers of the study that will occur
22 here. So, this all rolls in, there's all
23 kinds of agencies that are involved in
24 this. There are also things called

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1 cooperating agencies, which, the Corps of
2 Engineers and the Mississippi Department
3 of Transportation are also involved in
4 that. So, that is the list of agencies
5 that have become involved in this process,
6 to move it through.

7 A little about the history of this:
8 TDOT informed FHWA of the necessity of a
9 NEPA study in July of '09, basically last
10 year at this time. In October, we held a
11 public meeting. Many of you -- I
12 recognize some of the faces -- were here
13 in Piperton at the time. And that was to
14 announce the project and talk a little
15 about the status of what was going to
16 happen. And since that time what has
17 happened is that they have conducted --
18 Norfolk Southern hired a consulting firm,
19 AMEC Earth & Environment, to conduct
20 studies. Those have taken place over the
21 last year. They have assessed both the
22 positive and the negative impacts of any
23 project, because most projects also have a
24 little of both. They have looked at

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1 avoidance and minimization of impacts or
2 any mitigation that might be necessary,
3 and they've produced what's called a draft
4 environmental document, or it's better
5 known as an environmental assessment, and
6 we'll refer to it in shorthand as an EA,
7 if you hear a lot of people talk about
8 that today.

9 In July, just last month, the
10 Federal Railroad Administration, after
11 reviewing that document, did sign that, as
12 it was complete and sufficient for what is
13 going on.

14 Now, tonight we have -- the
15 evaluation of the public comments is the
16 next step. We'll get all of your public
17 comments. There's a 21-day period
18 afterwards that you can turn those in.
19 And then afterwards there's a disposition
20 of those comments that have to be taken
21 into account, where everyone is going to
22 look at those, try to answer the questions
23 to the best of their ability and see what
24 -- how the public basically feels about

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1 the project and does that change anybody's
2 mind about anything. Eventually, there
3 will be a preferred alternative selected
4 that will be through a joint Federal
5 Highway and Federal Railroad
6 Administration decision. And then a final
7 environmental document will be produced
8 and signed by an agency. So, that's where
9 we're headed in the future here.

10 As part of that process, we take
11 the public's input. We also do the best
12 we can in trying to figure out what are
13 the impacts. But in order to insure that
14 all the agencies are represented, there
15 are multiple agencies through what
16 Tennessee calls our TESAR, Tennessee
17 environmental streamlining process, that
18 we get involved in projects like this.
19 It involves the EPA, the Tennessee
20 Department of Environment and
21 Conservation, Corps of Engineers,
22 Tennessee Wildlife Resources Agency, and
23 the U.S. Fish and Wildlife Service, to
24 name, I think, most of them that were

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1 involved in this project. These people
2 all have regulatory authority over
3 different types of media, whether it be
4 water, wetlands, air; could be most
5 anything. And they have been involved in
6 the process from the beginning, to advise
7 and basically comment on the process as it
8 goes through, to insure that the process
9 meets all the regulations and requirements
10 that they all have as well. So, not only
11 is it the Federal Highway and Railroad
12 Associations and TDOT involved, but all of
13 these other agencies also are providing
14 input to the applicant, which is Norfolk,
15 to insure that everything is done
16 according to the NEPA regulations.

17 They were involved during the
18 purpose and need discussions, the
19 discussions about the alternatives and
20 what was to be studied, the review of the
21 draft environmental document; they've done
22 all of those things. And there's a fourth
23 step to that, that would come after this
24 process, which is the preferred

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1 alternative and any mitigation that might
2 be determined to be necessary. They would
3 also review that and give comments as to
4 whether that would be adequate or not.

5 So, basically, where we're at now
6 is the public comment period. There are
7 three ways that you can give comments
8 tonight to the public. First is stepping
9 up here to the microphone. We're going to
10 turn this around in a minute and have --
11 everybody signed -- out front they signed
12 cards and they were going to line up.
13 We'll call your name, have you come up,
14 and you can present a verbal comment. You
15 can also ask a question, short question,
16 at that time. If there was a panelist
17 that's able to answer that, they would.

18 Next, you can do it through a
19 court reporter. We have a court reporter
20 here. So, if you don't want to stand up,
21 if you're a little stage fright, no reason
22 to come up here, you can go -- after the
23 meeting is over, you can go over to the
24 court reporter and give a verbal statement

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1 to her.

2 And the third way is that, in your
3 handouts we have comment cards included.
4 So if you want a more detailed, basically
5 comment, than what could be provided in
6 the three minutes that's going to be
7 allowed of speaking, then do that. Fill
8 that out, mail it in within 21 days. And
9 all of these carry the same weight. One
10 doesn't -- just because you stand up and
11 say it doesn't mean that you -- it carries
12 any more weight than if you write it down,
13 because they all have to be addressed.
14 And in a lot of instances you can tell a
15 lot more by going home and writing a very
16 long letter with all of your concerns than
17 you might be able to present in just a few
18 minutes time here.

19 So, with that, I'm going to go
20 ahead and turn the presentation over to
21 Mr. Joe Riley. He is going to be our
22 facilitator tonight, and he is going to be
23 able to call you all up and basically keep
24 the time. And we certainly hope that

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1 everyone gets the chance to speak if you
2 want to. And at this time, I think I'll
3 turn it over to Mr. Riley to give you
4 instructions on how that process is going
5 to work. Thank you.

6 **MR. RILEY:** Thanks, Jim.

7 And welcome, everyone. I'm Joe
8 Riley, and I'm going to facilitate or
9 moderate our discussions this evening.
10 Just to give you an overview of what we
11 want to do, firstly, I will introduce the
12 panel for you. I will explain the process
13 that we will follow throughout the evening
14 in terms of receiving your comments, how
15 that will be done, et cetera.

16 Robin Hagerty will give you an
17 overview of the environmental
18 consequences; then we're going to open it
19 up for your questions or for your
20 comments; and then, finally, after that,
21 as Jim noted, we will have a time for
22 informal gathering of information at which
23 time any of those of you that do have a
24 comment that you wish to make for the

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1 record, that have not been made already,
2 you may do so with our court reporter.
3 We will end the formal session at 7 p.m.
4 However, our court reporter is going to be
5 available thereafter, to take any informal
6 comments that you might have.

7 For purposes of the panel this
8 evening, with TDOT, Jim Ozment, who just
9 spoke to you. Also from TDOT, seated to
10 my extreme right, your extreme left, Mr.
11 Tom Love. Seated to my extreme left, Mr.
12 Rob Siik with Norfolk Southern. Seated
13 beside Rob, just to Rob's right, to my
14 left here, Mr. Charlie McMillan with
15 Norfolk Southern. Seated to my right,
16 directly to my right, Mr. Jim Morinec with
17 AECOM. Seated to my left, whom you've
18 seen or heard from a little bit
19 technology-wise, Robin Hagerty with AMEC.
20 And also another very important person
21 here tonight, Ms. Vickie Stover, is our
22 court reporter. She's been doing this for
23 a long time. Longer than you wish to
24 remember, I'm sure. She's good at what

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1 she does. She's here to gather
2 information. Whatever you say, she's here
3 to type. So, I may be reminding you
4 throughout the evening about speaking more
5 clearly or asking your name, address and
6 those kinds of things. We've got to have
7 that kind of information so that we can
8 have a proper record to send on as a
9 result of this hearing.

10 Now, I'm the guy -- I started to
11 say I'm the guy with the hammer. I guess
12 I'm the guy with the gavel tonight. We do
13 have rules and procedures that we wish to
14 follow in order to keep this orderly and
15 to make a good record. We expect each
16 speaker to speak no longer than three
17 minutes. We have a clock. The clock will
18 be displayed, I believe on the projector
19 screen. There's also a personal clock at
20 the podium that will count down your time,
21 and I will keep your time. I'm an old
22 retired judge, and we used to tell the
23 lawyers, when your time runs out, if
24 you're still talking, there's a trap door

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1 that comes right out from under you.
2 Well, it's not going to be quite like
3 that. It's not going to be quite like
4 that. But we will be keeping time in
5 order to give everyone the appropriate
6 opportunity to speak.

7 When you do come up, please give us
8 your name and your address. If you don't
9 do that, then Miss Vickie's going to
10 remind me, and we'll try to get that
11 information. Give us your name and
12 address before you start speaking. I have
13 a list of those of you who have signed up
14 to make comments. And that's the list
15 that we're going to go through first.
16 Should time permit, anyone else who wants
17 to make a public comment here at the
18 podium, you will be allowed to do that, as
19 well.

20 If questions are asked -- you
21 correct me if I'm wrong about this -- our
22 knowledgeable folks up here -- and I'm not
23 one of them. I don't have any technical
24 expertise with regard to this project.

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1 I'm just here to facilitate. But these
2 folks will answer these questions for you.
3 If for some reason their answer, they
4 think is going to take longer than three
5 minutes, they may want to get back to you
6 with a better answer than they can give
7 here from the panel.

8 Did I say that correctly? Is that
9 good?

10 **MS. HAGERTY:** Yes.

11 **MR. RILEY:** Also, as a matter of
12 decorum, if you would, please do not
13 interrupt any other speakers. We would
14 appreciate it if you wouldn't applaud or
15 boo, either one. We're trying to make a
16 good record here, and that doesn't help us
17 accomplish that. So, please, no applause
18 or any other comments while someone else
19 is speaking. Please give them every
20 courtesy that you can. If for some reason
21 you're not able to come to the podium for
22 whatever reason, if you will raise your
23 hand, we will see that a wireless mike is
24 brought to you, and you can speak from

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1 where you are.

2 As I've stated, after our list is
3 exhausted of those who signed up to speak,
4 we will open the floor should we have time
5 to do that. There's no limit to the
6 number of times that you can speak;
7 however, you're going to be limited to
8 three times -- if you do come back, we
9 trust you won't be asking the same
10 questions again.

11 Any questions? Have I covered
12 everything?

13 Jim mentioned, I believe, and I
14 know I mentioned that Vickie is going to
15 be available after our formal period
16 expires of 7 o'clock. Also, there's a
17 21-day period in which you can make
18 written comments, must be postmarked no
19 later than -- what date, Jim? August --

20 **MS. HAGERTY:** 23.

21 **MR. RILEY:** August 23. And you
22 have cards available for that; am I
23 correct? And after this session, if you
24 wish to ask any other questions of any

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1 staff members or anyone up here, they will
2 be available to you.

3 Okay, Miss Robin. Ms. Robin
4 Hagerty.

5 **MS. HAGERTY:** Good evening,
6 everybody. Can you hear me on this mike
7 okay? If I wander too far away, please
8 wave at me.

9 A little different than what we did
10 last time, they're asking that I not take
11 questions until -- if you have -- so, if
12 you have any questions, if there's a
13 specific slide that you want me to bring
14 back up in answering that, I've got page
15 numbers in the bottom corner of the slide;
16 so if you want to write down that number,
17 then we can bring it back up when we try
18 to answer your questions. But we will go
19 through the presentation without questions
20 this time.

21 (Displays Slide No. 1.)

22 I'm going to start a little bit at
23 the beginning as far as what a purpose of
24 an intermodal facility is. We wanted to

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1 try to clarify, make sure everybody is
2 clear as far as it's not a freightyard or
3 something you would think of that. It is
4 really a container facility, where the
5 trains come in with containers on them,
6 with trailers on them, and they load and
7 unload those trailers or those containers
8 and put them on the trucks, and the trucks
9 drive them out. So the trucks bring
10 containers in and take them back. So it
11 is purely containers that are being
12 shuffled back and forth in an intermodal
13 yard.

14 (Displays Slide No. 2.)

15 The environmental assessment
16 document which you heard Jim mention a
17 little earlier, it went forward into the
18 document with two alternatives. There's a
19 build alternative and a no-build
20 alternative. The no-build alternative is
21 to continue using the existing Norfolk
22 Southern Forrest Yard Intermodal Facility,
23 which is in downtown Memphis. It's very
24 constrained right now. It's got a lot of

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1 issues with it being able to meet the
2 capacity demands that are on it right now.

3 The build alternative is to
4 construct the intermodal facility in the
5 Rossville Industrial Development Overlay
6 District, which has been zoned by
7 Rossville for that purpose. It sits
8 between State Route 57 and US 72 with
9 vehicle access off of US 72.

10 Jim went through the next part of
11 the slide as far as the next step forward.
12 What we will do after the end of this
13 hearing, at the end of the comment period,
14 we'll take the public comments that we
15 receive, we'll go through and categorize
16 those comments, respond to the comments,
17 and those will be part of the document
18 that goes forward.

19 The preferred alternative will be
20 selected between the two choices. The
21 final mitigation and the draft environment
22 document will be created at that point; it
23 will go back through the agencies for
24 their review and comments; after the

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1 agency comments have been incorporated
2 into the document, then it will move
3 forward into the decision document.

4 (Displays Slide No. 3.)

5 This is a layout of the facility.
6 It's the same as one of the posters that
7 you saw when you walked in, to give you a
8 feel for where it sits. The lead track or
9 the mainline is on the northern part, the
10 upper part of the diagram. The red is the
11 outline of the facility that we used in
12 the environmental assessment document;
13 it's the largest potential impacts. The
14 yellow line you see on the southern end
15 shows how the potential Industrial Road
16 would tie in. Since the project is not
17 developing that road, it is an estimated
18 location of that road.

19 (Displays Slide No. 4.)

20 To give you a little bit of a feel
21 for how the facility actually operates, do
22 you see the mainline on this -- that's
23 outside? Depending on which way you're
24 looking at it on the mainline track, the

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1 trains would come off the mainline, they
2 would go down into the yard tracks, they
3 would drop the loads, they would split the
4 train apart in that section, the
5 locomotive would swing through the loop
6 track to change its direction so it could
7 reassemble the trains to go back out
8 again. The parking lot is on the western
9 edge of the facility, and the gate area is
10 a little farther on the west, with the
11 Industrial Road coming in from the south.

12 (Displays Slide No. 5.)

13 This is another graphic layout of
14 the facility. The property that we
15 acquired as part of this is a little
16 bigger area than what we talked about
17 originally when we had the public meeting
18 in October. When we purchased the
19 property, there was some additional
20 property that we had to purchase based on
21 the property owners, so we ended up with
22 650 acres of property. We're still
23 looking at 440 acres to be disturbed. The
24 facility itself will sit on the 380 acres.

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1 Two hundred thirty-two acres of that will
2 be paved, seventy-six acres are track, and
3 then the rest of it will be open.

4 (Displays Slide No. 6.)

5 These are the various areas that we
6 studied as part of the environmental
7 document. And I'm going to walk through
8 these in a little bit more detail as we go
9 through it, but this is a list of the
10 different areas that we studied.

11 (Displays Slide No. 7.)

12 The first area I'm going to talk
13 about is farmland and land use impacts.
14 There was 330 acres of farmland that will
15 be impacted as part of the project. Three
16 hundred and eleven were scored by NRCS as
17 being unique and prime. But the land has
18 been zoned industrial. It was annexed by
19 the City -- or Town of Rossville. And
20 then on -- in addition to that, the
21 property that -- where the Industrial Road
22 is going to be placed, it's also been
23 zoned industrial/commercial by Marshall
24 County.

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1 So one of the things that we did
2 want to mention is that even without the
3 Memphis Regional Intermodal Facility, that
4 property has been zoned for
5 commercial/industrial use. So it
6 potentially would go into that use anyway.
7 There has also been the longstanding
8 development with Piperton Hills, and then,
9 that's still planning to be progressed,
10 also.

11 (Displays Slide No. 8.)

12 The social displacement and
13 economic impacts reviewed as part of the
14 analysis, there was no special impacts to
15 minority or low-income populations that
16 were determined in the study.

17 There are no residential
18 relocations, there's no business
19 displacements as part of that process.

20 There would be 140 new full-time
21 jobs that would be created as part of the
22 actual IMF. There's also, of course, the
23 temporary construction jobs while the IMF
24 is being constructed.

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1 Cumulative economic impacts they're
2 looking at is 2.7 billion dollars by 2020
3 in the Memphis region, with 6,186 jobs,
4 either new jobs, saved jobs or benefit
5 jobs, because of the intermodal facility.

6 (Displays Slide No. 9.)

7 The traffic, we looked at two
8 traffic points. This first point was in
9 2015. This is the point where we thought
10 the facility would be up and operational,
11 so we looked at this point in time to see
12 what traffic impacts there would be.
13 Mississippi Department of Transportation,
14 it would be constructing or finish
15 construction of the four-lane section of
16 72 by this time, based on their
17 projections of when they're going to be
18 working on that segment of road. We're
19 anticipating that level of service will be
20 acceptable, which is level service C in
21 highway transportation people talk. That
22 is at both the a.m. and the p.m. peak
23 times.

24 The graphic that you see to your

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1 left, on the left corner of the screen,
2 shows that, the blue, impact is existing
3 traffic along the road, the yellow strip
4 is the growth percentage that we added,
5 assuming that there would be a minimal
6 amount of growth. It's a 2.5 percent
7 growth. And then the green sliver is the
8 percentage of traffic that the intermodal
9 facility would add to that intersection.

10 (Displays Slide No. 10.)

11 The other point in time we looked
12 at was 2032. The graphic that you see on
13 your left shows that same layout, same
14 scale, with the blue being the existing,
15 the yellow is your background traffic, the
16 green is still your IMF, and the orange is
17 indirect traffic that we would expect to
18 be building up accordingly with the IMF
19 being in that location. It's still
20 showing a very solid level of service C
21 for that. So the road itself has the
22 capacity to carry that traffic as a
23 four-lane road.

24 (Displays Slide No. 11.)

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1 Air quality was another area that
2 we reviewed as part of the build
3 alternative. Both Fayette County and
4 Marshall County are in attainment, meaning
5 they're in compliance with all EPA air
6 quality standards right now.

7 So when we did the evaluations for
8 the air quality, we looked at what impacts
9 that we would have to that area. We
10 looked at the pollutants and the MSAT, the
11 mobile source air toxins. There was a
12 minor increase in the location of that,
13 but we did meet all applicable EPA air
14 standards for the location.

15 There was also some review in the
16 fact that because the usage of the forrest
17 yard would go down, which is not an
18 attainment area, it is commonly not
19 meeting their standards, that was a
20 benefit from the facility.

21 One of the big benefits from the
22 facility is that it is taking trucks off
23 the road, it is reducing the vehicle
24 traffic that is out there. We're looking

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1 at potential reduction of 186 million
2 loaded truck vehicle miles per year that
3 would be taken off the road by use of the
4 intermodal facility. And that would equal
5 a 75 percent reduction in greenhouse gas
6 emissions.

7 There's also additional benefits
8 from reduction in highway delays, fuel
9 consumption, and emissions from the trucks
10 that are on the roads.

11 (Displays Slide No. 12.)

12 We looked at the noise impacts from
13 the potential build alternative. From the
14 intermodal facility there's basically two
15 locations where you're going to get the
16 most noise. One is at the gates where the
17 trucks come in and out, and the other is
18 with a warning -- back-up warnings that
19 OSHA requires that be on the vehicles
20 within the facility.

21 One of the things that Norfolk
22 Southern is looking at is there is some
23 white noise type technology out there that
24 OSHA is reviewing for back-up alarms, and

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1 so we're reviewing that as a potential to
2 be used out on this facility.

3 To model the noise for this
4 facility, we ended up doing two different
5 sets of models. We modeled the road
6 traffic from the access road coming in,
7 using FHWA standards, and then we modeled
8 the noise from the operation of the
9 facility using FTA and FRA standards. And
10 then, so, for some locations, noise from
11 both models were applied; further
12 locations, it was just from one or the
13 other model, depending on where the
14 receivers were.

15 (Displays Slide No. 13.)

16 So, this is the outline of the
17 facility again. Receiver 9, which is in
18 the vicinity of Industrial Road, showed a
19 moderate impact to the existing
20 background. 5 and 11 have an increase,
21 but based on FHWA standards, it was
22 considered no impact, because it was based
23 on the existing noise that would be on 72.
24 And, finally, receiver 5, which is three

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1 residences on Parnell Road, we had some --
2 initial modeling, we had some severe
3 impacts in that location. Part of that
4 was from the result that we modeled all
5 the potential noise from the facility
6 being right adjacent to the edge of the
7 property, which is not where it would be,
8 but that was what we looked at as a worse
9 case. We added a berm around that side of
10 the project, and that was able to mitigate
11 the noise down to moderate.

12 (Displays Slide No. 14.)

13 We looked at the culture resource
14 impacts from the build alternative. We
15 looked at both inside and outside of the
16 project area. We went a mile around the
17 project and looked at the potential
18 impacts which included the Rossville
19 historical district, which does not have
20 viewshed of the project. And then there
21 were also ten record sites for
22 archaeological sites that were found when
23 we did record searches; those were all
24 outside of the project area. We completed

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1 field surveys within the project, which
2 are shovel tests within the area. There
3 were two potential sites that were noted,
4 but based on the lack of substructure,
5 archaeological deposits or foundation
6 remnants, they were considered not to be
7 historic enough to be on the register, so
8 those were figured as no adverse impacts.
9 And the SHPO concurred with those
10 determinations.

11 (Displays Slide No. 15.)

12 National resource impacts that we
13 reviewed, we looked at terrestrial
14 resources. There have been buffers that
15 were added around the streams as part of
16 this project.

17 We have a potential impact of 5,352
18 linear feet of streams, and there was
19 potential impact of 7.3 acres of wetlands.
20 These had been minimized during the
21 design, but these were the worst impacts
22 that we would potentially have as part of
23 this facility.

24 We did look at minimizing the

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1 channelization of the streams, so, for the
2 major stream that goes through the middle
3 of the project, stream 6, that is being
4 bridged, so we're not doing culverts in
5 that location to minimize the
6 channelization in that location. And part
7 of that was also because that's within the
8 floodplain; stream 6 does have a
9 floodplain along it. We're staying out of
10 the floodplain as much as we can. The
11 bridges, of course, will go across the
12 floodplain, but they calculated a no-rise
13 as part of that calculation. There was
14 potential for some flooding between the
15 two bridges, but it would be a no-rise for
16 stream 6.

17 And there was no threatened or
18 endangered species found within the
19 project footprint.

20 (Displays Slide No. 16.)

21 One of the other things we review
22 is invasive species. We found no adverse
23 effects for that.

24 There are no wild and scenic rivers

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1 within the project, or exceptional
2 Tennessee waters within the project.

3 The aquifer is one of the questions
4 we've gotten a lot of and we spent a lot
5 of time looking at. We will be doing
6 specific construction methods to minimize
7 the impacts. In that particular area
8 where we're talking about, is that the
9 Norfolk Southern has made a commitment to
10 put a clay cap over any exposed aquifer.
11 If we expose any Memphis Sands during
12 construction they will go back and put a
13 clay cap over that, if it's within the
14 footprint of the facility. On top of that
15 will be the base for the concrete, and the
16 concrete will go on top of that.

17 And then, for the stormwater
18 controls that they are doing, it also has
19 sediment basins that were placed
20 throughout the facility, and they will be
21 clay lined also, so that -- we took the
22 stance that we would rather do a
23 protection and focus on the recharge.
24 Both issues were raised at the last

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1 hearing, but we felt protection was the
2 key one that we needed to focus on.

3 Stormwater, the analysis that was
4 done based on the use of the basins and
5 the control of the flow that's coming out
6 of the basins, post-construction will be
7 less or equal to pre-construction
8 stormwater flows for up to a hundred-year
9 storm event.

10 And then, of course, for the
11 environmental permits, we will be applying
12 for applicable environmental permits as
13 part of this process.

14 (Displays Slide No. 17.)

15 Individual impacts, there's a
16 couple of different things. This
17 particular one talks mainly about the
18 lights. The shade of light blue that you
19 see is half a candle. That would be
20 around the edge of the facility. So you
21 can see that they're focussing the lights
22 and the brightness of it based on what
23 they need to work out there. And they are
24 downward pointing lights, so it's not like

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1 what you'll see at a Wal-Mart that's
2 pointing up in the air, it's sort of got
3 the halo around it. They do point down,
4 so it minimizes that impact.

5 (Displays Slide No. 18.)

6 My last slide is talking about the
7 hazardous material impacts that we
8 reviewed as part of the build alternative.
9 Norfolk Southern transport 2.2 to 2.7
10 million intermodal shipments across the
11 U.S. annually. So, they ship a lot of
12 intermodal items. Of that, only three to
13 four percent are what we could -- are
14 classified as hazardous material. And
15 that is not necessarily what we would
16 think of as hazardous material, but it is
17 how it is classified. So the Clorox
18 bleach that you have in your house is
19 classified as a hazardous material. So
20 it's not necessarily things that you would
21 not have at your house. Basically
22 anything that's going to be in an
23 intermodal facility, that transports
24 through it, will be in a container; it

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1 will be a sealed container. So it's
2 something that will most likely end up at
3 Wal-Mart or Costco or one of those type
4 retail stores. It's not something other
5 than that.

6 And of the intermodal shipments
7 that occur within the facility, you know,
8 they mention that spills are extremely
9 rare. If you look in the left corner of
10 the slide it talks about the number of
11 spills that have actually occurred.
12 Because I don't want you to think "rare"
13 is in me saying it's rare. And they
14 actually have a fairly good downward
15 trend. From 2004 to 2009 they've had 25
16 spills from an intermodal shipment.
17 Seventeen of those spills were for less
18 than a gallon, that was spilled. And if
19 you notice, they started off at ten in
20 2004 and had gone down to three spills in
21 2009. So they have a very robust program
22 that they work through to try to reduce
23 the number of spills that occur from the
24 intermodal shipments.

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1 And as I mentioned earlier, it is
2 transfer trailers and containers, it's not
3 tanker cars or anything like that that's
4 coming through that's being worked at an
5 intermodal facility, it is containers.

6 And NSR has been recognized
7 nationally for their safety record.

8 The last bullet -- or the second
9 last bullet is talking about the Phase 1
10 ESA. Whenever we do an environmental
11 assessment, we have to review the existing
12 site, to see if there is any hazardous
13 materials out there right now, like if
14 there was an underground storage tank or
15 something like that. We did do an
16 assessment of the project, walked through
17 the footprint, and we didn't see any
18 hazardous materials out there right now.
19 That was the no potential hazardous
20 material sites identified bullet. And we
21 found that, based on all this information,
22 there would be no adverse effect from the
23 hazardous materials.

24 **MR. RILEY:** Thanks, Robin. Let me

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1 breach a bit of protocol here. There are
2 some awfully smart people sitting around
3 me. What I would like to do is just have
4 each of you tell the people who you are
5 and just very briefly what your area of
6 involvement is, just very briefly, so they
7 will know when you speak from which you
8 come.

9 Can we start down here.

10 **MR. SIIK:** My name is Robert Siik.
11 I work in the intermodal department of
12 Norfolk Southern. I'm primarily an expert
13 in the operations that take place in the
14 facility.

15 **MR. McMILLAN:** My name is Charlie
16 McMillan. I work for Norfolk Southern's
17 engineering department. My responsibility
18 is to oversee the design of all of our
19 intermodal facilities system wide.

20 **MS. HAGERTY:** And y'all just
21 listened to me talk. My name is Robin
22 Hagerty. I'm with AMEC, and we did the
23 environmental assessment for the facility.

24 **MR. MORINEC:** My name is Jim

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1 Morinec. I'm with AECOM. We're the firm
2 that was hired to design this facility.

3 **MR. OZMENT:** Yeah, I'm Jim Ozment.
4 I work for the Tennessee Department of
5 Transportation in their environmental
6 division. We do a lot of the
7 environmental studies and production of
8 the documents for transportation projects.

9 **MR. LOVE:** My name is Tom Love, and
10 I work with the Tennessee Department of
11 Transportation. I've worked in their
12 environmental division for 37 years. I've
13 been involved in the NEPA process ever
14 since it started, and I've done many, many
15 environmental documents in my time.

16 **MR. RILEY:** All right. Thank you
17 very much.

18 Let's move into the question and
19 comment section, if we can. I'll remind
20 you, I have a list of those who have
21 signed up, I'm going to call the names on
22 that list. Every speaker has three
23 minutes. After those people have
24 completed, we'll ask other people if they

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1 wish to make public comments or if they
2 have questions that they want to ask from
3 the podium.

4 All right, I have -- let me just
5 call the four people -- and we'll,
6 obviously, do one at a time -- just so
7 you'll know who comes first, second, third
8 and fourth. Ms. Watson will be followed
9 by Mr. Case, Mr. Pallme -- I may have
10 pronounced that incorrectly -- and Mr.
11 Faris.

12 So, Ms. Watson, if you'll come up,
13 please, ma'am. Ms. Watson, could you
14 state your full name, please.

15 **MS. WATSON:** Yes. It's Lhisa
16 Cranford Watson. I live in 90 Clover
17 Ridge in Piperton in the Twin Lake
18 Subdivision.

19 **MR. RILEY:** How do you spell your
20 first name?

21 **MS. WATSON:** L-H-I-S-A.

22 **MR. RILEY:** Thank you very much.

23 **MS. WATSON:** I would like the panel
24 to know that you're not the only ones with

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1 expertise here at this meeting tonight
2 involved in public projects. As a senior
3 vice-president for First Tennessee,
4 capital markets, I've worked for almost 30
5 years in public finance. I've worked with
6 asset-liability management and investments
7 for state and local governments in various
8 areas of the country. And in my
9 experience in government finance, the most
10 expensive liability is road and bridge
11 infrastructure, and I don't think anybody
12 that works in that would dispute that
13 that's a fact. There's a lot of time
14 required, as well, to recoup that
15 investment. So far, from studying the
16 various documents involved in this
17 proposed installation, I have noted that
18 there is going to be, in DOT's estimation
19 -- and I'm addressing the majority of my
20 comments to TDOT tonight, because that's
21 what this meeting is really about. You
22 know, the projection is for a needed
23 railroad overpass on 57, but, I guess,
24 also, I'm a little puzzled by the page 5

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1 of tonight's handout, that you're
2 estimating a slight increase in truck
3 traffic on 72 with what I heard in
4 previous meetings is like a thousand
5 trucks or more projected a day, in
6 addition, on 72. We currently have
7 hundreds a day. And this is a two-lane
8 highway. So, I guess my question and my
9 comments to this body tonight is that it's
10 currently hundreds, it's overcrowded. I'm
11 wondering what you base that slight
12 increase and the accommodation of that
13 two-lane road optimistically on. My
14 opinion as a resident but also with a
15 history in road and bridge financial
16 project management is that existing
17 infrastructure is far too small, it is too
18 costly, even with private money, if that
19 was what was being used, to accommodate
20 what will be needed to enlarge it with the
21 current tax base we have. What happens if
22 the infrastructure is overburdened and
23 state revenues can't support the current
24 overpass and flow of increased traffic on

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1 72? Your property taxes and mine will be
2 going up to support this private project
3 as what? We must weigh very carefully the
4 rosy picture of jobs added or saved or
5 economic income projected at a time when
6 freight revenues all over the country are
7 declining dramatically; and I mean to the
8 tune of 260 million dollars in the last
9 quarter for a larger railroad than Norfolk
10 Southern. So, in the midst of the worse
11 recession in many of our lifetimes, we all
12 want to see jobs. But beyond that
13 headline our politicians kind of seek to
14 capitalize upon, we as residents will be
15 saddled with higher taxes and a reduction
16 in residential property values as a
17 result, if this installation should come
18 about. And we should all ask ourselves if
19 this facility is worth that.

20 **MR. RILEY:** Thank you, Ms. Watson.
21 Do we have a response?

22 **MS. HAGERTY:** There are a couple of
23 things that I would like to clarify --

24 **FROM THE AUDIENCE:** I can't hear

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1 you.

2 **MS. HAGERTY:** I'm sorry. There is
3 a mixture of private and public money that
4 will be used as far as this project goes.
5 The majority of the funding is coming from
6 the TIGER grant which has been awarded to
7 this project from the federal government.
8 Norfolk Southern is also contributing
9 funds as part of this project. And
10 there's been some negotiation with the
11 State to contribute some funds to the
12 project.

13 The improvements on US 72 have
14 already been programmed and are budgeted
15 by the Mississippi Department of
16 Transportation. Those are not part of
17 this project. And the traffic projections
18 that were shown are for US 72 to be
19 four-laned, which is what Mississippi is
20 projecting it to be.

21 Jim, did you want to add anything
22 to that?

23 **MR. MORINEC:** No. I think you
24 covered it.

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1 **MR. RILEY:** Any other comments?

2 **MS. HAGERTY:** No. We're good.

3 **MR. RILEY:** All right. Mr. Case?
4 Mr. Case, would you please state your full
5 name, please, sir.

6 **MR. CASE:** Charles M. Case,
7 C-A-S-E.

8 **MR. RILEY:** And your address?

9 **MR. CASE:** My home address is 914
10 Deer Valley Cove, Cordova.

11 **MR. RILEY:** Thank you, sir.

12 **MR. CASE:** Okay. I would like to
13 -- we are -- I represent Volcom Materials
14 Company. We are an aggregate supplier.
15 We are a business -- ongoing business in
16 the city of Rossville. We're located at
17 3955 Highway 57. My comments are brief.
18 I am here in support of this project. I
19 commend the Norfolk Southern. Having been
20 a part of watching this process from site
21 to site, I will say that this development
22 team has been up front, compromising to
23 try and achieve their business goals as
24 well as meeting the needs and concerns of

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1 the community both at the federal, state
2 and local levels. As pointed in some of
3 the slides, we're talking about a project
4 that will add 2.7 billion dollars of
5 economic impact, we're talking about 6,186
6 jobs saved, 140 new employees. I can't
7 speak to you to tell you that I don't know
8 where the next project of this economic
9 impact can be found in the southeast, and
10 I think that during this economic time we
11 should be glad that they have met the
12 concerns of the community and at the same
13 time chosen to place this intermodal
14 facility in Fayette County. Thank you.

15 **MR. RILEY:** Thank you, Mr. Case.

16 Any response, comments?

17 All right. Mr. Pallme. I
18 apologize for --

19 **MR. PALLME:** No, that's perfect.

20 **MR. RILEY:** -- the pronunciation of
21 your name.

22 **MR. PALLME:** Dan Pallme,
23 P-A-L-L-M-E, 8073 Cavershamwood, with a C,
24 Germantown, Tennessee.

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1 Like Mr. Case, I want to talk about
2 the economic development. When I
3 transferred back -- I actually transferred
4 back in 1998 to Memphis from -- when
5 another railroad across the river, Union
6 Pacific Railroad, opened up a terminal up
7 there. My comments will be brief. I
8 think it's important that the State of
9 Tennessee, Fayette County realizes the
10 economic impact. If you look at Marion,
11 Arkansas right now, when we built -- and
12 that was in the plans in the earlier
13 nineties -- when we built and that took
14 place in 1998 and how that's blossomed and
15 developed and where the economy that's
16 been poor for the last three or four years
17 is just incredible, and I, once again,
18 like Mr. Case, I think, strongly support
19 this to come to Fayette County. Thank
20 you.

21 **MR. RILEY:** I forgot to mention it
22 a while ago; but if you would please
23 remember to turn your cell phones off or
24 on vibrate, we would appreciate it.

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1 All right, Mr. Faris.

2 MR. FARIS: My name is Elliott
3 Faris. I live at 155 Ridgewood Drive in
4 Piperton, which is near this area. And I
5 am just interested in acquiring some
6 information.

7 MR. RILEY: And your last name is
8 spelled F-A-R-I-S?

9 MR. FARIS: Yes. Just one "R."
10 It's my understanding -- and I may
11 be correct or incorrect on this -- that
12 there are two possible types of
13 environmental studies. My terminology
14 may not be technically correct, but it's
15 my understanding that there is one that is
16 called an environmental assessment, and
17 that has apparently been completed. And
18 that there is a second one, that has not
19 been authorized, that is called more of an
20 environmental review, that would be more
21 in-depth. And I know that the State of
22 Tennessee, and I know that Norfolk wants
23 to be a good community citizen. I know
24 that Norfolk probably wants to avoid any

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1 additional expense if possible, too. But
2 the impact environmentally on the aquifer
3 is something that is extremely important
4 over time as well as in the present. We
5 are very proud of our water, we're very
6 proud of our supply, we want it to be
7 maintained. And I would strongly suggest
8 that the additional expense -- I don't
9 know if it would be by the State or by
10 Norfolk -- but either way, I would suggest
11 that any additional expense for an
12 extensive environmental review of the
13 aquifer would be well worth it in the
14 long-run in public relations and certainly
15 in having all of those of us who are
16 concerned about the water be satisfied
17 that it would be maintained.

18 Also, on, I believe it was slide
19 16, there was a comment to the effect that
20 the study had indicated something about
21 minimizing the impact on the aquifer. I
22 would like to hear a little bit more about
23 what the predicted impact on the aquifer
24 is based on current assessments and how

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1 that might be further mitigated. Thank
2 you.

3 **MR. RILEY:** Thank you, Mr.
4 Faris.

5 Ms. Hagerty will address that.

6 **MR. LOVE:** Well, I can address the
7 environmental procedure. Can everyone
8 hear me? Basically there's three types of
9 environmental documents prepared and they
10 are basically called class of actions.
11 They go anywhere from a, what we call a
12 categorical exclusion, which are very
13 minor type projects, improving an
14 intersection, installing traffic lights.
15 The second class would be an environmental
16 assessment, which we've prepared so far.
17 And the highest level is an environmental
18 impact statement, which we do for very
19 large projects. One of the purposes of
20 the environmental assessment is to
21 determine the level of environmental
22 impacts. If in the assessment we
23 determine there are significant impacts,
24 then it would be elevated to an

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1 environmental impact statement. So, right
2 now, we're doing the environmental
3 assessment to determine if there's any
4 significant impacts.

5 **MS. HAGERTY:** If y'all don't mind a
6 little bit of a history lesson, I pulled
7 some information and I wanted to walk
8 through with you a little bit about the
9 aquifer itself.

10 (Displays slide.)

11 The Memphis Sand aquifer is part of
12 the Mississippi embayment area, which is a
13 very large footprint you can see outlined
14 up there across Kentucky, Tennessee,
15 Alabama, Arkansas, Mississippi, Texas and
16 Louisiana.

17 (Displays slide.)

18 The formation itself on the Memphis
19 Sands, it's a lot like a deck of cards; it
20 bends. So, in Memphis itself, there is
21 more of a cover over the aquifer than
22 there is out on the border between
23 Tennessee and Mississippi and the outcrop
24 area. But it ranges in thickness from

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1 zero to nine hundred feet. The
2 groundwater flows from -- into the Memphis
3 area from the west or the northwest, which
4 is where the facility is located.

5 (Displays slide.)

6 The recharge area or the outcrop
7 area is the yellow highlight on the
8 diagram you see out there. It underlies
9 about 7,400 square miles in West Tennessee
10 alone. So it's a fairly large area for
11 where the sands is. The aquifer recharge
12 of the outcrop area is 2,200 square miles
13 in West Tennessee alone. The project
14 itself is the little diamond -- or the
15 star that's down at the bottom shows you
16 where the project is in reference to --
17 just to give you the size difference of
18 the area we're talking about.

19 (Displays slide.)

20 When we're talking about
21 protection, we're talking about that we're
22 going to line the bottom of the detention
23 basin so that the -- it has that filter
24 layer associated with it, and that any

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1 sands that are exposed within the
2 footprint will be capped by a clay layer,
3 and then the concrete on top of that.

4 And then, there will be some
5 additional recharge that will be left
6 around the outside of the facility. As I
7 mentioned earlier, we were looking back
8 and forth between the protection and the
9 recharge aspects of the sand aquifer.

10 We talked a lot with the
11 Groundwater Institute and with TDEC on
12 this subject. And what we had heard and
13 what we kept asking, what is the standard
14 practice, what is construction practices
15 within the outcrop area of this area,
16 because it's a fairly large footprint,
17 what is being done by contractors right
18 now. We were told there is no standard
19 practice right now for construction within
20 the aquifer. So what we're proposing is
21 above and beyond what's being done by
22 other contractors in the area.

23 We asked what regulations are
24 required for construction in the aquifer,

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1 and right now there really -- in Fayette
2 County, there isn't. It falls under the
3 MS4 or the Municipal Separate Storm Sewer
4 System Regulations. And Fayette County
5 has not implemented that yet. So, when we
6 were talking with TDEC, I said what is
7 being done in Jackson, in Madison County,
8 which does have an MS4. They have no
9 restrictions on construction that deals
10 with the aquifer. They're actually in a
11 shallower location than we are. So, we
12 were unable find what standard practices
13 or other restrictions that other
14 contractors are doing or using in this
15 area. So we feel that what we're
16 proposing is above and beyond what's being
17 done in other areas.

18 (Displays slide.)

19 In the operation piece of it, the
20 drainage will be collected and routed
21 through the basins. We talked about this
22 earlier. There is some positive controls
23 on the end of the basins, so if there was
24 a happenstance where a spill did occur in

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1 the facility, if it wasn't able to contain
2 it within the concrete -- I've got a
3 fairly large concrete parking lot. If
4 we're not able to contain it within the
5 parking lot, if it gets down into the
6 basins, they can literally close the gates
7 and clean it up before it is released.
8 And then, the flow is equal. We talked
9 about that a little bit earlier.

10 (Displays slide.)

11 More possibilities where a spill
12 would occur would be on the maintenance
13 area, in the maintenance pad where the
14 facility does maintenance on the equipment
15 that's there. That particular concrete
16 pad is drained into an oil-water separator
17 when they're actually out there working
18 anyway, so it is collected, and the
19 oil-water separator will be shipped into
20 the Rossville separate storm sewer system,
21 so it will be handled in that direction.
22 If there is not any maintenance activities
23 going on, on that particular pad, then it
24 will go into a bio-retention pond, and any

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1 outflow from the bio-retention pond will
2 go through the regular line basins.

3 (Displays slide.)

4 And then, we were talking about the
5 -- I don't think that was the slide you
6 had a question on.

7 **MR. RILEY:** Any other comments from
8 the panel?

9 Anyone else on the sign-up sheet
10 that I don't have? Anyone else sign up to
11 make a comment and for some reason I don't
12 have your name? Okay.

13 If that exhausts the sign-up list,
14 if there are others who have questions or
15 comments, you may come up. We certainly
16 would like to take those who haven't had a
17 chance to speak thus far first, and then
18 we'll come back to those, perhaps, who
19 have spoken.

20 Name and address, please, sir?

21 **MR. WILLIFORD:** My name is Al
22 Williford. I live at 10256 Fruisbury Run
23 in Collerville, Tennessee.

24 **MR. RILEY:** Would you mind spelling

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1 your last name for us.

2 MR. WILLIFORD: Williford,
3 W-I-L-L-I-F-O-R-D.

4 MR. RILEY: Thank you very much,
5 sir.

6 MR. WILLIFORD: I am a recent past
7 president of the Tennessee Road Builders
8 Association and currently on the board of
9 the Tennessee Infrastructure Alliance. So
10 I understand the need for this project.
11 And I just wanted to come up and say that
12 I'm in support of it. I think this
13 project is at a great location, because it
14 -- as far as the truck traffic is
15 concerned, it's coming out of 72 and be
16 able to access either 302 or 385 or I-269,
17 which we'll be able to get to all the
18 major routes in this area, you know,
19 Memphis and the surrounding areas that
20 have been known as distribution center of
21 the south. And I think there's a definite
22 need for this type of facility, along with
23 our waterways, our air facilities, and our
24 road infrastructure. Thank you very much.

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1 **MR. RILEY:** Thank you very much,
2 sir.

3 Is there anyone else who has not
4 spoken yet who wishes to make a comment or
5 ask a question?

6 Your name and address, please.

7 **MS. CRANE:** My name is Laura Crane,
8 7155 State Road 194.

9 **MR. RILEY:** Would you spell your
10 last name, please.

11 **MS. CRANE:** Like the bird,
12 C-R-A-N-E.

13 I have a very simple question, and
14 it's one out of total ignorance. You
15 stated that if indeed you penetrate the
16 Memphis Sands aquifer during construction
17 you will mitigate by applying a clay
18 layer. I would like to know how you will
19 determine that you have, in fact,
20 penetrated and who will make that
21 decision?

22 **MR. McMILLAN:** We will have project
23 -- we'll have specialists out there,
24 project engineers and stuff like that, who

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1 are familiar with the Memphis Sands.
2 There's a -- I believe -- Bernie, isn't
3 there a certain texture, color and stuff
4 like that?

5 **MR. VOOR:** Yes, they are. Core
6 sand, some clay, reddish. Yes, they're
7 distinguishable.

8 **MR. McMILLAN:** They're
9 distinguishable. So we'll have somebody
10 who's knowledgeable of that to be able to
11 determine that.

12 **MR. RILEY:** Any other comments
13 here?

14 Other questions or comments?

15 Yes, ma'am?

16 **MS. ALLUM:** My name is Brenda
17 Allum, A-L-L-U-M. I live at 60 Bailey
18 Ridge Cove in Rossville, Tennessee. I
19 would like to know, does any of the
20 panelists here live around a terminal,
21 intermodum [sic] terminal, or would you
22 live around one, yourself, and your
23 family? Do any of y'all live close to
24 one?

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1 **UNIDENTIFIED PERSON FROM AUDIENCE:**

2 Thank you.

3 **MS. ALLUM:** I mean, I want to know
4 if y'all live close to one?

5 **MR. SIIK:** I do not.

6 **MS. ALLUM:** You do not?

7 **MR. SIIK:** Knowing what I know
8 about intermodal facilities and the study
9 that we've done to look at the impacts, I
10 would not be objecting to the construction
11 of this facility if I lived in the area.

12 **MS. ALLUM:** Okay, you've lived here
13 -- would you and your family live in
14 Piperton, Rossville or any of the
15 surrounding areas?

16 **MR. McMILLAN:** Well, I would. An
17 example of that, there's a project in
18 Front Royal --

19 **MS. ALLUM:** In where?

20 **MR. McMILLAN:** In Front Royal,
21 Virginia. Virginia Ports developed an
22 intermodal facility in that community, and
23 since then there's been many developments
24 including homes and residential

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1 developments that's developed around that
2 facility since it was built.

3 **MS. ALLUM:** Okay, but do you live
4 there?

5 **MR. McMILLAN:** No, ma'am. I --

6 **MS. ALLUM:** Would you live there?

7 **MR. McMILLAN:** Yes.

8 **MS. ALLUM:** You would?

9 **MR. McMILLAN:** Yes.

10 **MS. ALLUM:** Okay. How come?

11 **MR. McMILLAN:** How come? Because I
12 work in --

13 **MS. ALLUM:** How come you don't?

14 **MR. McMILLAN:** Because I work in
15 Atlanta.

16 **MS. ALLUM:** You work in Atlanta?

17 **MR. McMILLAN:** Yes.

18 **MS. ALLUM:** And there's not an
19 intermodum [sic] place for you in Atlanta
20 to live close to? How can you -- how can
21 you tell people that it's great to live
22 there, if you don't live there?

23 **MS. HAGERTY:** The way this is set
24 up is to allow you to make your comment,

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1 and then we'll respond. We really don't
2 want to get into a debate.

3 **MS. ALLUM:** Okay, y'all don't want
4 to debate where you live. Okay.

5 **MR. RILEY:** Anybody else on the
6 panel?

7 Other questions or comments? Yes,
8 sir?

9 **MR. ALLUM:** My name is Kenneth
10 Allum. I live at 60 Bailey Ridge Cove,
11 Rossville, Tennessee.

12 **MR. RILEY:** Spell your last name,
13 please, sir.

14 **MR. ALLUM:** A-L-L-U-M.

15 I've heard a lot of comment about
16 discussion of the handling of the traffic
17 on 72. What about the rest of the city?
18 We now can't handle the traffic that's
19 going through there at this time. If
20 you're going to add all of these
21 additional trucks on the road during the
22 course of the day, particularly during
23 so-called rush hour, how are you going to
24 handle it, and what are the road

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1 conditions going to be like? Thank you.

2 **MS. HAGERTY:** I've got a slide. I
3 had set this up a minute ago, but the
4 background went colorful on me again. Let
5 me get it back to white.

6 (Displays Slide No. 9.)

7 **MR. MORINEC:** There we go. That's
8 the one you're talking about, right,
9 Robin?

10 **MS. HAGERTY:** Yes.

11 **MR. MORINEC:** What this graphic is
12 showing is the anticipated trips over the
13 course of a 24-hour period that's
14 generated by the intermodal facility. The
15 two vertical bars that are shaded in a
16 green-gray are peak hour. And the way the
17 intermodal operates, the peak traffic that
18 comes out of the intermodal will come in
19 during the middle of the day and not
20 overlay the peak hour on the road itself.
21 So, that will help to minimize the issue
22 of traffic. As you recall, the bars that
23 Robin displayed earlier, when we did the
24 traffic study for the facility, we

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1 initially looked at the fact that 72 is a
2 two-lane section within the area that
3 we're talking about. It's four lanes to
4 the east, four lanes to the west, but two
5 lanes currently in the area of the
6 facility.

7 With the projected traffic, opening
8 -- even though the facility is projected
9 to open in 2012, it'll take a couple of
10 years to actually build up some volume at
11 the facility, so we used 2015 as the
12 starting year to look at traffic. Yes, at
13 that point, the traffic is anticipated to
14 be almost 2,000 vehicles a day. When you
15 spread that out though, in the peak, that
16 becomes less than three trucks per minute
17 entering or leaving the facility. And if
18 you spread that -- and that particular
19 impact is just -- it's -- when you think
20 of three trucks a minute, it's --

21 (Laughter from the audience.)

22 **MR. MORINEC:** To accommodate the
23 intersection, Norfolk Southern is adding
24 turning lanes so that the traffic won't be

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1 --

2 (Laughter from the audience.)

3 **MR. RILEY:** Excuse me just a
4 second. Can we behave, please? Thank
5 you.

6 **MR. MORINEC:** -- so that the
7 through-traffic cannot be impacted by the
8 additional traffic coming out of the
9 facility.

10 In addition to that, when you look
11 at the fact that Mississippi DOT is
12 looking to improve that roadway to four
13 lanes, even with the four lanes, there
14 will be turn lanes added. And we believe
15 that the level of service is going to
16 remain at level service C, which is
17 considered to be very acceptable.

18 **MR. RILEY:** Any other comments?

19 **MR. ALLUM:** May I comment on that?
20 Do I need to repeat my name?

21 **MR. RILEY:** No, sir. Thank you.

22 **MR. ALLUM:** You're still making
23 comments about 72. What about 240 and
24 385? What about Goodman Road and 78,

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1 where all of these additional vehicles are
2 going to be going through? You can't get
3 through there now at peak rush hour. And
4 you're going to put three trucks a minute
5 in that area? I don't think you've
6 answered the question.

7 **MR. MORINEC:** Well, I don't believe
8 that all three trucks are going to go to
9 40.

10 **MR. ALLUM:** No, they're probably
11 not.

12 **MR. MORINEC:** And that's a
13 number of miles away. We quite frankly
14 don't know the destination of those
15 vehicles.

16 **MR. ALLUM:** Therefore, you're not
17 concerned? I mean, 72 is just one
18 location that you're dealing with because
19 it affects you directly. But those
20 vehicles are going to go on the
21 interstates spidering out from Memphis, in
22 and around Memphis. Who's accounting for
23 that? Is TDOT? I hope they are. And the
24 road conditions now are appalling. When

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1 you start putting that many extra
2 18-wheelers on there, they're going to get
3 worse. Who is taking care of that?
4 That's what I want to know.

5 **MR. RILEY:** Comments?

6 All right. Other questions?

7 **MR. MARTIN:** Yes.

8 **MR. RILEY:** Sir?

9 **MR. MARTIN:** My name is Rick
10 Martin. I live at 126 North Magnolia in
11 Byhalia, Mississippi. I live right off of
12 Highway 72, in the two-lane section.
13 There's been such a high number of
14 accidents in this section. The roads are
15 not even marked properly for passing lanes
16 or anything else in that section. We have
17 complained to the Mississippi Department
18 of Transportation over the years. Nothing
19 has been done.

20 We have environmental problems
21 within our neighborhood. We have filed
22 last week, with the EPA, to get two
23 different filings on hazardous materials
24 leaking in our community. Nothing has

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1 been done. This has been going on since
2 1974. Our community was established in
3 1969, and we still do not have an
4 operational sewer system in our community.

5 So, I can see a lot of folks are
6 like me. We don't have faith in our state
7 governments or our state officials or our
8 county officials to do the right thing
9 environmentally. It's reached a point
10 with us that our communities are getting
11 downgraded because of these problems. And
12 we see this coming in with a lot of
13 promises on the table, and past promises
14 have not been fulfilled. And so, our
15 concern with it is how we are going to
16 handle this as a community, when we have
17 no community involvement with our state
18 officials at this time.

19 We have not got a check and balance
20 system in place to check to see if the
21 environmental laws are protected in our
22 community. We have been fighting for it
23 for over 30 years, and it has not been
24 answered in our community, and I don't

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1 believe it will be answered yet. Thank
2 you.

3 **MR. RILEY:** Any response?

4 **MS. HAGERTY:** You live in Byhalia?

5 **MR. MARTIN:** I live right off of
6 Highway 72 at the state line,
7 Mississippi-Tennessee state line.

8 **MS. HAGERTY:** I understand.

9 We have been in discussion with
10 Mississippi Department of Transportation,
11 and they are a part -- a cooperating
12 agency on this document. They have in
13 their -- in their statewide transportation
14 improvement plan, they have programmed the
15 widening of this section of 72 to start in
16 2012. I know that it's been on the board
17 several times, but they are -- have made a
18 commitment that it will be completed, they
19 are going to move forward with that.

20 And I understand also that they are
21 looking at some other different studies
22 down in that area as far as transportation
23 goes. I don't have a current status on
24 that. Unfortunately, they were not able

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1 to make the meeting today. But they are
2 -- have been part of the process.

3 **MR. MARTIN:** May I speak?

4 We have seen Department of --
5 Mississippi Department of Transportation
6 come through our community in the last ten
7 years and run five to six surveys over
8 this area. Nothing has been done, nothing
9 has been brought into public meetings.
10 It's still the problem of -- what you're
11 saying about 72 and Mississippi Department
12 of Transportation is one thing.

13 The other thing is the
14 environmental impact that we're already
15 under, having environmental problems in
16 our community that are not being answered
17 by state officials, not by the Marshall
18 County Health Department, not by the EQU
19 in Jackson, Mississippi, or anything else.
20 We have problems with contaminated water
21 running to this aquifer now. And no one
22 is taking responsibility for it. We have
23 a lagoon sewer system in our community
24 that was -- that sat there in 1969. That

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1 sewer system is leaking everywhere in our
2 community. No one from the EPA, the EQU,
3 or anyone else has any answers to this
4 situation.

5 We're moving into another area
6 where we're going to put something else in
7 our community that might violate these
8 laws. We have no one that we can go to
9 when we see these violations, to take care
10 of them in immediate fashion. And that is
11 the problem. The problem is we do not
12 have any representation in our area for
13 environmental control problems. Thank
14 you.

15 **MR. RILEY:** Thank you.

16 **MS. HAGERTY:** And we will provide a
17 copy of the transcript to Mississippi
18 Department of Transportation as part of
19 this process.

20 The facility itself sits entirely
21 in Tennessee. And I believe that
22 Tennessee TDEC has been very active in
23 this. They are being very active and very
24 constraining in the permits as part of

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1 this project moving forward. I believe
2 they will be actively monitoring the
3 project. Of course, I cannot speak for
4 Mississippi.

5 **MR. RILEY:** Other questions or
6 public comments?

7 Yes, sir, Mr. Faris?

8 **MR. FARIS:** I'm still Elliott
9 Farris, 155 Ridgeway Drive. And I just
10 wanted to have a -- make a follow-up
11 comment and a question. There's no
12 question but what environmental issues are
13 quite emotional, and there are extremes in
14 both directions. We certainly do not want
15 to go to the extreme that perhaps some
16 people may acknowledge going back to some
17 projects that have been stalled by snail
18 darter, for example, but we sure don't
19 want a repeat of the equivalent or a minor
20 equivalent of the Gulf oil spill. So,
21 again, I would very, very much advocate
22 the most stringent environmental studies
23 possible before approval of this project.
24 And a specific question was, when you were

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1 making the presentation earlier, you
2 talked about the aquifer, that it ranged,
3 I believe it said from zero to seven
4 hundred feet, something like that. What
5 is the depth of the aquifer in this
6 particular area? That would be of
7 interest to me. Thank you.

8 **MS. HAGERTY:** We have done some
9 geotech study in that area.
10 Unfortunately, when you do a geotech
11 study, it only tells you what you drill
12 through, so, you would be projecting
13 beyond that. We're expecting and we're --
14 the environmental document is written in
15 the fact we expect to expose the aquifer,
16 pegging the worse case of it. There's
17 only a certain segment of the facility
18 that will actually be cut verses fill. Of
19 course, we're replacing fill and will not
20 be running into the aquifer, because it
21 appears not to be exposed currently in the
22 property boundary, based on the ponds and
23 other features that are out there.

24 The geotech study does mention some

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1 sands at different depths at different
2 locations, but we've not done an in-depth
3 -- we really don't see much gain in
4 drilling any more than what's already been
5 done out there. It gave us a good idea of
6 part of what was out there. And so we're
7 just dealing with what we expect to expose
8 and have come up with treatment plans
9 based on that.

10 **MR. FARIS:** Well, that would be
11 what I would specifically disagree with,
12 to say that it would be to the advantage
13 of not only Norfolk but to the community
14 to know without question rather than to
15 have a supposition that it is not exposed,
16 it would be very helpful to know that
17 directly.

18 **MR. VOOR:** My name is Bernie Voor
19 with AMEC Earth and Environmental. I'm a
20 geotechnical engineer. I believe what
21 Robin is trying to say, very clearly, is
22 that we will be building the facility --
23 or we would be building the facility
24 within the recharge zone of the Memphis

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1 Sands aquifer. And we can't discount that
2 we won't encounter and expose the Memphis
3 Sands. They may be exposed at the moment,
4 under the grass. We just simply don't
5 know. But we're taking the worse case
6 scenario whereby, during construction, if
7 exposed, that exposure will then be capped
8 and covered with a lower permeability clay
9 material to help protect and prevent
10 downward migration of any spilled
11 material, should that occur, even though
12 we believe that to be very rare. So those
13 are the protective measures that would be
14 taking place there. That material would
15 be capped and then covered with a concrete
16 slab as the protection measure.

17 **MR. FARIS:** What I hear is that
18 you're saying you've got an emergency plan
19 if that occurs. Gulf Oil had an emergency
20 plan. I think it would be much wiser to
21 know on the front end exactly where the
22 aquifer lies.

23 **MR. VOOR:** The assumption that is
24 being made is that the aquifer lies under

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1 us, clearly.

2 MR. FARIS: How far? That's all
3 I'm saying.

4 MR. VOOR: Zero feet to nine
5 hundred feet.

6 MR. FARIS: In that area?

7 MR. VOOR: It's not that deep in
8 that area. It's that deep directly under
9 Memphis. I believe that there was one
10 slide that was shown that showed the
11 U-shape of the Memphis Sands. We're
12 building over on the eastern extremity in
13 the recharge zone, so the assumption is
14 that the Memphis Sands lie directly under
15 us, under this facility. And what I'm
16 talking about is not an emergency plan.
17 There are spill response plans that the
18 facility will have in place should a spill
19 occur, again, rare, not expected,
20 unlikely, should it occur, to clean that
21 up. The measures that I'm talking about
22 are protective measures should the
23 exposure be encountered during
24 construction, during grading, it will be

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1 capped and then a concrete slab over the
2 top.

3 **MR. FARIS:** And what's the
4 probability of it being exposed?

5 **MR. VOOR:** I would have to say
6 50-50.

7 **MR. FARIS:** That's the concern that
8 would raise the primary question of
9 whether the facility should be built.

10 **MR. VOOR:** I would say that it's
11 the same as the Wal-Mart that might be
12 built in that area.

13 **MR. FARIS:** I would have the same
14 question about the Wal-Mart.

15 **MR. VOOR:** Okay. Thank you.

16 **MR. RILEY:** Other persons who have
17 questions or comments?

18 Yes, sir?

19 **MR. SCARPACE:** I'm Alford Scarpace,
20 300 Wynnbrook Drive, Piperton.

21 **MR. RILEY:** Spell you last name,
22 please, sir.

23 **MR. SCARPACE:** S-C-A-R-P-A-C-E.

24 It concerns me that there's

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1 uncertainty about where the aquifer is,
2 how shallow it is and that it's so close
3 to the surface, and that you mentioned
4 that there would be measures to help
5 protect the aquifer, to help protect it.
6 You didn't say to absolutely protect it.
7 And I think we have a responsibility for
8 our great great-grandchildren and their
9 great great-grandchildren to protect our
10 water, and I don't think "to help" protect
11 it is enough. I think it needs to be a
12 very furlative process where we absolutely
13 protect our water.

14 **MR. RILEY:** Any response from the
15 panel?

16 **MR. VOOR:** Comment noted.

17 **MR. RILEY:** Comment noted?

18 Yes, ma'am?

19 **MS. LACKEY:** Dana Lackey, 2615 Knox
20 Road. That's Rossville, Tennessee. My
21 concerns are traffic. I think, like this
22 gentleman said, 385 hasn't even been
23 considered. The road is in bad shape now.
24 It's just two lanes. Getting to work is

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1 at least a 10, 15 minute slow-down, and
2 you put -- with no trucks. And you put a
3 few more trucks on there and it's going to
4 be horrible. And so, I want to know where
5 is the money that's going to keep that
6 road in any kind of condition, expand it,
7 which is basically all bridges now?

8 My other concern is, of course, the
9 well water that we're all on, loss of use,
10 and if it's contaminated, in that spill
11 plan, who is going to notify us and
12 evacuate us if necessary?

13 **MR. RILEY:** Response from the
14 panel?

15 **MR. McMILLAN:** Jim, you are -- you
16 had a bunch of soil tests, borings, and
17 stuff like that run. How many borings did
18 you do, about? It was a bunch.

19 **MR. DRAGAN:** Thirty-plus.

20 **MR. McMILLAN:** Thirty?
21 Thirty-plus. We haven't encountered the
22 Memphis Sands in any of those borings, as
23 far down as we got, if I remember right --
24 we have the report, right?

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1 **MR. DRAGAN:** I believe there were
2 some red sands that did show up in a
3 couple of places, but it wasn't prevalent.
4 In our borings there were a couple of
5 locations, but it wasn't, like, every
6 single boring we did we encountered those
7 sands.

8 **MR. McMILLAN:** Let's look at our
9 site too. Our site is on one of the
10 highest -- as you people know, is on one
11 of the highest pieces of property in
12 Fayette County. That site ranges from
13 elevation 400 down to --

14 **MR. DRAGAN:** About 380 to 317.

15 **MR. McMILLAN:** 317. The facility
16 is going to be built around 383. So the
17 cut that will happen -- I wish I had a
18 diagram of the facility, and I could point
19 out -- will be along the --

20 **MR. DRAGAN:** Eastern side.

21 **MR. McMILLAN:** -- eastern end of
22 the facility, where the storage tracks are
23 going to be built, if you looked at the
24 diagram when you walked in. Most of that

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1 cut is going to be in that area. The rest
2 of the area is going to be mostly in fill.
3 The lead tracks going into the facility
4 are all going to be built on fill. The
5 overpass for 57 is going to be built on
6 fill. So, the places where, if we do
7 encounter the Memphis Sands, will be right
8 there along the east end, a slight small
9 area which is the highest ground -- I
10 would say one of the highest grounds in
11 Fayette County.

12 Now, I believe the soil borings
13 showed that we might encounter in some
14 places -- we know what elevation, about?

15 **MR. DRAGAN:** Of the sands, or
16 water?

17 **MR. McMILLAN:** The sands were?

18 **MR. DRAGAN:** I would have to look
19 back in the --

20 **MR. McMILLAN:** Okay. I thought it
21 was 20-something feet down.

22 **MR. DRAGAN:** It's quite a ways
23 down. Sixty-plus feet.

24 **MS. HAGERTY:** And I think that if

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1 you want to talk specific elevations, if
2 anybody wants to get with Josh afterwards,
3 he's got a copy of the report, and we can
4 go through that report with anyone who's
5 got those specific questions.

6 Part of the question that was
7 answered was about an evacuation plan, if
8 there was actually a requirement to -- I
9 don't know that there's enough of a spill
10 that would require --

11 **MR. SIIK:** Well, all of our
12 facilities have spill containment and
13 spill prevention plans, and if there was
14 anything, we would follow that plan, and
15 if that included notifying the
16 authorities, we would certainly do so.

17 **MS. HAGERTY:** Did you all want to
18 address anything about the --

19 **MR. LOVE:** Well, all the roads that
20 -- you know, in the area are part of the
21 transportation and improvement program for
22 this area, and any projects that are
23 scheduled to be improved are based on
24 future traffic needs for the entire area,

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1 so, you know, it may be scheduled for
2 improvement at a later date. You'll just
3 have to get with us or any of the others
4 to see which roads are planned to be
5 improved.

6 **MS. HAGERTY:** 385 is part of the --

7 **MR. LOVE:** 385 is part of the I-69
8 proposal, which would be labeled I-269
9 once it's all complete from Mississippi
10 all the way around -- what is it -- 385
11 now, up to Millington. So, that will all
12 be a four-lane facility -- four-lane by
13 the facility.

14 **MR. RILEY:** Further comments from
15 the panel?

16 Other questions or comments?

17 **MR. MARTIN:** Yes. I'm wondering if
18 you're going to have a warning system for
19 us that are close to this terminal, going
20 to be able to hear it in case of an
21 emergency, if there's going to be some
22 type of, like, tornado warning system or
23 any type of loud warning system that will
24 notify us as tenants that it's time to get

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1 out of the neighborhood, just in case that
2 slim possibility that you might have a
3 spill, to warn us residents, to give us
4 enough advanced warning where we could
5 evacuate the neighborhoods surrounding
6 this rail yard? Is there anything on the
7 plan or books for this type of warning
8 system?

9 **MR. RILEY:** Response?

10 **MR. SIIK:** There is no warning
11 system such as that. The one thing I
12 should point out is that this facility
13 will not be handling intoxicant inhalants.
14 That's like chlorine gas and so on.
15 That's the stuff that would most likely
16 require any kind of evacuation. We will
17 not be handling that at this facility. So
18 that's one of the biggest HAZMAT items
19 that people are concerned about, and we
20 will not be handling it at this facility.

21 **MS. HAGERTY:** It's actually not
22 allowed to be transported through the
23 intermodal system, because it doesn't fit
24 in -- it's not a container type thing.

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1 **MR. RILEY:** Other questions or
2 comments?

3 Yes, sir? Give us your name and
4 address, please, sir.

5 **MR. ROUTON:** Kevin Routon, Atoka,
6 Tennessee, 6572 Tracy Road, Atoka.

7 **MR. RILEY:** Spell your last name,
8 please, sir.

9 **MR. ROUTON:** R-O-U-T-O-N.

10 **MR. RILEY:** Thank you.

11 **MR. ROUTON:** Thank you.

12 My main concern, like everyone
13 else's, it appears to be, is water in the
14 aquifer. I'm very pleased to hear that
15 some of the people in the local community
16 are aware of that. A secondary concern I
17 have is that -- is urban sprawl, and has
18 anyone considered or done any
19 transportation studies as to whether
20 secondary growth would be around the
21 facility and what the impact around
22 transportation would be? Thank you.

23 **MS. HAGERTY:** As part of the
24 environmental assessment we looked at

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1 direct, indirect and cumulative impacts
2 from the facility. To define the indirect
3 and cumulative impacts, we looked at the
4 economic studies that were done. One of
5 the things we did was the traffic study,
6 looking at the indirect impacts. One of
7 the slides I showed that had the -- the
8 orange bar, that was the indirect traffic
9 that we added based on the facility
10 itself.

11 Jim, do you want to talk some about
12 --

13 **MR. MORINEC:** Well, the economic
14 impact study really looked at economic
15 impact in the Memphis area. And they
16 defined it as impacts that could occur
17 within a 50-mile radius of the facility.
18 It's very difficult for us to try to
19 determine how those impacts were
20 dispersed, but we took the very, very
21 conservative approach to say that those
22 impacts would all occur on Industrial
23 Drive between the facility and US 72. We
24 were able to translate the economic

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1 benefits, both from the standpoint of jobs
2 that are potentially impacted or created,
3 and we applied that as the indirect
4 traffic on the intersection of Industrial
5 Drive and US 72. And that was that orange
6 bar that showed up. Again, with those
7 additional trips generated and a four-lane
8 facility, the study showed that the level
9 of service will remain at or below level
10 service C, which is considered to be a
11 very acceptable level of service on a
12 highway.

13 **MS. HAGERTY:** As far as other
14 developments in the area, the original
15 study, as Jim mentioned, was looking at it
16 expecting it to be more in the three-state
17 area between Mississippi, Tennessee, and
18 Arkansas, actually, was part of the study.
19 Based on a lot of what we're seeing right
20 now is, Marshall County, with the
21 Chickasaw Trails, industrial park, it's
22 sort of pre-positioned to take the
23 benefits from some of the development that
24 would occur from the intermodal facility

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1 and from Interstate 69 coming in next to
2 it. I know that they have been receiving
3 more phone calls and people interested in
4 that property than they have in a very
5 long time. So, it's a good potential that
6 there would be development in that area.
7 It was already an industrial park, and has
8 been since 1986 or so, is when it was
9 originally formed. So, it has been out
10 there for a while. There has only been a
11 couple of takers so far, but they're
12 hopeful that there will be more
13 development in that area. It is already
14 zoned that way and already set up for that
15 kind of development.

16 **MR. LOVE:** I would like to also
17 point you towards the environmental
18 assessment that we have available tonight,
19 and it does talk about indirect and
20 cumulative impact along wetlands, and
21 aquatic impacts, terrestrial impacts. So
22 we do address that in the assessment. I
23 encourage you to review that.

24 **MR. RILEY:** Other questions or

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1 other public comments?

2 **MR. SWESSEL:** My name is Mike
3 Swessel, S-W-E-S-S-E-L, 380 Cotton Trail
4 Cove, Rossville. You speak about a
5 concrete cap. I've never seen a rail yard
6 built on concrete. Most rail spurs have a
7 stone bed, the cushion, the tracks and all
8 that stuff. So, if there is a spill, you
9 puncture a fuel tank, or whatever, that's
10 leading straight down, so, saying there's
11 a concrete cap, there isn't a concrete
12 cap. You know, I used to model railroad,
13 too. All of it has got gravel on the
14 bottom. So, that's a fallacy there.

15 And I think, as -- you know, you
16 talk about the environmental impact. I
17 don't see a consensus from anybody here
18 that says we're going to build it right.
19 I hear it as we don't know how everybody's
20 doing it, but we're going to do something.
21 BP did the same thing.

22 **MR. McMILLAN:** Well, an intermodal
23 facility is different, sir, than a regular
24 rail yard. Intermodal facility is

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1 basically a big truck parking lot. So
2 that's the reason you got your trailer
3 parking lot, where you park trailers and
4 stuff like that. Basically, an intermodal
5 facility is simply this: You've got a
6 train on a rubber tire, there's one track
7 comes through, it's all concrete around
8 it, that train picks up the trailer, takes
9 it, puts it on the ground, a little hauser
10 truck comes, takes it, puts it in a
11 trailer parking space, then a truckdriver
12 comes in, picks it up, he goes through the
13 process again, and out of the facility in
14 about a 25-minute time. This is not a
15 typical rail yard facility that you would
16 see at our forrest yard or rail yard where
17 they do a lot of switching and stuff like
18 that. Yes, they'll be some tracks on --
19 you can look at the plan out there, and
20 I'll be glad, after the meeting, to go
21 over it with you. But there are some
22 storage tracks. Those tracks are for
23 railcars sitting there waiting to get
24 loaded and unloaded, emptied. So it's a

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1 little bit different than what you would
2 call a typical rail operation.

3 **MR. SWESSEL:** So, are those tracks
4 going to be -- have a rubber liner on them
5 like you would do at a landfill, so if
6 there is a problem, it doesn't lead to a
7 --

8 **MS. HAGERTY:** They will have a clay
9 cap on them if we expose the aquifer when
10 we do it.

11 **MR. SWESSEL:** Operative word, "if."

12 **MR. VOOR:** I guess my comment
13 there, -- Bernie Voor, again.

14 Why would we cap that if not
15 exposed? I mean, what we're telling you
16 is, if the sands are exposed, they will be
17 over-excavated and a clay material cap
18 will be placed atop that exposure to
19 prevent material from migrating into it.
20 That is indeed a proactive approach to
21 protecting the aquifer.

22 **MR. SWESSEL:** Is clay porous?

23 **MR. VOOR:** It has a permeability.
24 Everything has a permeability. Ten to the

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1 minus seven clay is an adequate liner.

2 **MS. WATSON:** One quick question
3 with regard to --

4 **MR. RILEY:** Just one second. Can
5 you come up, please, ma'am.

6 **MS. WATSON:** Okay. Just a very
7 quick question with regard to that. I
8 haven't heard anybody mention who the
9 agency is, either state or federal or
10 otherwise, that's going to verify that
11 this capping takes place. In other words,
12 who's the inspection authority? Or is it
13 just self-inspected?

14 **MS. HAGERTY:** The State doesn't
15 regulate the aquifer, as far as that goes.
16 There's no permit required for that.

17 **MS. WATSON:** So the State of
18 Tennessee is the one verifying that it's
19 been inspected?

20 **MS. HAGERTY:** I'm saying the State
21 does not regulate that.

22 **MS. WATSON:** Okay. That's what I
23 thought.

24 **MR. RILEY:** Thank you, Ms. Watson.

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1 Yes, sir?

2 **MR. SCARPACE:** Alford Scarpace
3 again. You mentioned the cap is
4 permeable, clay and concrete. We all
5 know, over time -- we're talking numbers
6 of years -- if poison is spilled, it will
7 eventually permeate, it will go through
8 clay, it will go through concrete and make
9 it's way to the aquifer.

10 **MR. RILEY:** Comment is noted?

11 Is there anyone here who wishes to
12 make a public comment or has a question,
13 that has not spoken.

14 Yes, ma'am?

15 **MR. MARTIN:** You talked about doing
16 the test wells.

17 **MR. RILEY:** Just one second.

18 **MR. MARTIN:** When you do these test
19 wells --

20 **MR. RILEY:** Sir, --

21 **MR. MARTIN:** -- off the --

22 **MR. RILEY:** Sir, just one second.
23 Someone behind you has a question.

24 **MR. MARTIN:** Oh, excuse me. Go

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1 ahead.

2 MR. RILEY: I'm sorry.

3 MR. MARTIN: That's all right.

4 MS. SAVAGE: Beverly Savage, 1950
5 Highway 194, Rossville. In listening to
6 the discussions, I made a few notes on
7 some of the concerns, and the audiences'
8 as well as some of your responses. As you
9 document on page 5, you note a slight
10 increase in truck traffic. That slight
11 increase is misleading, because it's 2,000
12 trucks, approximately, as you document.
13 Has anyone been able to provide the
14 information on the fine particulate matter
15 that's associated with the exhaust from
16 that increased truck traffic? That's the
17 first issue I would like to bring up.

18 The second issue I would like to
19 bring up is, the independent environmental
20 study, I believe, should move forward in
21 this process -- a full environmental
22 independent study. And that's independent
23 of Norfolk Southern, as well as TDOT.

24 In addition to that, you said that

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1 the -- there's only about three to four
2 percent of hazardous materials. Well, it
3 may not be -- I can't remember what it was
4 that you called it just a moment ago. It
5 only takes one. It only takes one
6 hazardous spill. And it may not affect
7 our generation, but it can our children,
8 grandchildren. And we need to be thinking
9 about this.

10 If we haven't learned anything from
11 the BP oil spill, we've learned this. And
12 we need to think about this proactively
13 before proceeding in this. I know that
14 you've had attendees that have also stated
15 that they're for this project, you know,
16 it's positive. Everybody wants jobs.
17 We're all business people. But we don't
18 want it at the risk of hundreds of
19 thousands of people's drinking water. So
20 I would like you all to consider that.
21 Whether you're moving forward with this
22 project or not, I cannot support it, and I
23 will not support it without a full
24 environmental study and exact answers in

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1 doing this.

2 And last but not least, when you
3 speak about capping with clay and there's
4 no standard practice, what guarantees do
5 we have that this is going to prevent --
6 and the key word is "prevent", not
7 minimize. So, I would just like to leave
8 you all with all of this, that we need
9 definite answers, not we may do this, we
10 might do this. We want solid stated
11 proactive procedures in place, emergency
12 warnings, if you will. There's residences
13 that are at risk in those areas, if it's
14 one spill. Thank you.

15 **MR. RILEY:** Any response?

16 **MS. MATHEWS:** My name is Sara
17 Mathews. I'm with AMEC. And we did
18 conduct an air study. --

19 **PERSON FROM AUDIENCE:** I can't hear
20 you.

21 **MS. MATHEWS:** Sorry. My name is
22 Sara Mathews; I'm with AMEC Earth and
23 Environmental. And we did conduct an air
24 study where we looked at fine particulate

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1 matter, and we estimated emissions using
2 EPA emission factors for the trucks, for
3 the employee vehicles, locomotives, onsite
4 operational equipment, maintenance trucks,
5 the emergency generators that would be
6 present. So, we have all of that in the
7 air study. And I can show it to you
8 afterwards. But we did estimate emissions
9 not only for fine particulate matter, but
10 for the other criteria pollutants, as well
11 as the toxic air pollutants. So we have
12 looked at that. In emissions, there are
13 localized increases in emissions, but
14 they're minor in nature, in magnitude.
15 And they're offset, in a way, by the
16 regional improvement in air quality from
17 the intermodal facility. And I can show
18 that to you afterwards.

19 **MR. RILEY:** Other responses?

20 Is there anyone --

21 **MR. LOVE:** I just want to say one
22 thing, Joe. Although we did have AMEC
23 prepare the environmental document, they
24 were reviewed independently by federal,

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1 state, regulatory agencies that are
2 independent of Norfolk Southern or TDOT.
3 And it's their mission to do a fair
4 evaluation of the environmental report.
5 So, they have reviewed it and commented to
6 us on the proposal that's in the
7 assessment.

8 **MR. RILEY:** I have 7 o'clock. Is
9 there any person who has not spoken, that
10 has a question, a public comment?

11 I remind you there are two other
12 ways in which you may comment. One is a
13 conversation with the court reporter very
14 shortly. Another is through your written
15 comment.

16 What else?

17 **MS. HAGERTY:** Before we break up, I
18 did want to identify some of the people
19 that are sitting up here, so if you have
20 specific questions.

21 Sara introduced herself a minute
22 ago. She worked on the -- sorry. Sara
23 Mathews worked on the air study; she'll be
24 available.

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1 Mary Motte Fikri worked on the
2 ecology portion of it.

3 Bernie Voor, who introduced himself
4 earlier, helped with the geotech piece,
5 the aquifer piece.

6 David Zopff is noise. We didn't
7 get any noise questions tonight, but if
8 you do want to talk anything specifically
9 about the modeling, he can walk you
10 through that.

11 Marty did the economic and the
12 environmental justice view. Everything I
13 didn't write, he wrote. So, he can answer
14 those questions.

15 Josh Dragan is the -- worked with
16 the designer; he can help you with any of
17 the design questions or drainage
18 questions.

19 And Aswini can answer any traffic
20 questions that we haven't addressed yet
21 tonight.

22 Thank you.

23 **MR. OZMENT:** Well, again, I guess
24 we would like to thank everyone for coming

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1 out and presenting your comments tonight.
2 I think there were a lot of very
3 heart-felt comments and thoughtful
4 comments that need to be considered and
5 will be considered as part of this
6 process.

7 At this point we are going to
8 adjourn. If you have questions of any of
9 the panelists or any of the speakers up
10 here, or any of the other people up here,
11 please meet out in the lobby. We have a
12 lot of exhibits out there that may help
13 explain any of the questions that you
14 might have at this time.

15 Other than that, I guess that's it.
16 And we thank you very much for your time,
17 and have a safe trip home tonight. Thank
18 you.

19 **MR. RILEY:** Thank you, folks.

20 (Meeting adjourned at 7 o'clock,
21 at which time the following
22 comments were taken from
23 the public by the court
24 reporter.)

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1 **MR. HULVEY:** I'm John Hulvey,
2 H-U-L-V-E-Y, 455 Neville, N-E-V-I-L-L-E,
3 Road. Two things I'm concerned about:
4 That access coming from the mainline, it's
5 going within 500 feet of my house,
6 approximately 45 feet in the ground. Now,
7 they're going to hit sand at approximately
8 10 feet. Are they going to dig down and
9 then clay it before they put the track up?
10 Are they going to pad it with clay like
11 they are the facility? Because they're
12 going to hit sand approximately 10 feet
13 below the surface of the ground right now.

14 And the other thing I'm concerned
15 about is the overpass. The way I
16 understand it out there it's going to end
17 about a hundred feet east of Neville Road,
18 and it's going to be a high incline. What
19 safety precautions are they going to put
20 at the end of Neville Road to access the
21 highway without getting run over? I'm
22 interested in that.

23 **MS. BRANNON:** I have a question for
24 you. I'm Nancy Brannon, the Chair of the

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1 Chickasaw Group, Sierra Club. I have
2 written comments I would like to submit to
3 be part of the public record.

4 I'm Luther Curtis Ogle, O-G-L-E,
5 670 Slayden Road, S-L-A-Y-D-E-N, Moscoe,
6 Tennessee. My understanding is that
7 Norfolk Southern paid for this study, and
8 I think it was an incredibly biased study.
9 I don't think Norfolk Southern has the
10 interest of Fayette County at heart at
11 all. Mr. Adair, in a meeting in Piperton
12 about a year ago, said that when he talked
13 to one of the higher-ups from Norfolk
14 Southern, a man who was born in Cuba and
15 lives in New York now, when asked about
16 the impact to Rossville the Norfolk
17 Southern representative said he could care
18 less about the impact of the intermodal
19 yard on Rossville. I thought they tried
20 to very much minimize the impact of
21 traffic, meaning 1,800 or 2,000 vehicles
22 is not a minimal impact. I think the
23 noise impacts more than three people. I
24 think it's very scary that we are supposed

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1 to trust Norfolk Southern and the people
2 working for Norfolk Southern to do what is
3 correct, when they say they could care
4 less about the community; to do what's
5 correct, meaning providing the right
6 amount of clay to protect the aquifer, if
7 the clay protects the aquifer. Nobody is
8 going to supervise what they do. I don't
9 know of any standards to say what is the
10 correct thing to do about protecting the
11 aquifer. Did the study address every
12 single chemical that will be transported
13 through the yard? If not, then the study
14 is incomplete. I could be incorrect in
15 interpreting one of the slides that I saw,
16 but I believe they said about two million
17 deliveries a year will be made, and that
18 only a minimal of like three or four
19 percent would carry hazard materials. If
20 you do the math, I believe I'm correct in
21 saying that's 60 or 70 or 80 thousand
22 deliveries of hazardous materials. To me,
23 that is not a minimal amount of hazardous
24 material. I don't think that we can feel

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1 safe and secure that everything will be
2 done correctly.

3 **MR. KILPATRICK:** My name is Charles
4 Kilpatrick, K-I-L-P-A-T-R-I-C-K. I live
5 at 215 North Lenderman, L-E-N-D-E-R-M-A-N,
6 Byhalia, Mississippi. I live one-half
7 mile from where the intermodal is going.
8 One-half mile. I have hunted and ridden
9 where the intermodal is going to be for
10 years. It's all sand-based. I just
11 drilled a well recently, on my property,
12 and I hit water at 35 feet. I'd just like
13 to say, if they can't figure out where the
14 aquifer is, I'll tell them it's 35 or 40
15 feet below the surface.

16 Also, one other comment. The two
17 people that spoke for the project, one
18 lived in Germantown, the other lived in
19 Memphis, Tennessee. You didn't have
20 anyone speak for the project that lives
21 around here.

22 (Whereupon, the facilitator
23 made the announcement that
24 the court reporter would be

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available to take additional
comments until 7:45 p.m.)
(There being no more comments
from the public, proceedings
were concluded at 7:45 p.m.)

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C E R T I F I C A T E

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STATE OF TENNESSEE)
)
AT LARGE)

I, VICKIE L. STOVER, do hereby
certify that the foregoing is a true and
correct transcription of the hearing taken
by me in this matter, to the best of my
ability and understanding, on the 2nd day
of August, 2010.

I further certify that I am neither
kin nor counsel to any party hereto, and I
have no interest in this matter.

WITNESS MY HAND AND SEAL OF OFFICE,
on this the 18th day of August, 2010.

VICKIE L. STOVER
My Commission Expires
February 25, 2012

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REVISED NOTICE OF PUBLIC HEARING AND

NOTICE OF AVAILABILITY OF THE APPROVED ENVIRONMENTAL DOCUMENT

Tennessee Department of Transportation (TDOT) on behalf of the Federal Railroad Administration (FRA), as well as the cooperating agencies (the Federal Highway Administration, the U.S. Army Corps of Engineers, and Mississippi Department of Transportation), will conduct a National Environmental Policy Act (NEPA) public hearing on Monday, August 2, 2010, to discuss the proposed Memphis Regional Intermodal Facility in Rossville, Fayette County, TN. Norfolk Southern Railway Company (NSR) is the project sponsor. The hearing will be held from 5:00 p.m. until 7:00 p.m. in the Town Hall Chamber at the Collierville Town Hall, 500 Poplar View Parkway, Collierville, TN 38017.

This Public Hearing is being held to offer the public an opportunity to provide input on the approved Environmental Assessment (EA) prior to completion of the final environmental document. A brief presentation will be followed by a question and answer period. Representatives from NSR and TDOT will be present to address questions pertaining to the build alternative and the social, economic, and environmental impacts of the proposed facility. The proposed intermodal facility would be designed to handle and transfer containerized intermodal freight between rail and truck. The proposed project boundary is outlined in the attached map.

The EA was approved by the Federal Railroad Administration on July 8, 2010. Copies of the document are available for public inspection at the locations listed below. Comments regarding the EA should be sent to Mr. Tom Love (tom.love@tn.gov) at the below address before Aug 23, 2010.

Mr. Tom Love
Transportation Manager
TDOT, Environmental Division
Suite 900, James Polk Building
505 Deaderick Street
Nashville, TN 37243
(615) 741-5364

Mr. Richard Allen
MDOT District 2
150 Highway 51 North
Batesville, MS 38606
(662) 563-4541

MDOT District 2
Holly Springs Project Office
185 Heritage Drive
Holly Springs, MS 38635

Collierville Public Library
501 Poplar View Parkway
Collierville, TN 38017

Ruth B. French Library
161 Highway 309 South
Byhalia, MS 38611

Rossville City Hall
360 Morrison Road
Rossville, TN 38066

The public is invited to ask questions and make comments during the hearing and will be given the opportunity to make their opinions known concerning the need for the project and any other comments or concerns. The hearing officer may limit the length of oral presentations in order to allow parties an opportunity to speak. Anyone with questions regarding this hearing may contact Tom Love at the above address.

Persons with a disability, who require aids or services to participate at the meeting, may contact Ms. Margaret Mahler no less than ten (10) days prior to the date of the meeting:

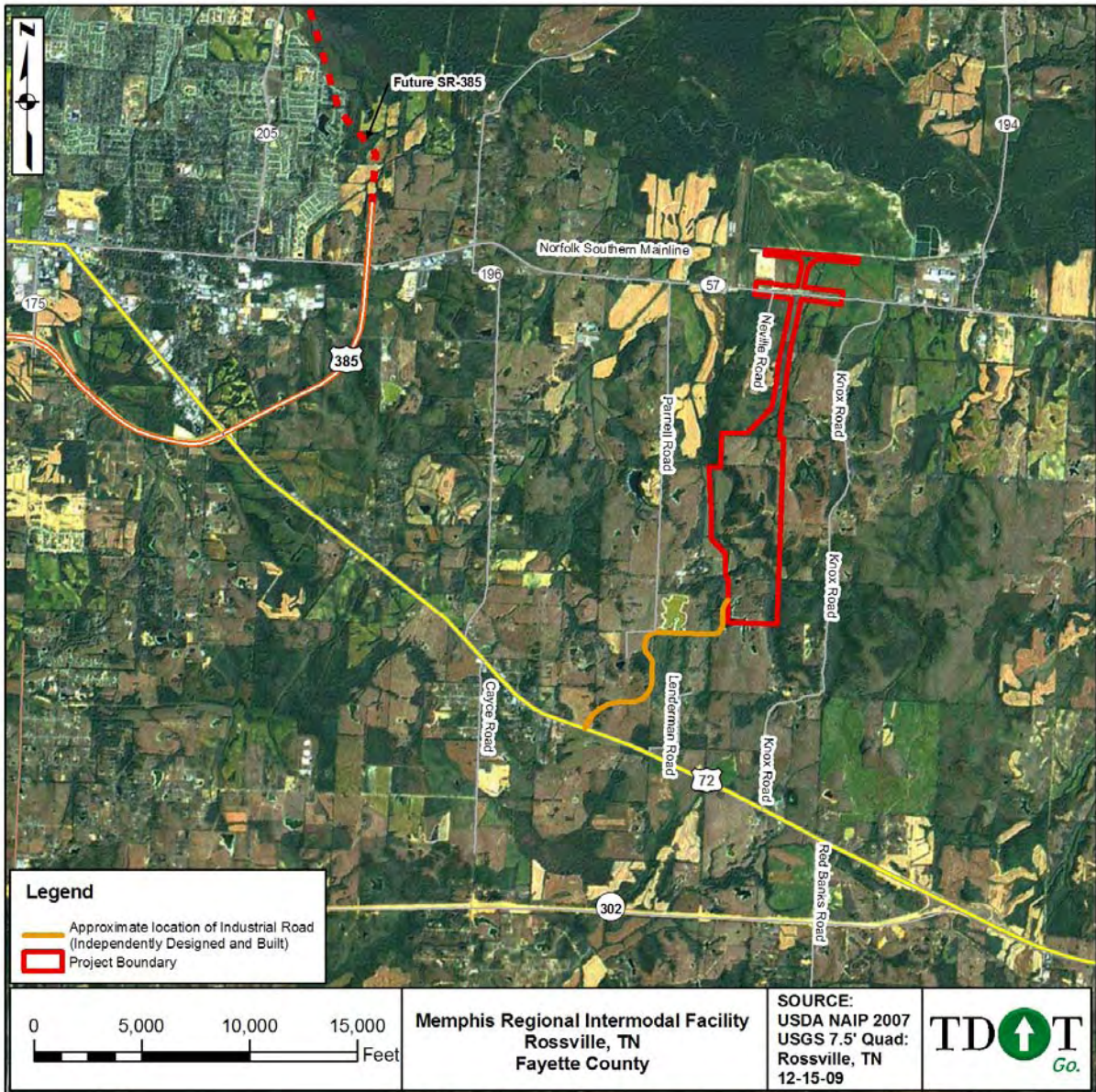
Ms. Margaret Mahler
TDOT ADA Compliance
Suite 400, James K. Polk Building
505 Deaderick Street
Nashville, TN 37243

or by e-mail: Margaret.Z.Mahler@tn.gov
615/741-4984 (phone)
615/532-5995 (fax)
615/253-8311 TTY Relay

A court reporter will be available to receive written or oral statements to be included in the project transcript. In addition, comment sheets will be available at the hearing. Written statements, comment sheets, and other exhibits to be included in the project transcript should be submitted within twenty-one (21) days after the Public Hearing (by Aug 23, 2010) to the following address:

TDOT Project Comments
Suite 700, James K. Polk Building
505 Deaderick Street
Nashville, TN 37243-0332

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STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL DIVISION
SUITE 900 - JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-0334
July 9, 2010

Name, Title
State/Local Agency
Street Address
City, State Zip

Dear **Name**:

Subject: Draft Environmental Assessment for Memphis Regional Intermodal Facility (IMF) in
Rossville, Fayette County, Tennessee

The Tennessee Department of Transportation (TDOT), in cooperation with the Federal Railroad Administration (FRA), is in the process of preparing the National Environmental Policy Act (NEPA) analysis and documentation for a proposed Memphis Regional Intermodal Facility (IMF) in Fayette County, Tennessee. The proposed intermodal facility would be designed to transfer containerized intermodal freight between trains and trucks.

We are asking your agency to allow the public to view the attached Draft Environmental Assessment (EA). Your location is listed in the public hearing notice, which will be in the *Fayette Falcon*, the *Southern Reporter*, and the *Memphis Commercial Appeal* the week of July 12. The document must be available for public review for a minimum of 30 calendar days.

A joint TDOT and Mississippi Department of Transportation (MDOT) public hearing will be held on August 2, 2010, in Rossville, see attached notice. Based on the public hearing date, please make the document available to the public until the comment period ends on August 24, 2010.

If you have any questions or would like to discuss the project in more detail, please contact me at (615) 741-5364 or by e-mail (Tom.Love@tn.gov).

Thank you for your cooperation and interest in this project.

Sincerely,

Tom Love
Transportation Manager 1

Enclosures: MRIMF Draft EA
Public Notice

Hard Copies of EA Mailed to:

Mr. Tom Love
TDOT, Environmental Division
Suite 900, James Polk Building
505 Deaderick Street
Nashville, TN 37243
(615) 741-5364

Mr. Richard Allen
MDOT District 2
150 Highway 51 North
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(662) 563-4541

MDOT District 2
Holly Springs Project Office
185 Heritage Drive
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Byhalia, MS 38611
(662) 838-4024

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360 Morrison Road
Rossville, TN 38066
(901) 853-4681



STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL DIVISION
SUITE 900 - JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-0334
July 14, 2010

Name
Street Address
City, State Zip

Dear Name:

Subject: Environmental Assessment for Memphis Regional Intermodal Facility in Rossville,
Fayette County, Tennessee

The United States Department of Transportation, Federal Railroad Administration (FRA), in cooperation with the Tennessee Department of Transportation (TDOT), is in the process of preparing the National Environmental Policy Act (NEPA) analysis and documentation for a proposed Memphis Regional Intermodal Facility (IMF) in Rossville, Fayette County, Tennessee. The proposed intermodal facility would be designed to transfer containerized intermodal freight between trains and trucks.

As part of the NEPA process, you are being notified because you live in the vicinity of the project or you requested to receive future mailings about the project.

A joint TDOT and Mississippi Department of Transportation (MDOT) public hearing will be held on August 2, 2010, in Collierville. The public notice will be in the *Fayette Falcon*, the *Southern Reporter*, and the *Memphis Commercial Appeal* newspapers this week.

The Environmental Assessment (EA) is available for public review at the locations listed in the attached public notice.

If you have any questions or would like to discuss the project in more detail, please contact me at (615) 741-5364 or by e-mail (Tom.Love@tn.gov).

Thank you for your interest in this project.

Sincerely,

Tom Love
Transportation Manager 1

Enclosure: Public Notice

NEPA PUBLIC HEARING

Norfolk Southern Memphis Regional Intermodal Facility

In Rossville
Fayette County, Tennessee

August 2, 2010

5:00 p.m. to 7:00 p.m.
Town Hall Chamber
Collierville Town Hall
500 Poplar View Parkway
Collierville, TN 38017



***U.S. Department of Transportation
Federal Railroad Administration***



Tennessee Department of Transportation

WELCOME!

Thank you for attending the Public Hearing for the Memphis Regional Intermodal Facility (IMF) project. This handout package contains information about the need and purpose of the project, alternatives evaluated in the Environmental Assessment (EA), a summary of the potential impacts of the project on the natural and human environment, the next steps in the environmental review process, and ways to make your comments known.

The agenda for the hearing is:

<p>5:00 to 5:15 PM - Registration and View Displays <i>Lobby</i></p>
<p>5:15 to 5:45 PM - Introductions and Formal Presentation on EA <i>Chamber</i></p>
<p>5:45 to 7:00 PM - Facilitated Comment / Question & Answer Session <i>Chamber</i></p>
<p>7:15 to 8:00 PM - View Displays and Individual Questions <i>Lobby</i></p>

Before the commencement of the introductions, formal presentation and facilitated comments, you will be able to view displays providing information on the proposed project. These displays will be set up in the Lobby for you to view as you enter the hearing site and register your attendance. Representatives from the Tennessee Department of Transportation (TDOT) and the environmental consultant team will be available to discuss the project with you individually and answer your questions. At 5:15 PM, the formal portion of the hearing will commence in the Chamber. During this time, there will be a brief presentation on the project and its potential impacts, and there will be an opportunity for you to make a comment or ask a question (limited to 3 minutes per person). The formal portion of the hearing will be led by a professional facilitator. Please turn off cell phones. Please do not interrupt the speakers.

You will have several opportunities to make known your comments about this project and have them included in the official transcript:

- Court reporters will record the formal Question and Answer/Comment portion of the hearing and will be available during the entire hearing to record your individual oral comments and will stay after the hearing as needed to record additional comments.
- A comment form is included in this handout for your use. You may deposit your completed form in the box by the door before you leave the hearing or you may submit written comments to:

Public Information Meeting Comments
Tennessee Department of Transportation
Suite 700, James K. Polk Building
505 Deaderick Street
Nashville, TN 37243-0332

****Written comments must be postmarked by August 23, 2010 (and include your name and address) in order to be included in the official transcript of this hearing.**

PROJECT BACKGROUND

The Tennessee Department of Transportation (TDOT), on behalf of the Federal Railroad Administration (FRA), has prepared an Environmental Assessment (EA) to evaluate the impacts of the proposed Memphis Regional Intermodal Facility in Rossville, Fayette County. FRA approved the EA on July 8, 2010.

WHERE CAN PEOPLE VIEW THE EA DOCUMENT?

Copies of the EA are available for public review at:

- TDOT, Environmental Division, Suite 900, James Polk Building, 505 Deaderick Street, Nashville, TN 37243
- MDOT District 2, 150 Highway 51 North, Batesville, MS 38606
- Holly Springs Project Office, MDOT District 2, 185 Heritage Drive, Holly Springs, MS 38635
- Collierville Public Library, 501 Poplar View Parkway, Collierville, TN 38017
- Ruth B. French Library, 161 Highway 309 South, Byhalia, MS 38611
- Rossville City Hall, 360 Morrison Road, Rossville, TN 38066

WHY MUST THE PROJECT GO THROUGH THE ENVIRONMENTAL REVIEW PROCESS?

The National Environmental Policy Act (NEPA) requires that projects receiving federal funding or requiring federal actions (e.g., permits) undergo an environmental review process. The project cannot proceed until this requirement has been successfully completed.

WHAT IS THE NEED AND PURPOSE OF THE PROJECT?

The need of the proposed action was identified during the public and agency coordination activities conducted for the project between July and December 2009, as well as through prior planning efforts:

- Existing infrastructure is not adequate to serve future transportation capacity needs in the Memphis region;
- A new facility is needed that can perform 327,000 annual lifts of containers and trailers between trucks and trains to meet the increased demand for capacity;
- The facility would divert cargo transport from highway to rail reducing future truck traffic by an estimated 186 million loaded truck vehicle miles per year on highways between Memphis and the Northeast slowing down the increase in future roadway congestion;
- By reducing the rate of increase in long-haul truck traffic on congested highways, the facility would reduce damage to highways from heavy trucks and improve air quality;
- In the Memphis area, the facility would contribute a cumulative economic impact of \$2.7 billion by 2020 and employment impact of 6,186 new, saved, or benefited jobs in the same period.

The purpose is to meet current and future demand for intermodal (rail/truck) transportation in the Memphis region by expanded capacity.

The proposed action is for Norfolk Southern Railway Company (NSR) to build, own, and operate the Memphis Regional IMF. To meet the operational requirements, the following main components are needed:

- Tracks connecting Memphis Regional IMF site to NSR mainline;
- Six-4,050 foot long pad tracks;

- Support yard with 34,500 feet of track;
- Paved areas for parking approximately 2,200 trailers and containers on chassis;
- Administration, maintenance, and operations buildings;
- Equipment maintenance pad and other related facilities.

A suitable location is a critical requirement to satisfy the Memphis Regional IMF purpose and need. The location selection process considered criteria important to a safe, environmentally sound, and efficient operation. The criteria included:

- Avoidance or minimization of impacts to natural, cultural, historic, and social resources;
- Sufficient land necessary to develop a facility [Rectangular tract (approximately 7,000 feet long by 2,400 feet wide) consisting of approximately 380 useable acres];
- Located near the NSR mainline preferably on southeast side of Memphis to reduce rail transit time;
- Located in proximity to adequate highway infrastructure;
- Located in area convenient for industrial and commercial economic activities near projected customer base.

WHAT ALTERNATIVES WERE EVALUATED IN THE EA?

- **No-Build Alternative** – Continue to use the existing Forrest IMF in Memphis without modification or expansion.
- **Build Alternative 1** – Construct and operate Memphis Regional IMF in the Rossville Industrial Development Overlay District between SR-57 and US-72 with vehicular access from US-72, as shown in Figures 1 and 2.

WHEN WILL THE PREFERRED ALTERNATIVE BE CHOSEN?

Once comments from the public hearing have been received and analyzed, FHWA, FRA, and TDOT will review the project impacts as reported in the EA and the public and agency input. After consideration of this information and conferring with the other cooperating agencies. FHWA, FRA, and TDOT will select the alternative to be implemented and the decision will be published.

HOW WILL THE PROJECT AFFECT THE ENVIRONMENT?

The No-Build Alternative would not cause any immediate direct impacts to the human or natural environment in the project area. However, the No-Build Alternative would fail to satisfy the demand for much needed additional IMF capacity within the Memphis region.

- Growth in the freight market would be met by increased highway truck traffic rather than increased rail-truck intermodal service;
- Without adequate rail-truck intermodal service, some industries would be less likely to locate in the area thus hampering overall economic growth;
- Intermodal operations can increase transportation efficiency, which can reduce emissions and improve energy efficiency and the No-Build alternative would eliminate these benefits;
- Using the existing Forrest Yard IMF and/or other existing IMFs in other regions would not adequately support the Memphis market or gain operational efficiencies.

The primary benefits of the Build Alternative 1 include:

- Improved efficiency in transporting freight by slowing the increase in truck traffic and

associated congestion and emissions between eastern U.S. and Memphis;

- Create approximately 140 new full-time jobs directly associated with the IMF plus temporary construction jobs at the IMF.
- Cumulative economic impact of \$2.7 billion and 6,186 new, saved, or benefited jobs by 2020 in the Memphis Area;
- 23.8 million gallons of fuel are estimated to be saved on an annual basis due to intermodal transportation mode.

A summary of the areas studied during the Environmental Assessment (EA) of Build Alternative 1 are:

- Acquisition of farmland, which is within Rossville Urban Growth Boundary and zoned commercial/industrial;
- Slight increase of truck traffic at US-72 anticipated but an acceptable Level of Service (LOS C) would be maintained; project would include intersection improvements;
- Not a barrier to social interaction or community cohesion;
- Noise impacts to one nearby site with 3 residents, which will be mitigated using noise berms;
- Minor increase in emissions of criteria pollutants and Mobile Source Air Toxics (MSATs) which will not exceed air quality criteria;
- No residential relocations or business displacements;
- No adverse affects to Cultural Resources;
- Impacts to streams (up to 5,352 linear feet) and wetlands (up to 9 wetlands/7.31 acres), which would be mitigated;
- Post-construction storm water flows would remain the same as or lower than pre-construction flows;
- Minor impacts to floodplains (up to 1 acre with no-rise certification);

- No Federally Threatened or Endangered Species found in area of impact;
- The facility would have features to contain spills and its operation would include a site-specific spill prevention plan. Only minimal number of shipments through the IMF would contain hazardous materials and shipment spills at similar facilities have been historically small and extremely rare. Certain highly hazardous materials are not shipped through NSR IMFs;
- Facility lighting would include directional shielding on shorter, non-standard poles to minimize scatter;
- No substantial impacts are expected to the visual quality of the area and no visually sensitive resources exist in the area;
- Potential exposures of the Memphis Sands aquifer would be capped with clay;
- Temporary construction impacts, such as traffic, noise, and soil erosion have been addressed.

ARE THERE ANY UNRESOLVED ISSUES?

There are no major substantial unresolved issues related to the proposed Memphis Regional IMF project. The public and participating agencies have provided comments on several issues including impacts to air, water, and land resources, and impacts on traffic and noise, including cumulative impacts. The EA includes in-depth discussion to address these concerns.

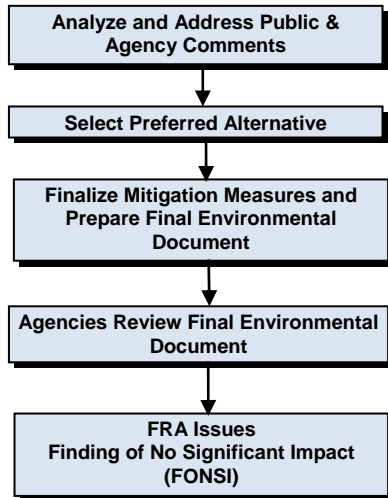
WHAT ARE THE NEXT STEPS AFTER THE PUBLIC HEARING?

The following figure illustrates the potential next steps in the environmental process for this project after this public hearing.

The process outlined in the figure below is one possibility. Depending upon environmental impacts, NEPA can involve other procedural

steps. Please see TDOT's Environmental Procedures Manual at TDOT's website www.tdot.state.tn.us/environment/manuals/Introduction.pdf for additional information and other scenarios.

NEXT STEPS



The following federal and state actions will also be required for the implementation of the project:

- U.S. Corps of Engineers (COE): Issue Section 404 permit under the Clean Water Act.
- Tennessee Department of Environment and Conservation (TDEC): Issue Aquatic Resources Alteration Permit (ARAP) and Individual Clean Water Act Construction Permit.

HOW CAN YOU REGISTER YOUR COMMENTS?

Representatives of TDOT and NSR are available to answer questions you have regarding this project. You are encouraged to make a formal comment that will be incorporated into the official project summary in one of four ways:

- 1) Make an oral statement to the court reporter.
- 2) Submit your written comments tonight before you leave.
- 3) Ask questions and/or make comments tonight during the formal portion of the hearing.
- 4) Mail your comments to the Department (postmarked by August 23, 2010) to:

Public Information Meeting Comments
 Tennessee Department of Transportation
 Suite 700, James K. Polk Building
 505 Deaderick Street
 Nashville, TN 37243-0332

Please make sure to include your name and/or address on your submitted comment form or letter in order to be included in the official record.

FOR MORE INFORMATION CONTACT:

Tom Love
 TDOT, Environmental Division
Tom.Love@tn.gov
 (615) 741-536

Figure 1: Build Alternative 1

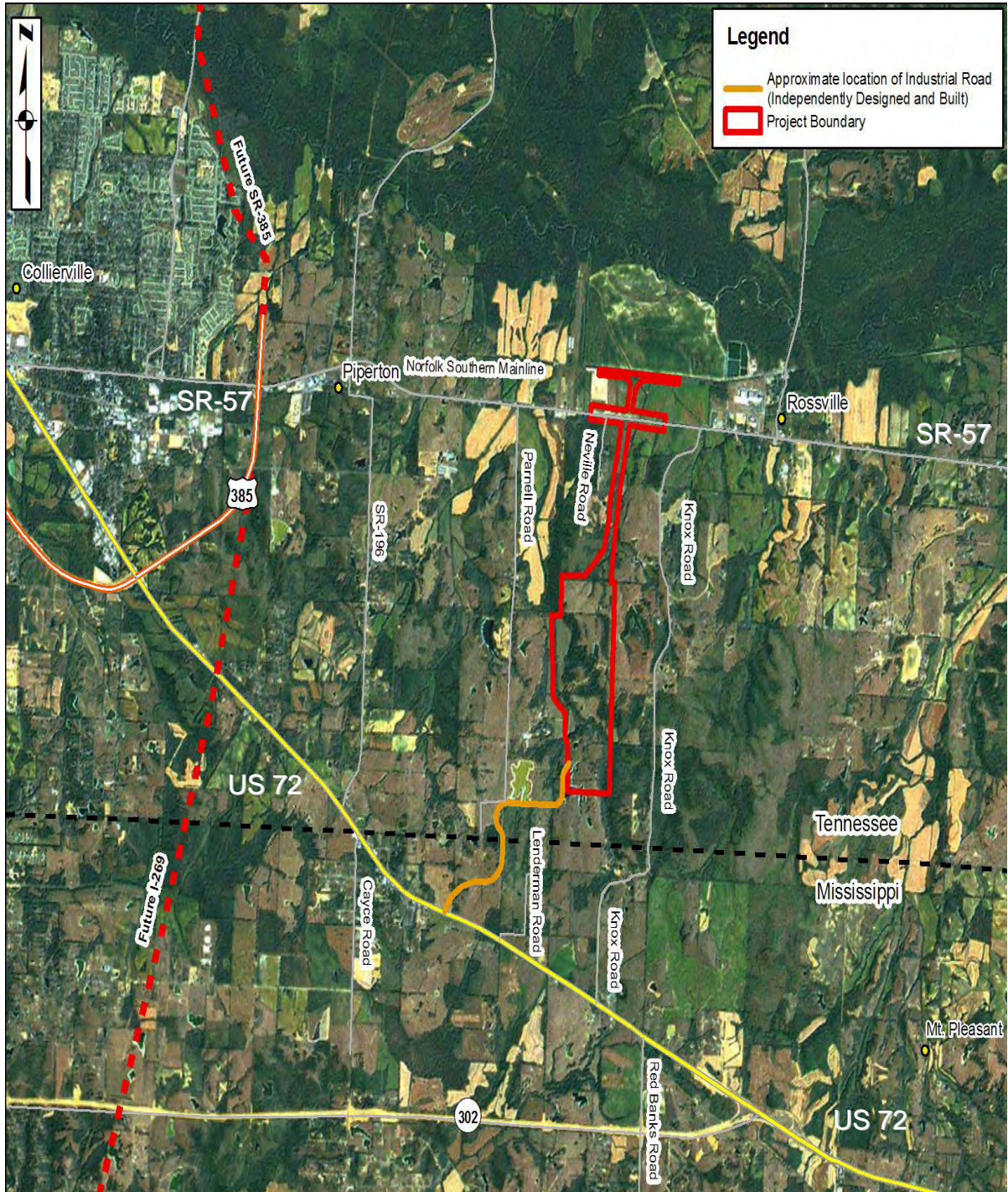
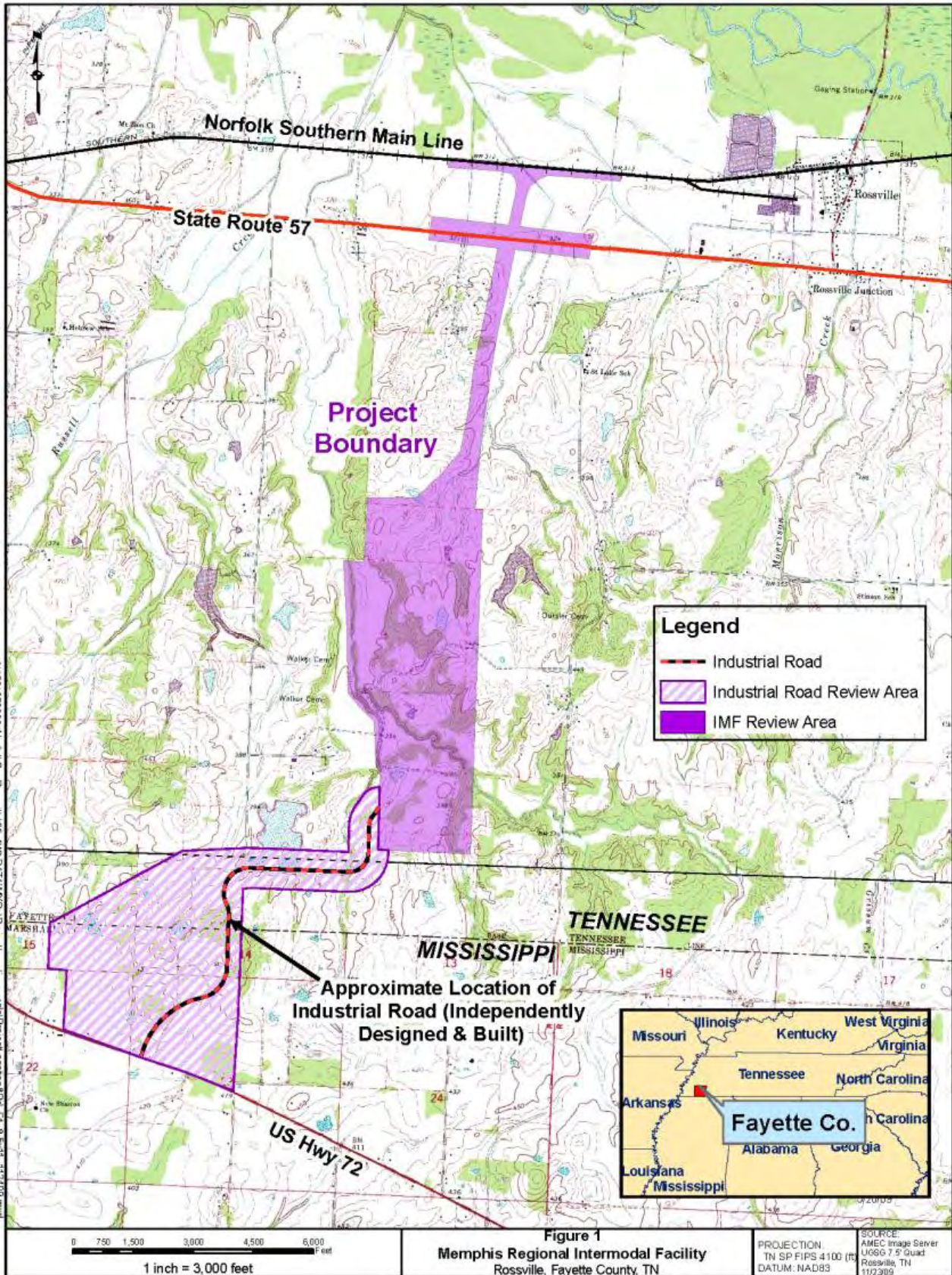
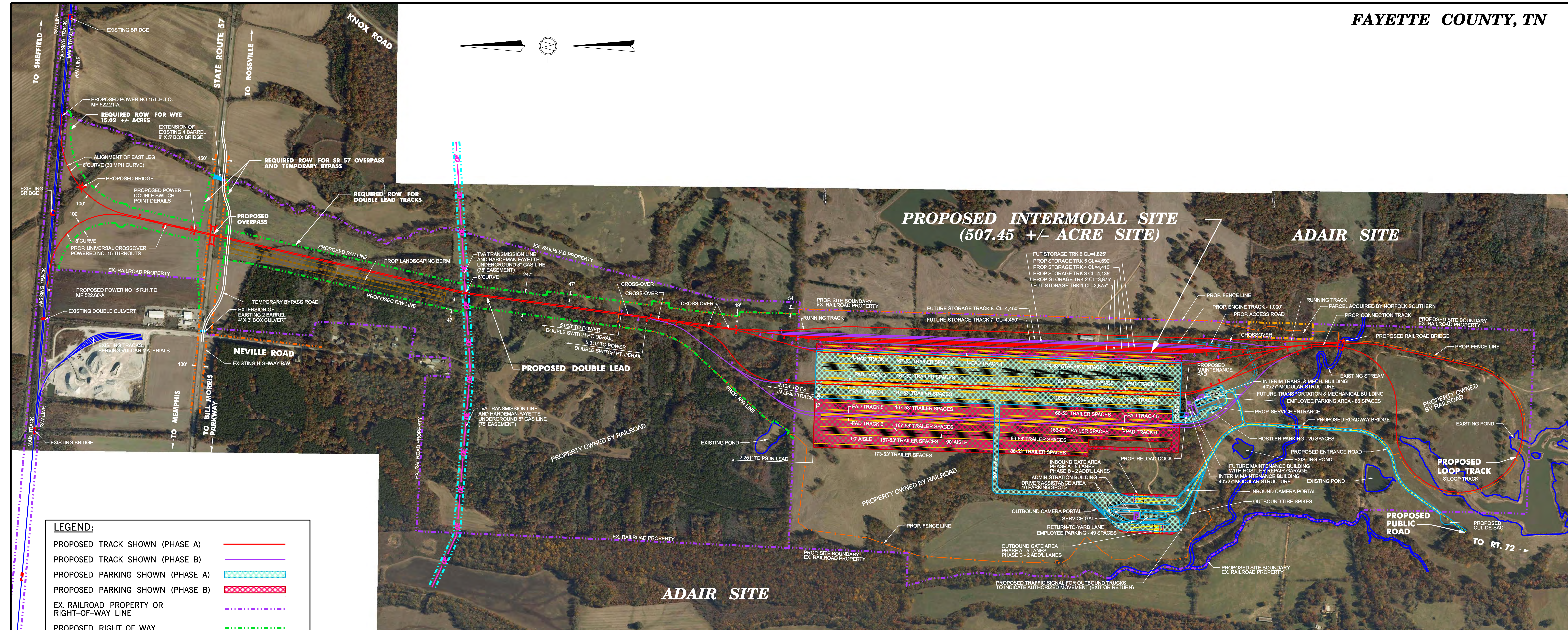


Figure 2: Build Alternative 1





IMT CAPACITY PHASE A

PROPOSED PAD TRACKS - 3 @ 4,050 TF EACH (12,150 TF TOTAL)
PROPOSED STORAGE TRACKS - 4 @ TOTAL CLEAR LENGTH OF 17,110 TF
PROPOSED 12' x 53' TRAILER PARKING SPOTS - 833 TOTAL
PROPOSED 144 STACKING SPACES OPERATED BY PACKER
PROPOSED 12' x 53' TRAILER PARKING SPOTS - 999 TOTAL INCLUDING STACKING AREA
66.95 ACRES OF PAVEMENT

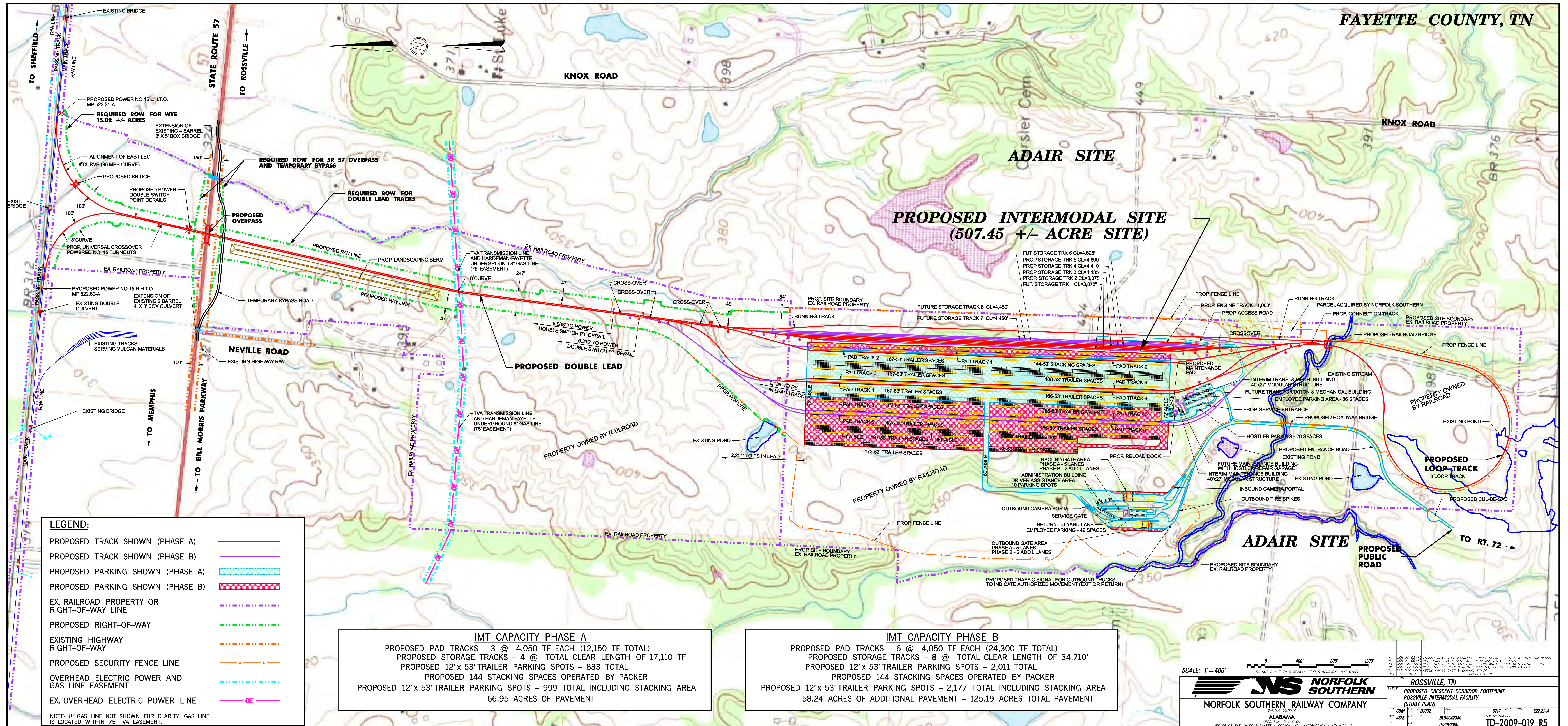
IMT CAPACITY PHASE B

PROPOSED PAD TRACKS - 6 @ 4,050 TF EACH (24,300 TF TOTAL)
PROPOSED STORAGE TRACKS - 8 @ TOTAL CLEAR LENGTH OF 34,710'
PROPOSED 12' x 53' TRAILER PARKING SPOTS - 2,011 TOTAL
PROPOSED 144 STACKING SPACES OPERATED BY PACKER
PROPOSED 12' x 53' TRAILER PARKING SPOTS - 2,177 TOTAL INCLUDING STACKING AREA
58.24 ACRES OF ADDITIONAL PAVEMENT - 125.19 ACRES TOTAL PAVEMENT

SCALE: 1" = 400'

NORFOLK SOUTHERN
ALABAMA
OFFICE OF THE CHIEF ENGINEER, DESIGN AND CONSTRUCTION - ATLANTA, GA.

PROJECT NO.	5717	WILE POST	522-21-A
DATE	04/28/2009	OPERATING NUMBER	TD-2009-019 R5



LEGEND:

- PROPOSED TRACK SHOWN (PHASE A) ———
- PROPOSED TRACK SHOWN (PHASE B) ———
- PROPOSED PARKING SHOWN (PHASE A) ———
- PROPOSED PARKING SHOWN (PHASE B) ———
- EX. RAILROAD PROPERTY OR RIGHT-OF-WAY LINE - - - - -
- PROPOSED RIGHT-OF-WAY - - - - -
- EXISTING HIGHWAY RIGHT-OF-WAY - - - - -
- PROPOSED SECURITY FENCE LINE - - - - -
- OVERHEAD ELECTRIC POWER AND GAS LINE EASEMENT - - - - -
- EX. OVERHEAD ELECTRIC POWER LINE - - - - -

NOTE: 8" GAS LINE NOT SHOWN FOR CLARITY. GAS LINE IS LOCATED WITHIN 75' TVA EASEMENT.

IMT CAPACITY PHASE A

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SCALE: 1" = 400'

NORFOLK SOUTHERN

NORFOLK SOUTHERN RAILWAY COMPANY

ALABAMA

OPERATING DIVISION

DESIGN AND CONSTRUCTION - ATLANTA, GA



PROJECT: ROSSVILLE, TN
PROPOSED CRESCENT CORRIDOR FOOTPRINT
ROSSVILLE INTERMODAL FACILITY
(STUDY PLAN)

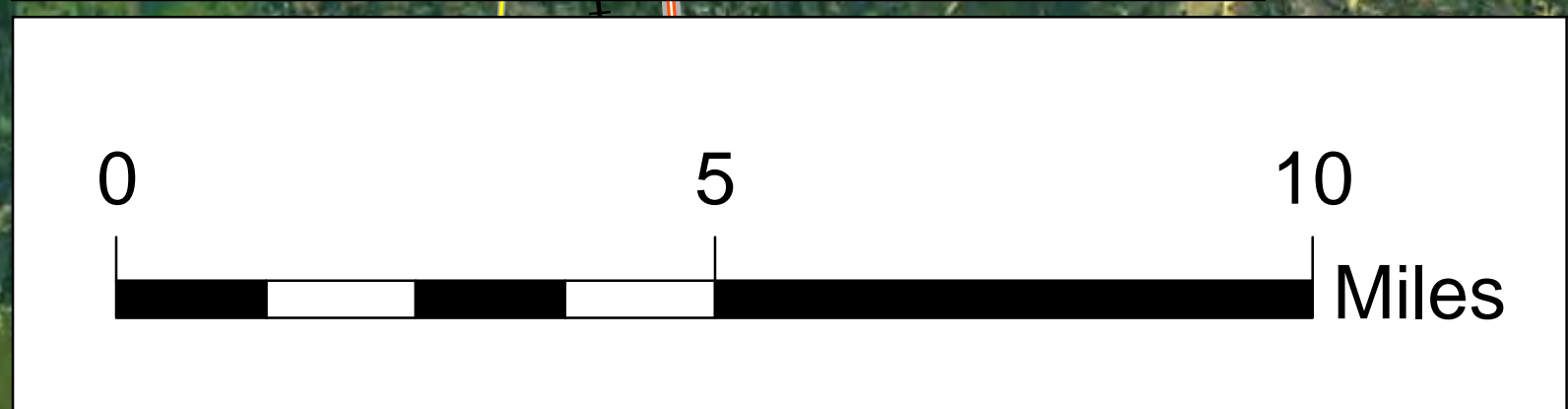
DATE: 04/28/2009	FILE NO: 8100042330	DATE: 5/17	FILE POST: 522.21-A
DATE: 04/28/2009	DATE: 04/28/2009	DATE: 04/28/2009	DATE: 04/28/2009

TD-2009-019 R5



Legend

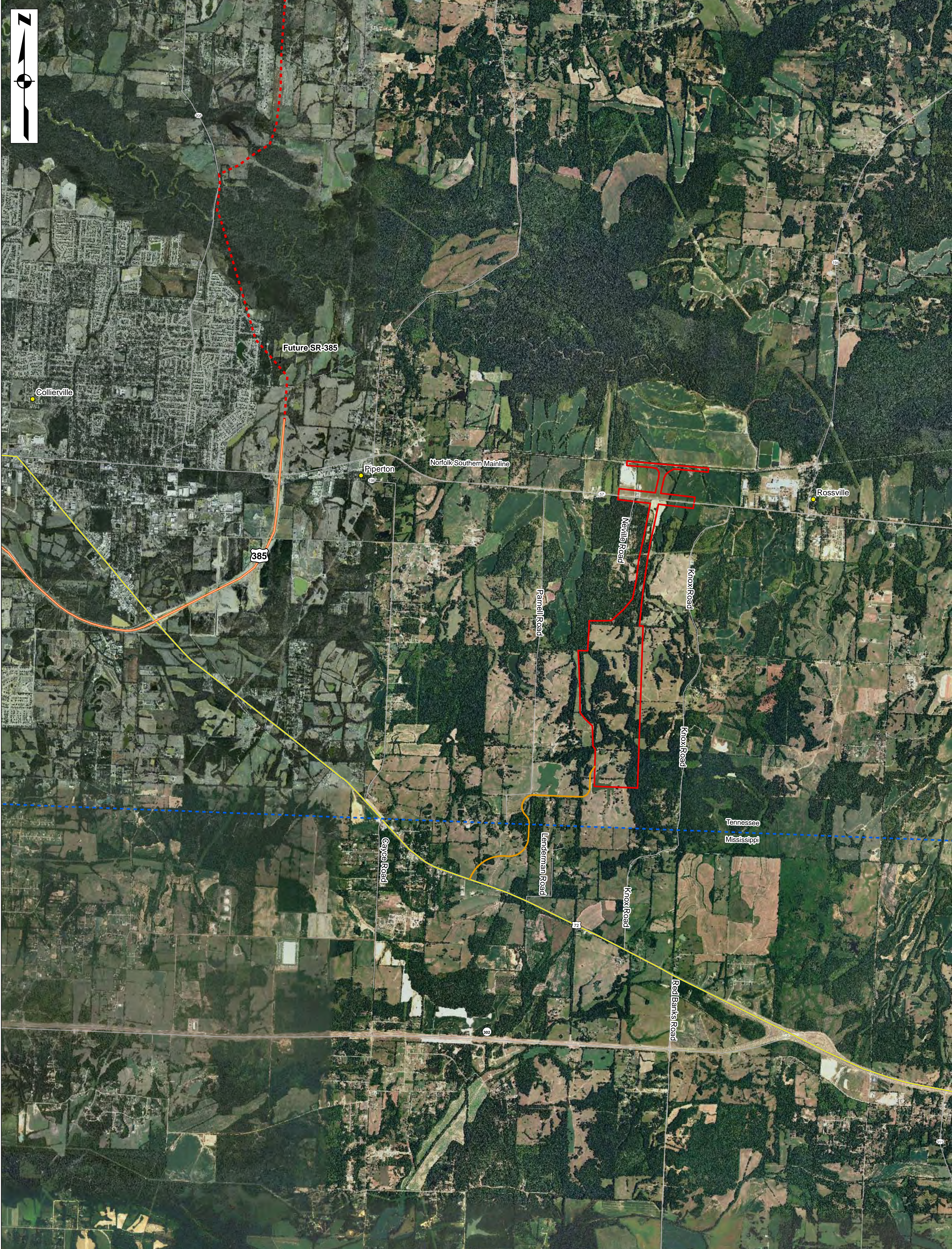
-  Approximate location of Industrial Road (Independently Designed and Built)
-  Project Boundary



**Memphis Regional Intermodal Facility
Rossville, TN
Fayette County**

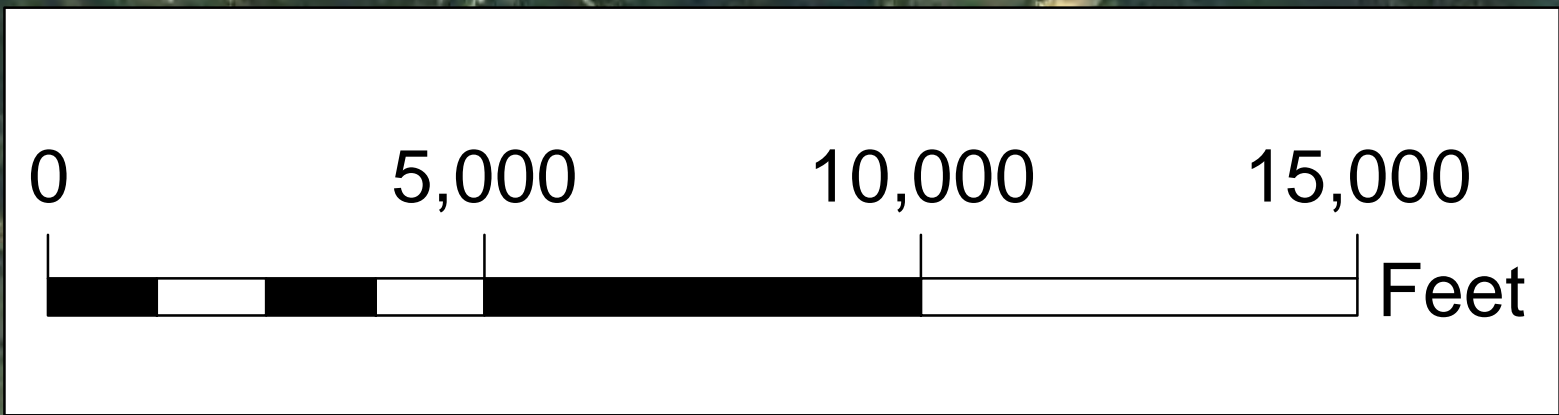
**SOURCE:
USDA NAIP 2007
USGS 7.5' Quad:
Rossville, TN
12-15-09**





Legend

- Approximate location of Industrial Road (Independently Designed and Built)
- Project Boundary

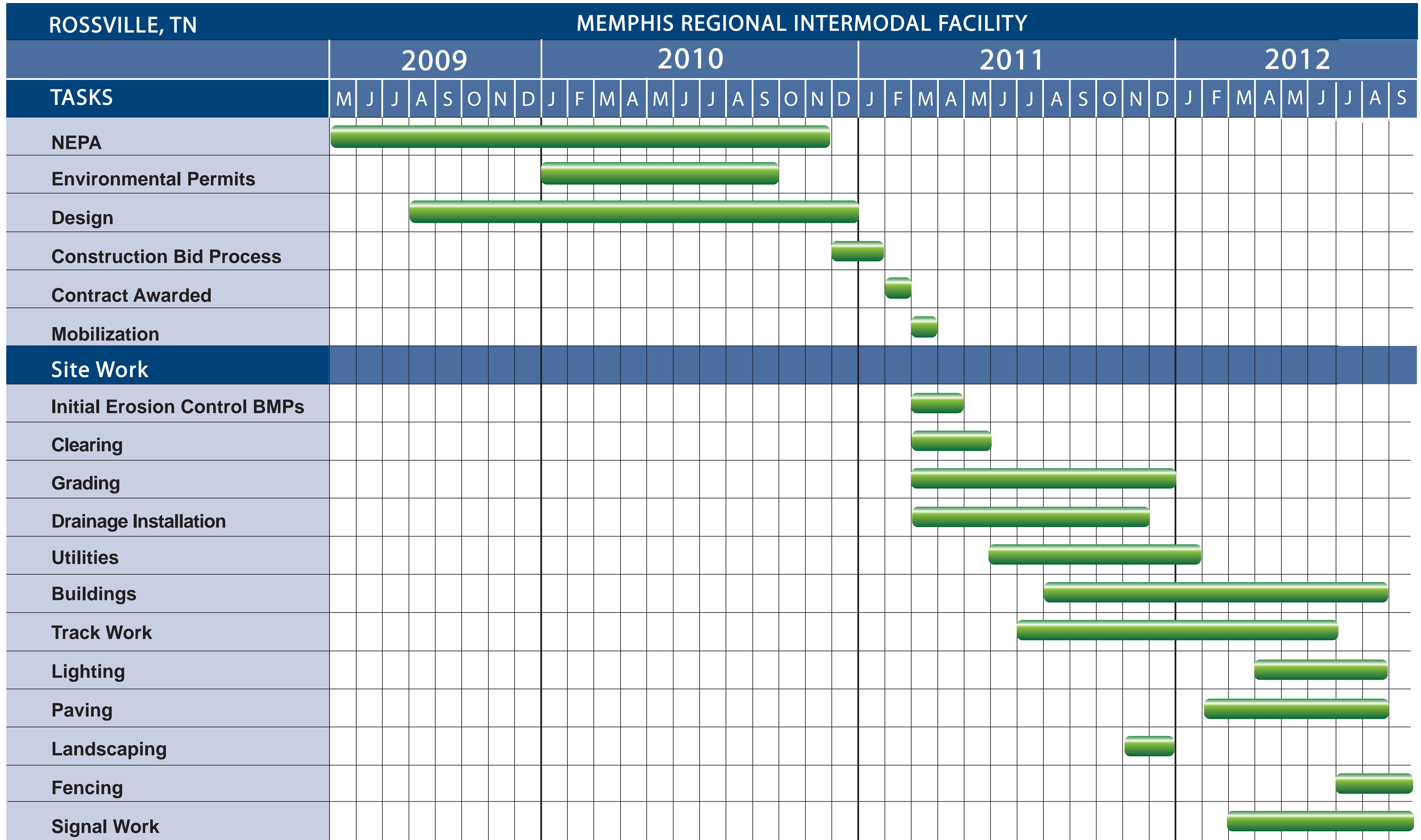


**Memphis Regional Intermodal Facility
Rossville, TN
Fayette County**

**SOURCE:
USDA NAIP 2007
USGS 7.5' Quad:
Rossville, TN
12-15-09**



Schedule



Proposed State Route 57 Overpass





SIGN-IN SHEET
 NEPA PUBLIC HEARING
 MEMPHIS REGIONAL INTERMODAL FACILITY
 TOWN OF ROSSVILLE, FAYETTE COUNTY TENNESSEE
 MONDAY, AUGUST 2, 2010
 TOWN HALL CHAMBER AT COLLIERVILLE TOWN HALL,
 500 POPLAR VIEW PARKWAY, COLLIERVILLE, TENNESSEE



	Name	Address	Representing
2	KEN & BRENDA ALLUM	60 BAILEY RIDGE COVE	ROSSVILLE 38066
3	Joel Brewer (Brewer)	1284 Red Bluff Rd	Millington TN
A	Latonya Mercer	6909 Grandy Ridge	Memphis, TN
5 & 6	Curt & Cheryl Oglesby	670 Slayden Rd	Moscow TN 38057 SELF
7	GAYLE PARR	100 GREENBRIER LAKES CO. PARKWAY	Self
8	Ray L. Loman	290 Neville Rd	Rossville 38066
9	BOB WOOD	3545 NEYLAND COVE	COLLIERVILLE 38017
10	BRIAN PECAN	2043 Goodwin Dr	Collierville TN 38017
11	Jerry Burch	468 Peterson Lake Rd	Collierville TN 38017 Self
12	DAVID GREENE	111 GLAZE AVE	- 38017
13 & 14	JAMES & LINDA ROBERSON	547 SIX CROWNS	COLLIERVILLE TN 38017 SELF
15	Jon Albright	3045 Steepgate Cr.	Collierville Self
16	Jason News	3055 Centre Oak Way	Collierville TN 38018 Self
17	Bianca Phillips	400 Tennessee St.	Memphis TN Memphis Flyer
18	Joellen Brazil	676 Wilkinn	TDEC/WPC



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Name	Address	Representing
Michelle Dry	Univ. of Memphis, 38152	UM-GWI
Butch Case	3955 Hwy 57, Rossville TN 38017	Vulcan Materials Co
Bennie Norwood	3955 Hwy 57 Rossville TN 38017	VULCAN MATERIALS
Dustin Wagg	2240 Hwy 72, Byhalia	
Harvey Sanfey	216 N Lenoir St, Byhalia, MS 38611	
BARRY THOMASON	11851 MACON RD EADS, TN 38028	VULCAN MATERIALS
Guy DeShazo	295 Neville Rd., Rosville, TN 38066	
McCarrae	300 Windbrook Dr Pipeport TN 38017	
Nancy C. Fay	3414 S. Slayden Rd Lamar, MS 38642	
GAN JE. PAYNE	8073 CAVERHAM WOOD LN 6'TOWN TN 38138	
Dike Brewer	9513 Spring Hill Ln 6'town 38138	
Bruce Holman	811 Meadow Glen Dr. 6'town 38138	Cornerstone Systems
James C. Mathes	5605 Hickory 57 Rossville, TN 38066	Town of Rossville
Richard Watson	90 Clover Ridge Dr Pipeport 38017	
Lisa Watson	90 Clover Ridge Dr Pipeport 38017	
Richard & Jennifer Byrd	138 New Sherman Byhalia 38611	Self
Zula Mae Assett	7873 Hwy 72 Byhalia, Miss.	Self



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Name	Address	Representing
Mr Charles Kilpatrick	250 N Lenderman Rd Byhalia 38411	Same
David Wedeman	7305 Mont Blanc Ct Row 38130	Re Trans
Hannay Kyrshan	640 Stinson Dr Roswell 38066	Same
William K Barbour	1649 Gosnold Bluff Cove	Re-TRANS
Jimmy & Fel Morrison	1885 Knox Rd, Rossville 38066	
Bill Mobley	210 Ash Dr HS MS	FOIA
Justin Hall	520 J.M. Ash Dr. Holly Springs, MS	MCIOA
Harry Willes	156 Jonathan Dr Byhalia MS	Cayce FVFD
Ida Pammely	156 Jonathan Dr Byhalia MS	Cayce FVFD
Pat Wiliford	10256 Shrewsbury Run W	Collierville Resident
Barbara Winton	3420 Knox Rd. Rossville 38066	Knox Rd.
Gen. Nelson	752 Lake Hill Rd Byhalia, MS	
Caroline Thomas	312 Ashley Dr Collierville	
ARTHUR WOLIVER	SUNTRUST BANK	Same
David & Keller Seltzer	7521 Hwy 72 Byhalia MS	



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Name	Address	Representing
ELIOT FARIS Judith Faris	155 Ridgewood Dr. Pipeston, TN 38017	resident
RANDAL WILSON	75 GREEN TREES CV, PIPESTON, TN	11 / NYIC LOGISTICS
EUGENE P. TROTTER	155 WINDBROOK DR PIPESTON TN	SELF
Wayne Dobson	10904 BRASS BROOK LN FRISCO TX	Business
Mary Elizabeth Hogue II	15 Cinnamon Leaf Lane, Rossville	Self
Anna Swessel	380 Cotton Trail CV, Rossville	SELF
Dana Lackey	2615 Knox Rd, Rossville 38017	Self
IRMA CARLSON	25 N. MAGNOLIA AR. Byhalie ³⁸⁰¹¹	SELF
Clare Griggs	330 Park View Dr. Pipeston	self
Jimmie Spencer	19155 Hwy 64 Somerville, TN 38068	self
MIKE SWESSEL	380 Cotton Trail Dr Rossville ³⁸⁰⁶⁶	SELF
DAVE HAMRIC	ROSSVILLE POLICE DEPT	
Woody Degan	530 Wolfport Way Rossville 38066	Wolf River Airport
JOHN CUMMINGS	1502 RAILTON RD MEMPHIS, TN 38111	SELF
Helen Martin	47 Coldwater Cr. Byhalie MS	Self



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	Name	Address	Representing
19	JERRY HORN	5166 ROWEN OAK RD COLLIERVILLE, TN ³⁸⁰¹⁷	SELF
	DAVID GREEN		
20	ALAN PARKS	P.O. Box 1683 Memphis TN 38101	Self.
21	TOM SAVAGE	1950 Hwy 194 Rossville, TN 38066	
22	BEVERLY SAVAGE	11	
23 F24	Reba + Rick Martin	126 N Magnolia Dr Byhalea, MS	Self
25	Ben West	61 Forsyth Street, SW Atlanta GA 30303	
26	Konnie Lee	815 Quail Hollow 38017	self
27	KEVEN KORTON	6572 TRACY RD ATOKA TN 38004	SIERRA CLUB
28	ERIC SMITH	193 Jefferson Memphis TN 38103	The Daily News
29	Tammy Piker	1780 W Poplar Collierville TN ³⁸⁰¹⁷	Hampton sen
30	DAN FRAZIER	1075 MILLING SPRING MANDRAK, TN	WTRPO
31	Charles R. Liles	35 Patterson Rossville TN	Self.



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Name	Address	Representing
John Hulrey	455 Neville Rd.	Self
Laura Crater	7155 STATE RD 104 WILLISTON TN 37276	
Nancy Brannon	10420 Godwin, Adington, TN	Siema Club
TAV/Morris	1073 Mollins Station Rd Memphis 38131	Memphis MPD
Iren Nelson	250 COUNTRYRIDGE CIR, PIPER TON	
Star Joyner	500 Poplar View Pkwy 38017	
Dale Perryman	500 Poplar view Parkway	
Larry Hall	P.O. Box 219 Holly Springs MS	Marshall Co.
Sandia Beckles	7972 Hwy 72 Byhalia MS.	Marshall
William Lackey	2615 Indx Rd, Rossville	



CONSULTANTS / WORKERS / NS

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SIGN-IN SHEET

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Name	Address	Representing
Nichole Lawrence	300 Benchmark Place	TDOT
JOSH DRAGAN	220 ATHENS WAY, NASHVILLE	AECOM
Ann Andrews	Nashville, TN	TDOT
GARY RICARD	2648 SPOTTSWOOD AVE, MEMPH, TN	NS
Steve Layman	Atlanta, GA	CH2M HILL
Mary Motte Fikri	Nashville, TN	AMEC
Bernie Voor	Nashville, TN	AMEC
JIM MORRIS	" "	AECOM
ASHINI RAJAGOPALAN	Nashville, TN	AECOM
Melanie Jablonski	Atlanta, GA	B+B
Joe Riley	Ridgely TN	Facilitator
Vickie Stover	Ridgely TN	Court Reporter
TOM LOUE	Nashville TN	TDOT
Sara Mathews	Nashville TN	AMEC
David Zopf	Louisville Ky	AMEC
Marty Marc huttere	Lexington, KY	AMEC
Anne McManis	German town, TN	Norfolk Southern



CONSULTANTS / WORKERS / NS

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NEPA PUBLIC HEARING
MEMPHIS REGIONAL INTERMODAL FACILITY
TOWN OF ROSSVILLE, FAYETTE COUNTY TENNESSEE
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500 POPLAR VIEW PARKWAY, COLLIERVILLE, TENNESSEE



Name	Address	Representing
Susan Terpae	Norfolk, VA	NS
Robert Sisk	Norfolk, VA	NS
Charlie McMillan	Atlanta, GA	NS
Paul Summers	Nashville, TN	NS (Waller Causden)
Robin Hageety	Nashville, TN	AMEC

Welcome



Public Hearing -- Norfolk Southern Memphis Regional Intermodal Facility



Rossville
Fayette County, Tennessee
August 2, 2010



Presenters

Nicole Lawrence

TDOT Community Relations Office

Jim Ozment

TDOT Environmental Division

Robin Hagerty, Project Manager

AMEC Earth & Environmental, Inc.

Welcome

- Town Hall Chamber at Collierville Town Hall
500 Poplar View Parkway
Collierville, TN 38017
- Room Capacity – 166 persons
- Exits
- Restrooms
- Please quiet cell phones and pagers
- Please be courteous while others speak

Tonight's Agenda

- Presentation
 - TDOT Welcome and Introduction
 - AMEC Overview and Results of EA
- Public Comments/Questions
 - Public Comments
 - Question & Answers
- Individual discussion afterwards
 - Court Reporter
 - Technical Experts

Purpose Of The Hearing

- **Discuss the status of the project**
- **Inform the public about the process**
- **Give information on the potential impacts of the project**
- **Provide the public with an opportunity to comment on and ask questions about the proposed alternative**





Environmental Process

- July 2009 – FHWA notified of project start
- Oct 2009 – Public meeting to discuss project
 - Environmental studies conducted
 - Both positive and negative impacts evaluated
 - Impact minimization evaluated
 - Environmental Assessment (EA) report prepared
- July 2010 – Federal Railroad Administration signed EA
- Aug 2010 - Public hearing



Environmental Process

Next Steps

- Evaluation of public comments
- Preferred alternative selected
- Final Environmental Document signed



Project Status

- Federal Railroad Administration and Federal Highway Administration are joint lead Federal agencies
- Tennessee Department of Transportation is state lead agency
- Cooperating Agencies are:
 - US Army Corps of Engineers
 - Mississippi Department of Transportation



Tennessee Environmental Streamlining Agreement (TESA) Process

- Multi-agency review and approval process
- Agencies involved in project review:
 - EPA
 - TN Department of Environment & Conservation
 - Corps of Engineers
 - TWRA
 - US Fish and Wildlife Service



Tennessee Environmental Streamlining Action (TESA) Process

- Four concurrence points along the way
 1. Purpose and Need – *Completed*
 2. Alternatives – *Completed*
 3. Review of draft report – *Completed*
 4. Preferred alternative and mitigation

Public Hearing Facilitator

Joe Riley



Public Hearing Schedule

- Introduction of Panel
- Explain Process for Public Comments/
Questions
- Overview of Environmental
Consequences of Proposed Action
- Public Comments / Questions
- End Public Comments /Questions
Session at 7 pm
- Informal Questions and Answers



Public Hearing

- Introduce Panel
 - Tom Love – TDOT
 - Jim Ozment – TDOT
 - Rob Siik – Norfolk Southern Intermodal
 - Charlie McMillan – Norfolk Southern Engineering
 - Jim Morinec – AECOM, IMF Designer
 - Robin Hagerty – AMEC, Environmental Consultant



Process for Public Comments/ Questions

- Each speaker will have 3 minutes.
- Starting with those who requested to speak during registration.
- The screens will provide the 3 minute countdown.
- If a question was asked, 1-3 minute answer will be provided, after the speaker finishes. More detailed answers will be given after formal session.

Process for Public Comments/ Questions

- Please don't interrupt speakers with applause or comments.
- If someone cannot access the microphone, please let us know.
- After the list, the floor will be open for others wishing to make comment.
- No limit to times an individual can speak.
- Please allow everyone speak before a speaker returns to microphone.

After Formal Q&A Session

- Court Reporter available after formal session to take additional comments.
- 21 days for written statements and comment cards.
- Technical staff available to answer individual questions.

Overview of Environmental Consequences of Proposed Action

Robin Hagerty, AMEC Earth and Environmental

Memphis Regional Intermodal Facility (IMF)



- Purpose

To meet current and future demand for intermodal freight transportation in the Memphis region by expanding capacity.

- Intermodal Freight

Transfer containers and trailers between rail and highway.



A freight train hauls one ton of freight an average of 457 miles on one gallon of fuel – nearly four times farther than a truck.

Gallons of Fuel Consumed Hauling One Ton of Freight Coast-to-Coast:

Trains: ~7 gallons Trucks: ~27 gallons*

*AAR estimate based on U.S. DOT data.

■ Alternatives Evaluated:

- **No-Build Alternative** – Continue to use NSR Forrest IMF in Memphis without modification or expansion.
- **Build Alternative 1** – Construct and operate Memphis Regional IMF in Rossville Industrial Development Overlay District between SR-57 and US-72 with vehicular access from US-72 and direct train access from NSR mainline.

■ Next Steps:

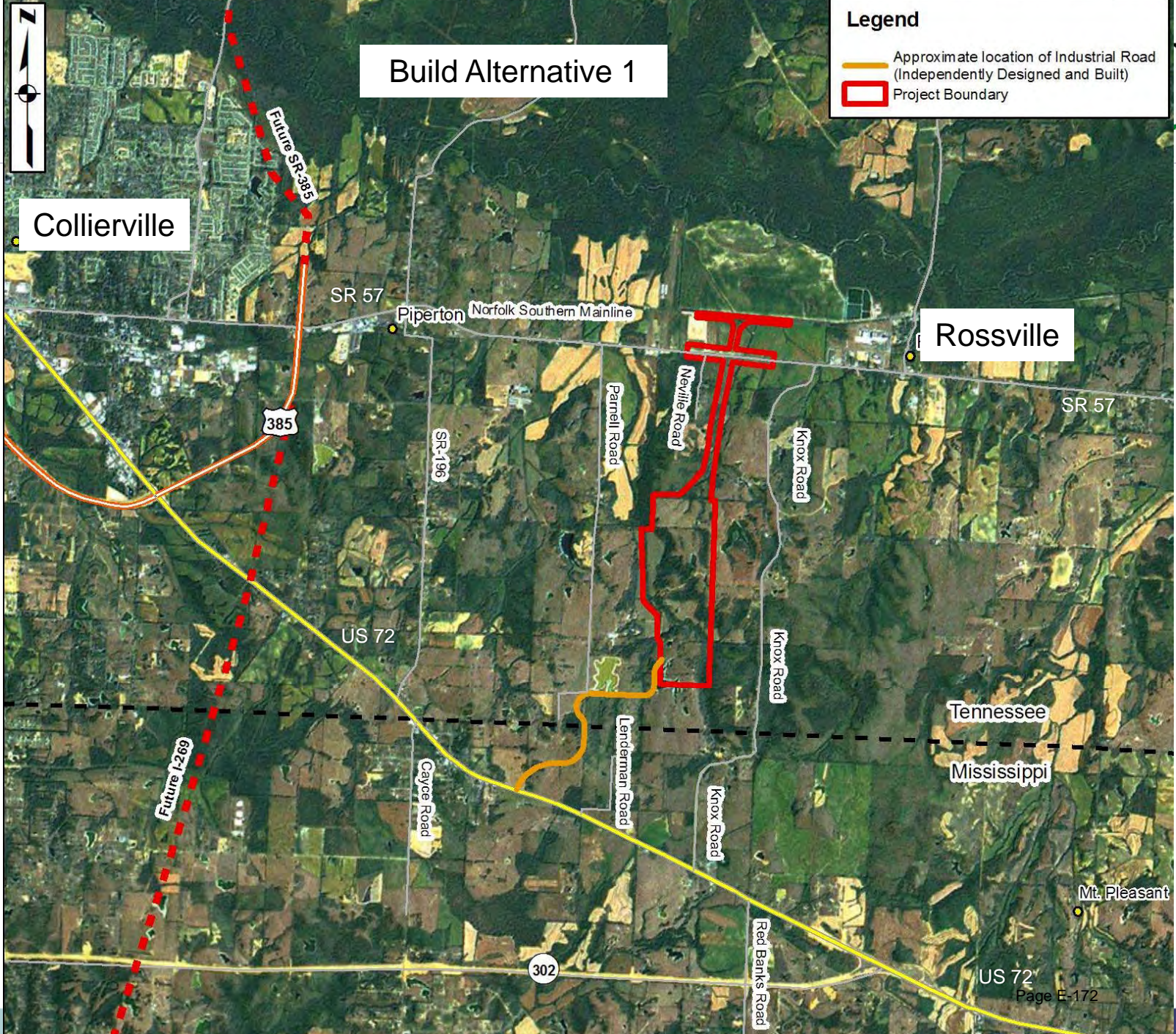
- Receive and analyze Public Comments.
- Select Preferred Alternative
- Finalize Mitigation and Draft Environmental Document.
- Review and Comment by Participating Agencies.
- Create Decisional Document for FRA signatures.



Build Alternative 1

Legend

- Approximate location of Industrial Road (Independently Designed and Built)
- Project Boundary

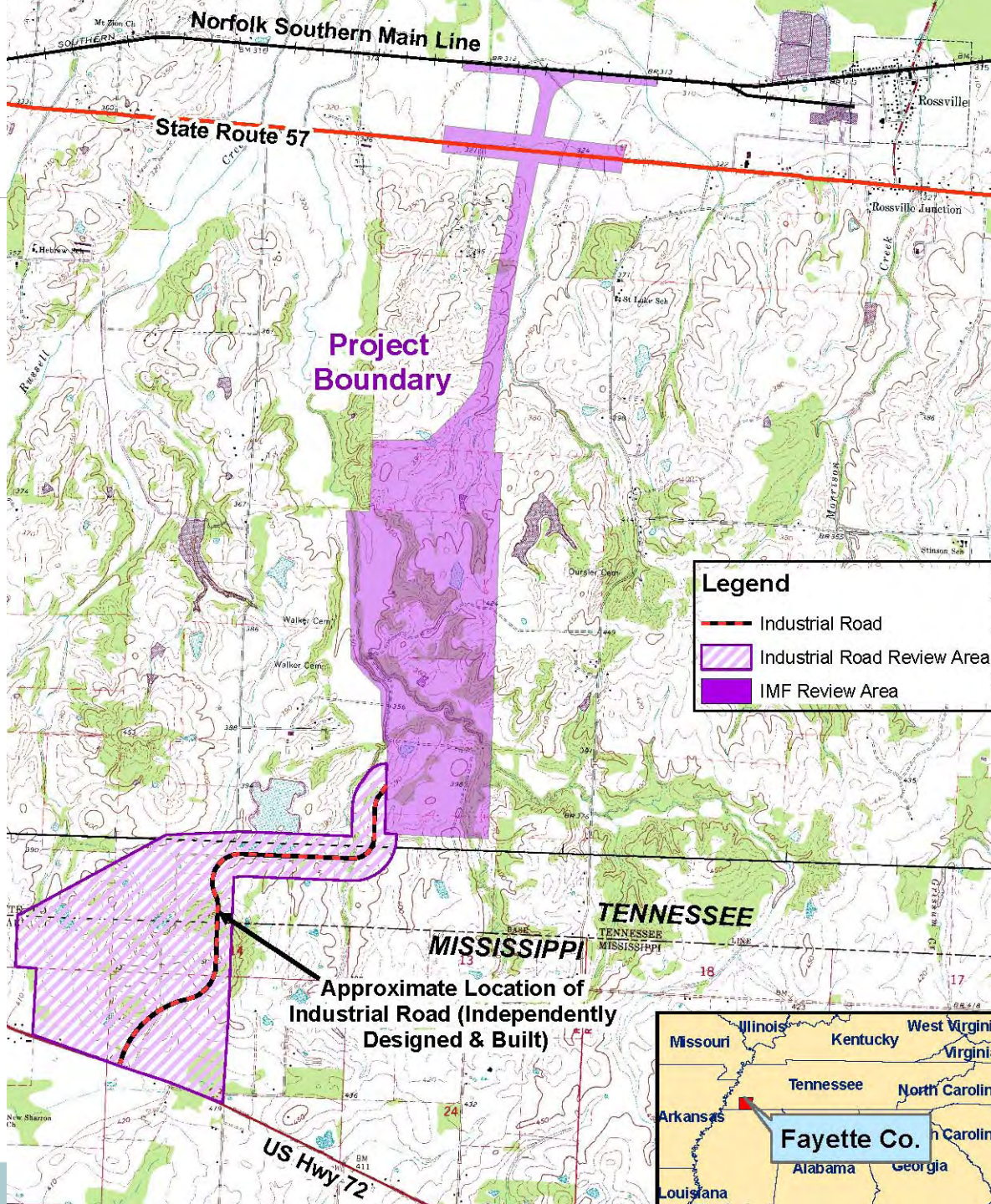


Collierville

Rossville

Tennessee
Mississippi

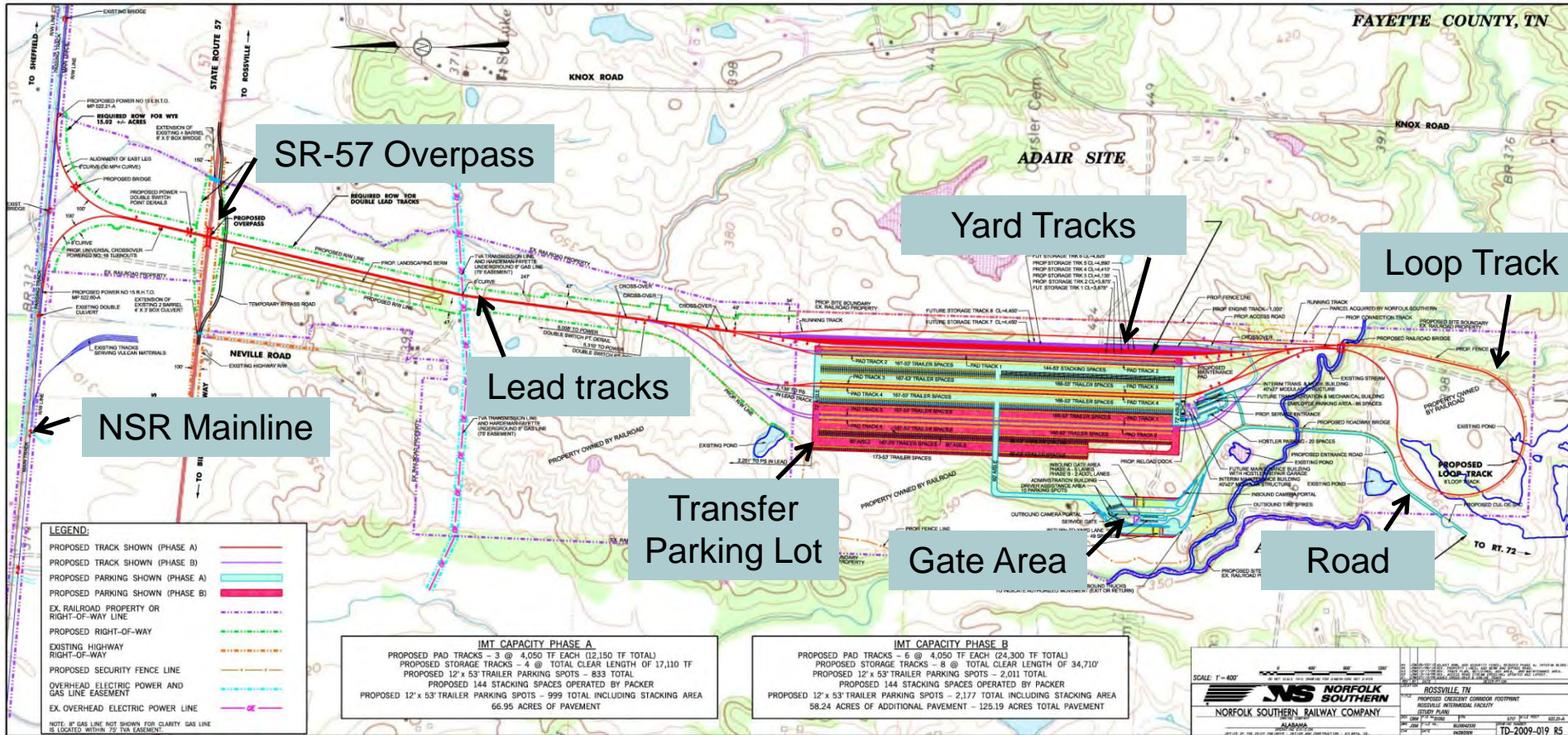
Mt. Pleasant



Property -- 650 Acres
 440 Acres Disturbed

Facility -- 380 Acres
 233 Acres Pavement
 76 Acres Rail
 71 Acres Open Space

Facility Layout



ENVIRONMENTAL STUDY AREAS OF PROPOSED ACTION



- Land Use
- Farmland Impacts
- Transportation Impacts
- Social Impacts
- Displacements
- Economic Impacts
- Air Quality Impacts
- Noise Impacts
- Cultural Resource Impacts
- Recreational Resource Impacts
- Section 4(f)
- Natural Resources Impacts
- Geological and Soil Impacts
- Visual Impacts
- Energy Impacts
- Hazardous Materials Impacts
- Pedestrian and Bicycle Impacts

Farmland and Land Use Impacts Reviewed for Build Alternative



- Farmland -- 330 total acres (NRCS farmland score < 160)
 - Prime and Unique Farmland -- 311 acres
- Land Use
 - Annexed by Town of Rossville
 - Zoned -- M-1, General Industrial (Industrial Development Overlay District)
 - Marshall County Zoned area for Access Road Commercial/Industrial
- Even without Memphis Regional IMF
 - Area experienced growth in warehouse square footage and industrial development south and east of Memphis.
 - Increase and growth due to number of factors including infrastructure and long-standing regional development trends.
 - Piperton Hills Development.

Social, Displacements, and Economic Impacts Reviewed for Build Alternative



- *Social*
 - No impacts associated with minority or low-income populations

- *Residential and Business*
 - No Relocations or Displacements

- *Economic*
 - Approximately 140 new full-time jobs directly associated with operation of IMF
 - Temporary construction jobs
 - Cumulative economic impact of \$2.7 billion by 2020 in Memphis Region
 - 6,186 new, saved, or benefited jobs by 2020 in Memphis Region

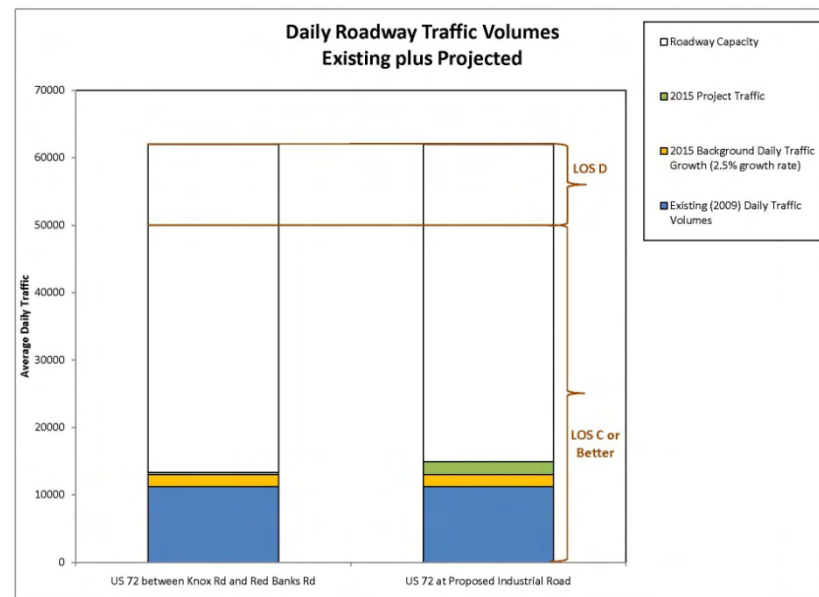
Traffic Impacts Reviewed in 2015 for Build Alternative



- MDOT projecting construction of 4-lane section of US Hwy 72 in 2012.
- Anticipate acceptable Level of Service (LOS C or better) for Build Alternative 1 on US Hwy 72 during both A.M. and P.M. peak hours.
- US Hwy 72 presently carries ~ 11,225 vpd near proposed intersection with Industrial Road.
- US 72 traffic volume expected to increase in 2015 to 15,000 vpd.
- Projected daily trip generation for proposed IMF is 1,668 trucks and 278 employee vehicles in 2015.



2015 Traffic with
US 72 4-Lanes
IMF Traffic (green)
Background Growth (yellow)
Existing Traffic (blue)



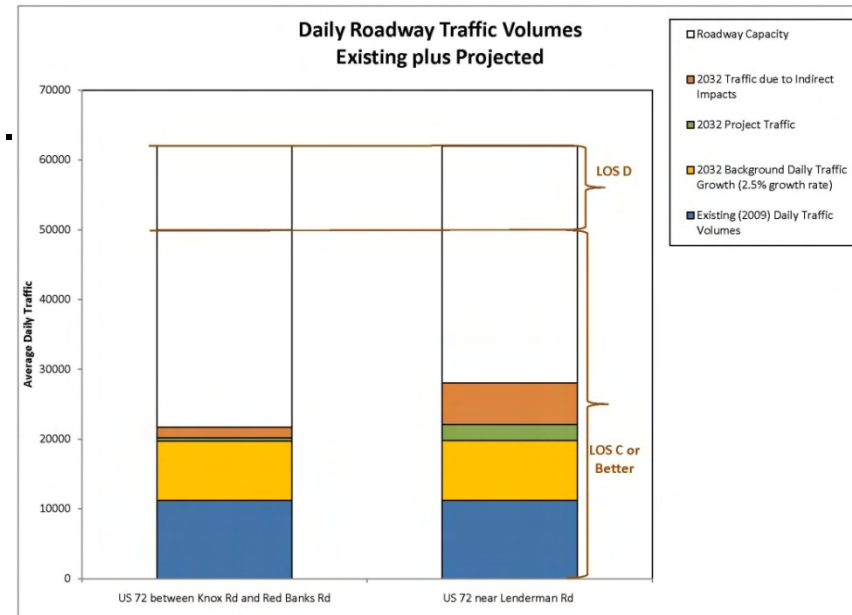
Traffic Impacts Reviewed in 2032 from Build Alternative



- US 72 traffic volume expected to increase to 28,100 vpd (with existing traffic plus background growth at 19,800 vpd).
- Daily IMF trips expected to grow to 1,974 trucks and 334 passenger cars.
- Indirect traffic based on NSR economic benefit study.
- With US 72 having 4-lanes, expect acceptable Level of Service (LOS C).

2032 Traffic with US 72 4-Lanes

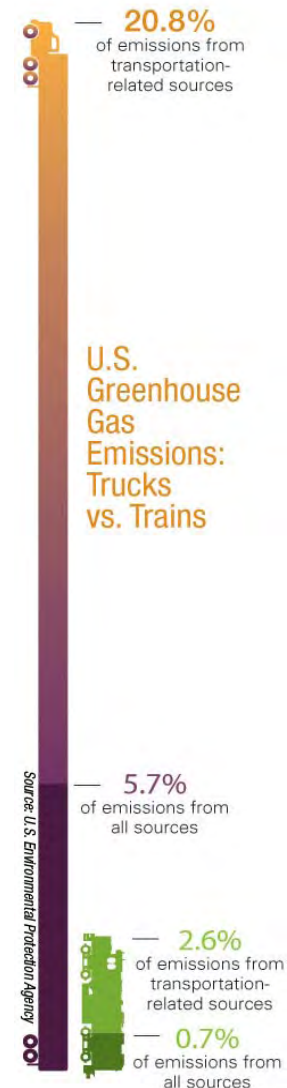
Indirect Traffic (orange)
IMF Traffic (green)
Background Growth (yellow)
Existing Traffic (blue)



Air Quality Impacts Reviewed for Build Alternative



- Fayette County, TN, and Marshall County, MS are in compliance (attainment) for all EPA ambient air standards.
- Evaluated criteria pollutants and MSATs:
 - Minor localized increase in emissions.
 - Meets all applicable EPA ambient air standards.
 - No adverse impacts on air quality in the area anticipated.
- Future highway truck traffic reduced ~ 186 million loaded truck vehicle miles per year eliminated.
- Moving freight by rail reduces Greenhouse Gas Emissions by 75% (Carbon dioxide reductions estimated at 264,000 tons).
- Benefits gained from transferring containers/trailers from the tractors to trains including:
 - Reduced costs for Highway Delays (\$81.4 million).
 - Reduced Diesel Fuel Consumption (23,907,127 gallons).
 - Reduced emissions from truck traffic.



Noise Impacts Reviewed for Build Alternative

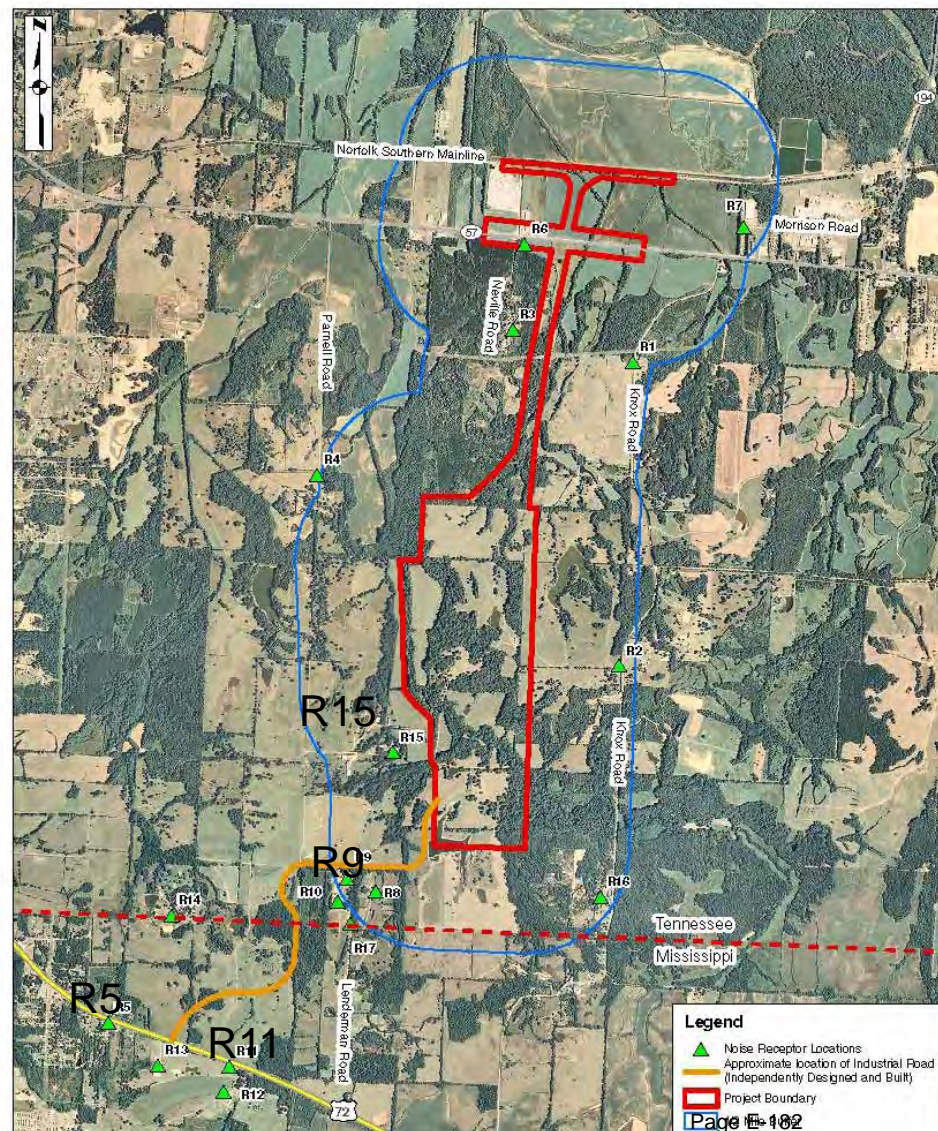


- Key Noise Points are:
 - At gate, where trucks enter and exit
 - Back-up warning alarms of equipment within IMF
- Modeling noise from lead tracks, access road, and facility
 - Federal Transit Administration (FTA) / Federal Railroad Administration (FRA)
 - Federal Highway Administration (FHWA)

Noise Impacts Reviewed for Build Alternative



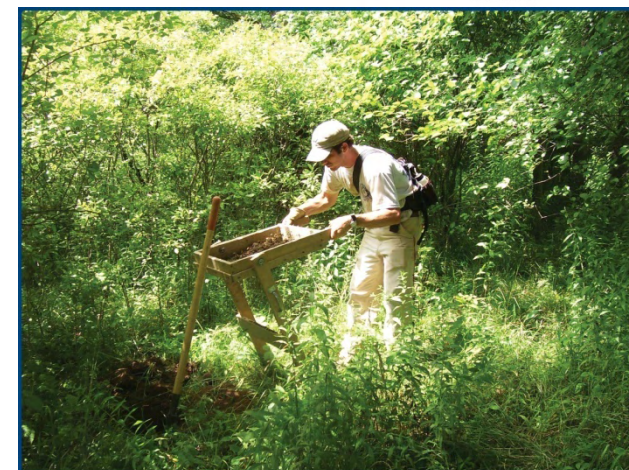
- Receiver 9
 - 1 residence vicinity of Industrial Road
 - 8 dBA higher than existing sound levels
 - FHWA – Moderate Impact
- Receivers 5 and 11
 - 21 residences located on and situated very close to US Hwy 72
 - 1 to 2 dBA higher than existing condition
 - FHWA – No Impact
- Receiver 15
 - 3 Parnell Road residences near AGS area
 - 11 dBA higher than existing sound levels
 - FTA/FRA – Severe Impact
 - Moderate Impact w/Berm



Cultural Resource Impacts Reviewed for Build Alternative



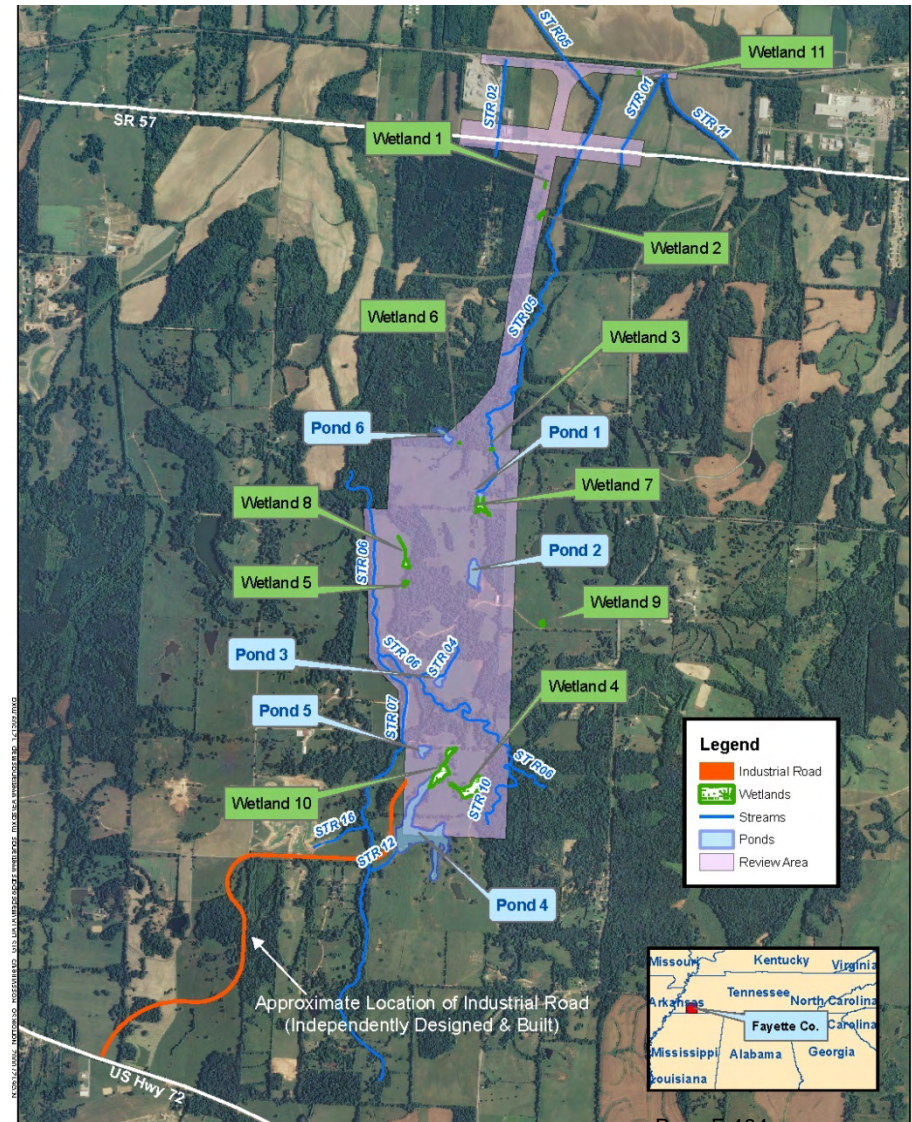
- Studied:
 - Outside of Project Boundary (APE – 1 mile)
 - Rossville Historic District (NRHP)
 - Record review: Ten archaeological sites
 - Inside of Project Boundary
 - Record review: No documented archaeological sites
 - Field survey: Two undocumented archaeological sites
 - Represents domestic residential structure
 - Lack of intact subsurface archaeological deposits or foundation remnants
 - Not recommended as eligible for inclusion on the NRHP
- Determined no adverse impact.
- TN SHPO concurred.



Natural Resources Impacts Reviewed for Build Alternative



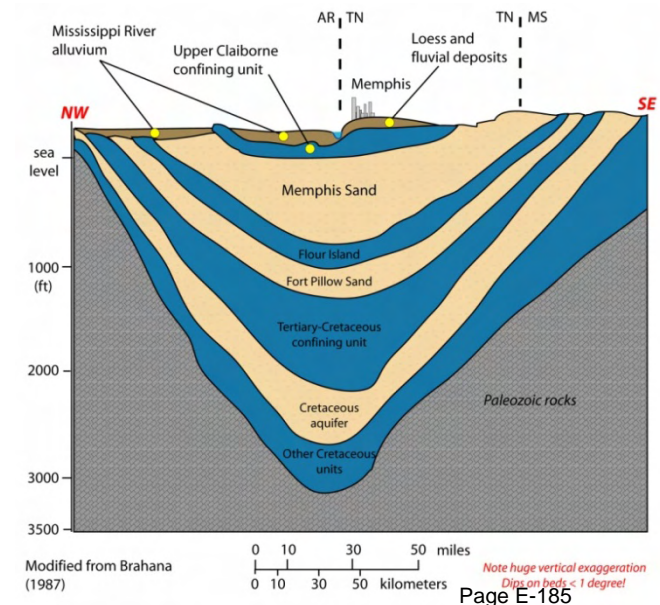
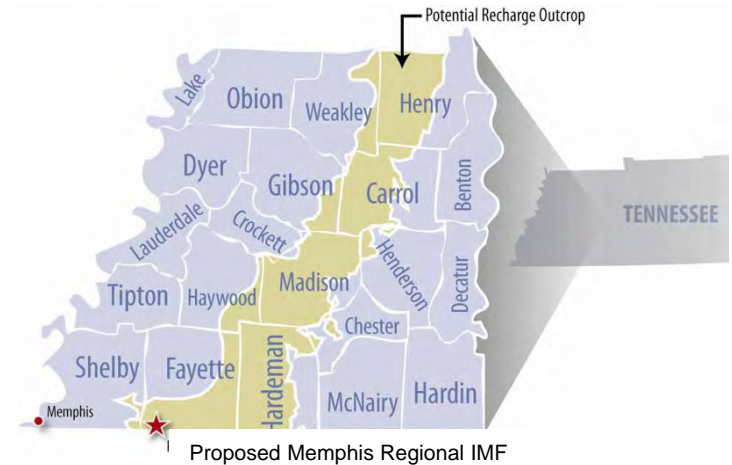
- *Terrestrial Resources*
 - *Buffers*
- *Water Quality and Aquatic Resources*
 - *Streams – 5,352 linear feet*
- *Wetland resources*
 - *7.3 acres*
- *Channelization of Streams*
 - *Minimal channelization*
- *Floodplain Impacts*
 - *Zone A – 1 acre*
 - *No-Rise Certification*
- *Threatened and Endangered Species*
 - *No adverse effects*



Natural Resources Impacts Reviewed for Build Alternative



- *Invasive Species*
 - *No adverse effects*
- *Wild and Scenic River*
 - *None*
- *Exceptional Tennessee Waters or Outstanding National Resource Waters*
 - *None*
- *Aquifer*
 - *Construction Methods*
 - *Stormwater Controls*
- *Stormwater*
 - *Post-construction less than or equal to Pre-construction*
 - *Positive Control of Discharges*
- *Environmental Permits*
 - *Applications*



Visual Impacts Reviewed for Build Alternative



70' tall light poles

- 0.5 FOOT CANDLE AVERAGE
- 2 FOOT CANDLE AVERAGE
- 1.5 FOOT CANDLE AVERAGE
- 4 FOOT CANDLE AVERAGE
- ALL SIGNALS - 1 FOOT CANDLE AVERAGE

Hazardous Material Impacts Reviewed for Build Alternative

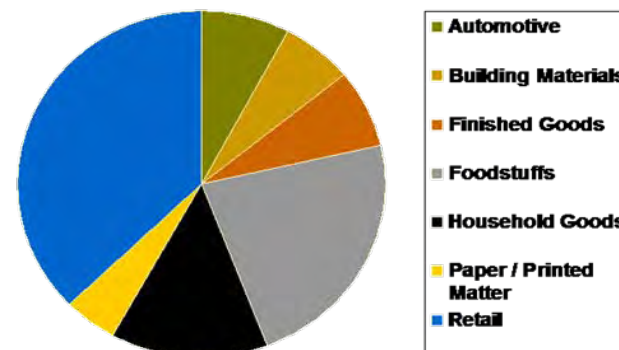


- NSR transports ~ 2.2 to 2.7 million intermodal shipments across eastern US, annually.
- Only 3 to 4 % contain hazardous materials.
- Intermodal facility shipment spills are extremely rare.

- Trailers and containers transferred between rail and truck.

- NSR nationally recognized for safety record and achievements related to safe transportation of hazardous materials.

- No potential hazardous material sites identified within footprint (Phase 1 ESA).
- No adverse effects.



**NSR Intermodal Operations --Shipments
Inside Intermodal Facilities*
Over 16 Million Shipments per Year**

Year	# Spills**
2004	10
2005	5
2006	2
2007	4
2008	1
2009	3

* NSR owns or operates 37 different intermodal facilities.

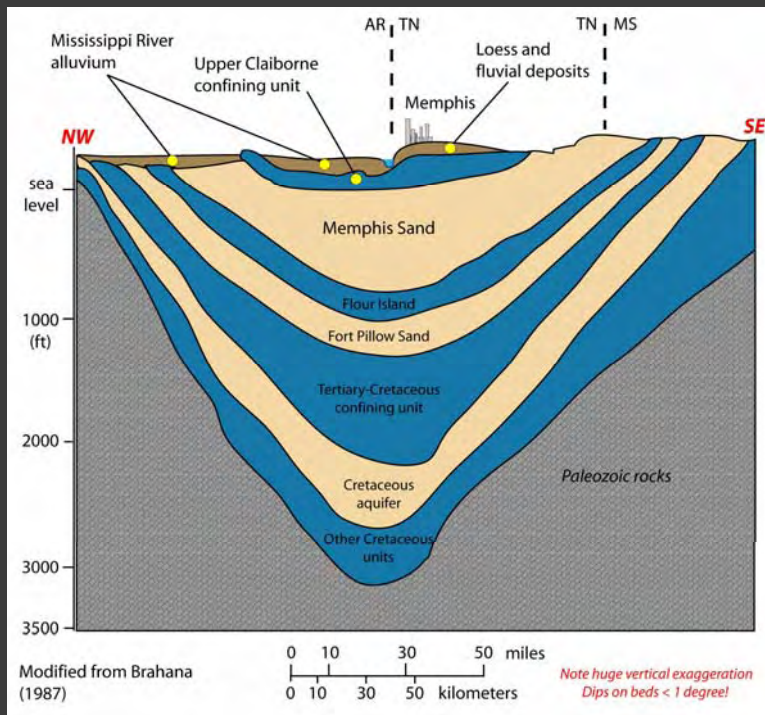
** Over half of the 25 spills (17) were less than one gallon.

Footprint of Memphis Sand Aquifer



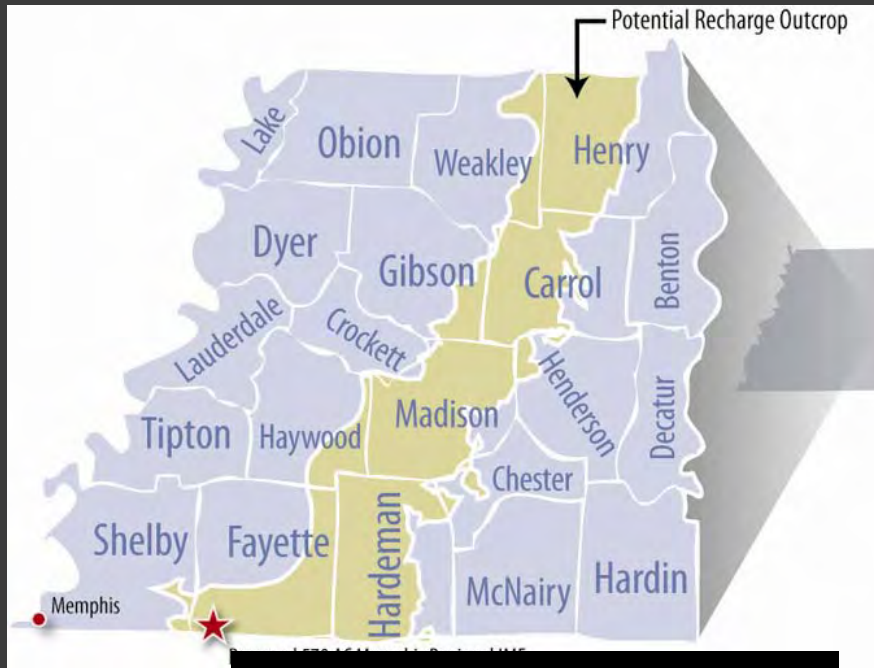
- Memphis Sand aquifer is part of a sequence of water bearing aquifer units that forms the Mississippi Embayment.
- It underlies a vast area including parts of Kentucky, Tennessee, Alabama, Arkansas, Mississippi, Louisiana and Texas.

Formation of Aquifers in TN-MS



- Memphis Sand ranges from 0 to about 900 feet in thickness.
- It is U-shaped such that wells in the Memphis area are typically 400-500 feet deep.
- Groundwater flow in Memphis area is to the west and northwest.

Recharge Area -- Memphis Sand Aquifer in Tennessee



Proposed Memphis Regional IMF

- Memphis Sand underlies approximately 7,400 square miles in western Tennessee
- Recharge area covers over 2,200 square miles in west Tennessee alone.

Memphis Sands Aquifer

⦿ Protect

- Bottoms of detention basins will be clay lined.
- Any Memphis Sands exposed within facility footprint will be capped with a layer of clayey material and concrete.

⦿ Recharge

- 270 acres outside of 380 acre facility will be either left natural or restored to open or green space.

Operations

- ① Surface drainage from the production areas will be collected and routed through lined-detention basins.
- ① Stormwater system will include appropriate positive controls in order to contain fluids until appropriate cleanup actions are taken.
- ① Stormwater detention system would be designed so that post-construction flows do not exceed pre-construction flows (designed for the 100-year event).

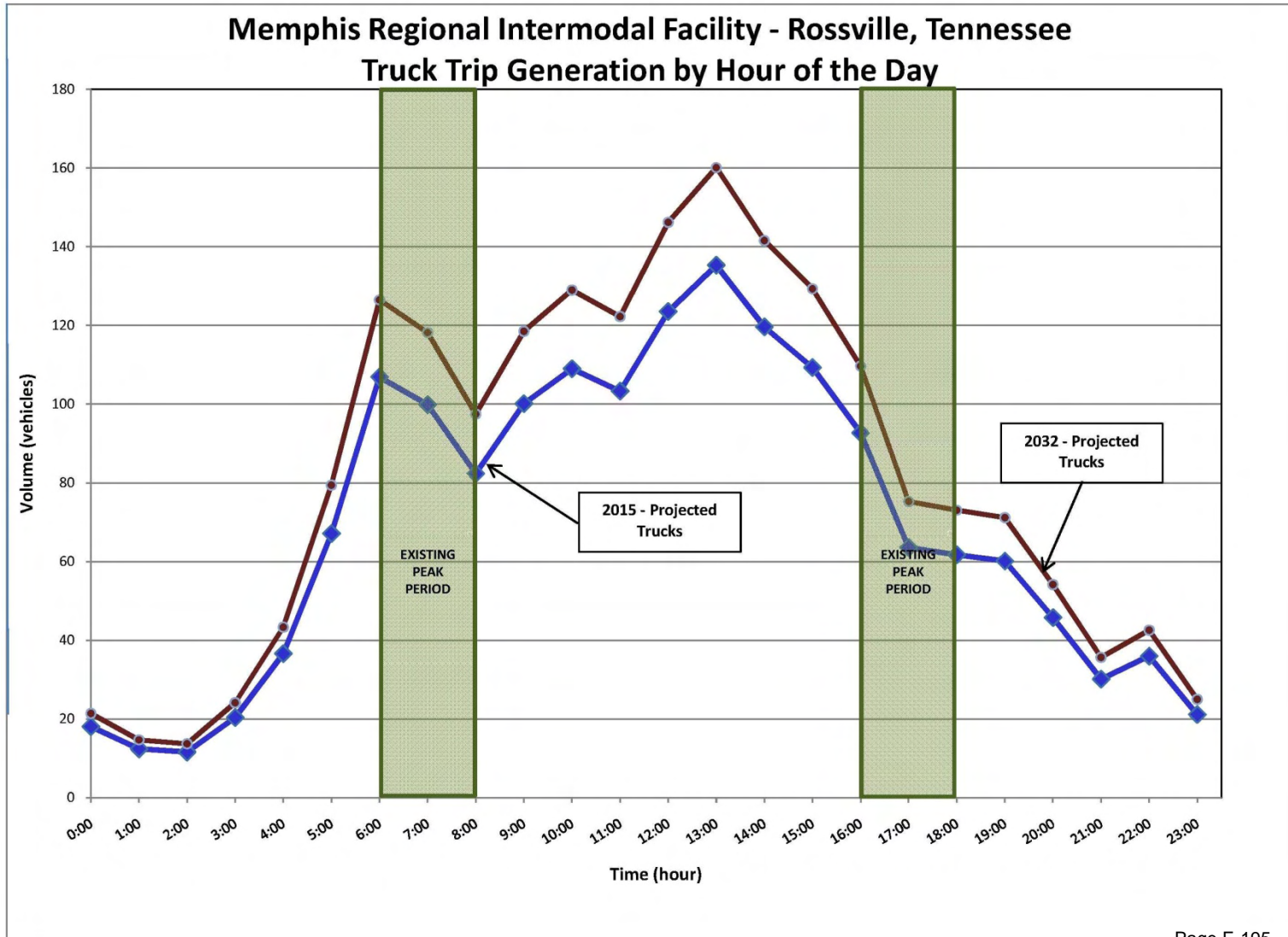
Maintenance and Fueling

- Maintenance and Fueling
 - Maintenance Pad Area
 - Above Ground Storage Tanks
 - Oil-Water Separator
 - Bio-Treatment Pond

Hazardous Materials

- ⦿ Intermodal trains that enter facility will carry containers and trailers.
- ⦿ Only 3 to 4% of intermodal shipments contain commodities considered hazardous.
- ⦿ Site-specific spill prevention plans outline standard processes and procedures to be implemented in unlikely event of a spill or release.
- ⦿ From 2004 to 2009,
 - NSR intermodal transported 16,070,989 intermodal units.
 - There were 25 spills from intermodal units inside intermodal facilities (over half of these spills (17) were less than one gallon).
 - NSR owns or operates 37 different intermodal facilities.

Projected Facility Traffic on Existing Peaks



**Norfolk Southern Railway
Memphis Regional Intermodal Facility
Public Hearing – August 2, 2010
Public Comment Form**

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What do you like and dislike about:

Yes - **No-Build Alternative** – Continue to use the existing Forrest IMF in Memphis without modification or expansion: _____

No - **Build Alternative 1** – Construct and operate Memphis Regional IMF in the Rossville Industrial Development Overlay District between SR-57 and US-72 with vehicular access from US-72: Not suitable for a residential community – destroys natural environment in area.

Are there any issues or concerns that you feel were not addressed in the EA? If so, please explain what was not addressed in the categories listed below:

Identify which item was not addressed effecting Land Use/Farmland Impacts: _____

Identify which item was not addressed effecting Traffic Impacts (Please specify which road.): My home is on Knox Rd - less than a mile from the facility - what will keep large truck off my street as they drive toward Hwy 57

Identify which item was not addressed effecting Social Impacts (including Neighborhoods, Schools, Public Services, Environmental Justice): People purchased this land for houses away from noise, bright light traffic, where animals and plants thrive - All of this will be damaged and possibly destroyed.

Identify which item was not addressed effecting Historic/Architectural and/or Archaeological Resources Impacts: _____

Identify which item was not addressed effecting Natural Resources Impacts (including Terrestrial, Water Quality, Streams, Wetlands, Channelization, Floodplain, Aquifer, Stormwater, Threatened and Endangered Species): _____

No proof from meeting that water (Aquifer) will be totally protected.

Identify which item was not addressed effecting Hazardous Materials Impacts: _____

Identify which item was not addressed effecting Other Development in Surrounding Area: Will people want to live in this area in the near future

Identify which item was not addressed effecting Construction Impacts: none discussed

Identify which item was not addressed effecting Others Impacts: _____

Which describes your primary interest in the project?

- Affected resident Affected business Affected landowner Concerned citizen
 Local resident Local business Government Representative

Please mark the blanks which describe you?

Live in MS Work in MS Farm in MS Live in TN Work in TN Farm in TN

Additional sheets can be attached as needed.

Your Name: Linda C. Raberson

Date: Aug. 2, 2010

Mailing Address: 2675 Knox Rd.
Rossville, TN 38066

State and County of Residence: TN - Fayette Co.

Phone Number (optional): 901-853-4706

E-mail Address (optional): _____ (Check here if you would like to receive e-mail notices _____)

Would you like to receive future mailings about the Memphis Regional Intermodal Facility project? YES NO

Fold at this line second

Project Comments
Tennessee Department of Transportation
Suite 700, James K. Polk Building
505 Deaderick Street
Nashville, TN 37243-0332

PLACE
STAMP
HERE

Return Comments by AUG 23, 2010 to:

**Public Information Meeting Comments
Tennessee Department of Transportation
Suite 700, James K. Polk Building
505 Deaderick Street
Nashville, TN 37243-0332**

Fold at this line first

For additional project information:

Visit the TDOT website at <http://www.tdot.state.tn.us/>
Or contact Tom Love, TDOT Environmental Division at tom.love@tn.gov

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What do you like and dislike about:

No-Build Alternative – Continue to use the existing Forrest IMF in Memphis without modification or expansion:

There is absolutely no public need for a new facility in Fayette County. There are options in Memphis metro area already built that are more or underutilized.

Build Alternative 1 – Construct and operate Memphis Regional IMF in the Rossville Industrial Development Overlay District between SR-57 and US-72 with vehicular access from US-72: _____

Are there any issues or concerns that you feel were not addressed in the EA? If so, please explain what was not addressed in the categories listed below:

Identify which item was not addressed effecting Land Use/Farmland Impacts: water pollution, storm runoff

Identify which item was not addressed effecting Traffic Impacts (Please specify which road.): HWY 385,

I269 (maybe not finished before project done), Hwy 57 (diverted from 72), Hwy 302, Hwy 178

Identify which item was not addressed effecting Social Impacts (including Neighborhoods, Schools, Public Services, Environmental Justice): County does not have money to support roads w/ additional trucks

Identify which item was not addressed effecting Air Quality/Noise/Visual Impacts: no adequate Fire Dept for spills, extra police, no haz no discussion of electric work trucks, no promises of backing up noises on trucks

Identify which item was not addressed effecting Historic/Architectural and/or Archaeological Resources Impacts: _____

[no proven precedent that mitigation dilution will keep contamination out of Memphis Sands Aquifer]

Identify which item was not addressed effecting Natural Resources Impacts (including Terrestrial, Water Quality, Streams, Wetlands, Channelization, Floodplain, Aquifer, Stormwater, Threatened and Endangered Species): _____

Identify which item was not addressed effecting Hazardous Materials Impacts: no HAZ MAT TEAM NEAR BY

Identify which item was not addressed effecting Other Development in Surrounding Area: land zoned residential estate around the site will hinder high end development

Identify which item was not addressed effecting Construction Impacts: runoff water not captured & tested

Identify which item was not addressed effecting Others Impacts: Project is not fully funded - who will pay shortfall & overhead budget costs

Which describes your primary interest in the project?

- Affected resident _____ Affected business _____ Affected landowner _____ Concerned citizen
 _____ Local resident _____ Local business _____ Government Representative

Please mark the blanks which describe you?

- _____ Live in MS _____ Work in MS _____ Farm in MS Live in TN Work in TN _____ Farm in TN

Additional sheets can be attached as needed.

Your Name: Dana Lackey

Date: 8/19/10

Mailing Address: 2615 Knox Road
Rossille TN 38066

State and County of Residence: TN, Fayette County

Phone Number (optional): 901-850-9674

E-mail Address (optional): dana.leehise@yahoo.com (Check here if you would like to receive e-mail notices)

Would you like to receive future mailings about the Memphis Regional Intermodal Facility project? YES NO

Fold at this line second

Project Comments
Tennessee Department of Transportation
Suite 700, James K. Polk Building
505 Deaderick Street
Nashville, TN 37243-0332

PLACE
STAMP
HERE

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What do you like and dislike about: (LIKE)

① **No-Build Alternative** – Continue to use the existing Forrest IMF in Memphis without modification or expansion: DO WE EVEN NEED THIS, OR WAS IT FORCED ON US,

* PLEASE SEE ATTACHED NOTES.

② **Build Alternative 1** – Construct and operate Memphis Regional IMF in the Rossville Industrial Development Overlay District between SR-57 and US-72 with vehicular access from US-72: DISLIKE

* PLEASE SEE ATTACHED NOTES.

③ **Are there any issues or concerns that you feel were not addressed in the EA? If so, please explain what was not addressed in the categories listed below:**

Identify which item was not addressed effecting Land Use/Farmland Impacts: AIR POLLUTION,

Identify which item was not addressed effecting Traffic Impacts (Please specify which road.): _____

* PLEASE SEE ATTACHED NOTES

④ Identify which item was not addressed effecting Social Impacts (including Neighborhoods, Schools, Public Services, Environmental Justice): AIR AND POTENTIAL WATER POLLUTION (LETS GET PRO-ACTIVE Y, NOT REACTIVE)

Identify which item was not addressed effecting Air Quality/Noise/Visual Impacts: MORE RAIL TRAFFIC, & TRUCKS:

Identify which item was not addressed effecting Historic/Architectural and/or Archaeological Resources Impacts: DO NOT KNOW - NO STUDIES HAVE BEEN DONE AT EXISTING SITES

⑤ Identify which item was not addressed effecting Natural Resources Impacts (including Terrestrial, Water Quality, Streams, Wetlands, Channelization, Floodplain, Aquifer, Stormwater, Threatened and Endangered Species): WE CANNOT PREDICT RAIN VOLUME, (IF IMF IS GOING DOWN SAME PATH AS BP WHAT WILL BE THEN END RESULT)

⑥ Identify which item was not addressed effecting Hazardous Materials Impacts: ALL HAZ MATERIALS ARE NOT IN TANKS

⑦ Identify which item was not addressed effecting Other Development in Surrounding Area: THIS WILL KILL ANY FUTURE URBAN AND HOUSING DEVELOPMENT,

⑧ Identify which item was not addressed effecting Construction Impacts: _____

⑨ Identify which item was not addressed effecting Others Impacts: IS MEMPHIS AND SURROUNDING AREA GOING TO BECOME ONE LARGE RR YARD,

⑩ **Which describes your primary interest in the project?**

Affected resident Affected business Affected landowner Concerned citizen
 Local resident Local business Government Representative

(ARE THESE LISTED IN THE ORDER OF IMPORTANCE, I DOUBT IT.)

⑪ **Please mark the blanks which describe you?**

Live in MS Work in MS Farm in MS Live in TN Work in TN Farm in TN

Additional sheets can be attached as needed.

(I HOPE THIS INFO REACHES SOMEBODY WHO CAN REALIZE WHAT NEEDS TO BE DONE NOW)

Your Name: KEN ALLUM

Date: 8-4-2010

Mailing Address: 60 BAILEY RIDGE COVE
ROSSVILLE

State and County of Residence: FAYETTE COUNTY, TENN. 38066

Phone Number (optional): 301-861-2284

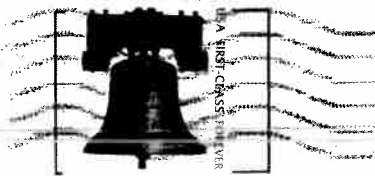
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Would you like to receive future mailings about the Memphis Regional Intermodal Facility project? YES NO

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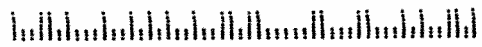
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Or contact Tom Love, TDOT Environmental Division at tom.love@tn.gov

REF ① HAVING BEEN A SAFETY ENG, I AM NOT SURE THAT IMF, IS DOING OR GOING TO DO ALL THAT IT SAYS IT IS, AND WHO IS GOING TO CHECK THEM,
? HAVE AIR AND WATER POLLUTION SAMPLES BEEN TAKEN FROM EXISTING OPERATING SITES, IE. MPH'S, ARK, AND POSSIBLY OTHER SITES IN LONG TERM OPERATION, IF SO DONE BY WHOM, AND WERE THEY PUBLISHED,

REF ② THIS IS JUST INCREASING AIR POLLUTION WITH TRAFFIC CONGESTION AT SITE AND ON HIGHWAYS OF SURROUNDING AREAS.

IMF, STATES CUTTING DOWN ON TRUCKING (WHO'S FIGURES) (PLEASE NOTE)

1 TRUCK) USING STRAIGHT TRUCKING SYSTEM (A) 1 TRUCK, (B)

2 TRUCKS) USING IMF (A) 1 TRUCK, RR 3-4 DIESEL LOC. RR 2ND TRUCK, (B)

? WHY DOWNED TRUCKS (ITS CALLED TRIPLE HANDLING) MIDDLE MAN,
LOOKS LIKE MORE TRUCK MAINT AND CONGESTION EACH END OF RR LINE.

WE ALSO KNOW TRUCKS ARE MORE EFFICIENT ON OPEN ROADS, THEREFORE SPREADS EMISSIONS OVER A LARGER AREA IN PLACE OF INCREASING POLLUTION IN 2 SMALL

AREAS (LBTS GIVE THE ENVIRONMENT A CHANCE TO COPE WITH THIS MESS ALL OVER)

PLEASE NOTE (ONCE THIS THING GOES IN WE WILL NOT BE ABLE TO GET IT OUT,)

ITS TO LATE TO DO THE TESTING AND ADJUSTMENTS, OR (BELIEVE THAT IMF, WILL.)
JUST LIKE BP, IN OIL DRILLING (SELFISHNESS AND GREED TAKE OVER)

ALSO NOTE: - (FAIL TO PLAN - PLAN TO FAIL) ALL THE DETAILS.

DO IT RIGHT THE FIRST TIME.

WE CANNOT ONLY LOOK AT ROAD CAPACITY ON A COMP, WE MUST LOOK AT ACTUAL
CONGESTION THROUGHOUT A DAY-MONTH & YEAR. THE POLLUTION FROM CONGESTION
WHEN TRAFFIC COMES TO A STANDSTILL (INCREASES) BE IT AT HIGHWAY
INTERSECTIONS OR RR CROSSINGS (WITH LENGTH OF TRAINS) AND IMF OR
P.R. YARDS.

REF ③ TRAFFIC CONGESTION WOULD INCREASE AT HWY. 72 AND INT. 385 ALSO 385 AND 240
AND WHO KNOWS ONCE ON 240 LOOP AT VARIOUS MALFUNCTION JUNCTIONS.
CONGESTION AT SITE ON 72 ALSO AT 72 AND 302 ALSO ALONG 302 AT OLIVE
BRANCH AND SOUTHAVEN, ALSO AT 302 AND 55 PARTICULARLY SOUTH.

AND I HAVEN'T TOUCHED WATER POLLUTION ~~THIS~~ THIS COULD BE A MAJOR PROBLEM

PLEASE NOTE: THESE NOTES ARE CONGESTED DUE TO UNKNOWNS LIKE

SPACE AND QUANTITY THEREFORE THEY COULD NOT BE TYPED.

HOWEVER THEY WILL NOT PUT OF ANY POLLUTIONS OR SMOKE

AS DOES THE INFORMATION WE THE PEOPLE ARE BEING

GIVEN FROM I.M.F, AND SOME OTHERS, BECAUSE OF POLITICS ETC.

(AND YOU KNOW IM RIGHT ABOUT THAT.)

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What do you like and dislike about:

No-Build Alternative – Continue to use the existing Forrest IMF in Memphis without modification or expansion: _____

like - infrastructure in place; impact on environment and roads known / dislike - Forrest IMF needs to expand

Build Alternative 1 – Construct and operate Memphis Regional IMF in the Rossville Industrial Development Overlay District between SR-57 and US-72 with vehicular access from US-72: _____

like - prefer rail transport of materials + trucks on highway / dislike - see comments below and attached sheets

Are there any issues or concerns that you feel were not addressed in the EA? If so, please explain what was not addressed in the categories listed below:

Identify which item was not addressed effecting Land Use/Farmland Impacts: shallow water wells of residents

Identify which item was not addressed effecting Traffic Impacts (Please specify which road.): _____

US 72 and SR 197 northbound - US 72 and SR 57 intersection - see attached

Identify which item was not addressed effecting Social Impacts (including Neighborhoods, Schools, Public Services, Environmental Justice): _____

Neville Road neighborhood - scope of impact

Identify which item was not addressed effecting Air Quality/Noise/Visual Impacts: _____

Identify which item was not addressed effecting Historic/Architectural and/or Archaeological Resources Impacts: _____

Identify which item was not addressed effecting Natural Resources Impacts (including Terrestrial, Water Quality, Streams, Wetlands, Channelization, Floodplain, Aquifer, Stormwater, Threatened and Endangered Species): _____

not all of these were adequately addressed - see attached comments

Identify which item was not addressed effecting Hazardous Materials Impacts: security/inspection of containers

Identify which item was not addressed effecting Other Development in Surrounding Area: _____

Identify which item was not addressed effecting Construction Impacts: _____

Identify which item was not addressed effecting Others Impacts: _____

Which describes your primary interest in the project?

_____ Affected resident _____ Affected business _____ Affected landowner Concerned citizen
 Local resident _____ Local business _____ Government Representative

Please mark the blanks which describe you?

_____ Live in MS _____ Work in MS _____ Farm in MS Live in TN Work in TN _____ Farm in TN

Additional sheets can be attached as needed.

Your Name: Clare Griggs

Date: August 23 2010

Mailing Address: 330 Park View Drive
Piperston TN 38017

State and County of Residence: TN Fayette County

Phone Number (optional): _____

E-mail Address (optional): carg4@yahoo.com (Check here if you would like to receive e-mail notices)

Would you like to receive future mailings about the Memphis Regional Intermodal Facility project? YES NO

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August 23, 2010

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Nashville, TN 37243-0332

Clare Griggs
330 Park View Drive
Piperton, TN 38017

Additional comments regarding Public Hearings, Norfolk Southern Railway Memphis Regional Intermodal Facility

Land Use/Farmland Impacts

Comments from the public hearings in August indicate that some residents near the project site have shallow water wells. The issue of protecting their water supply was not adequately addressed.

Traffic Impacts

Careful attention was given to the traffic load and future projections of traffic along US-72, particularly in Mississippi. The level of service (LOS) was described for US-72 and SR-196 regarding southbound and eastbound traffic (EA, pages 3-15 and 3-16, table 3-2). However the impact of future traffic northbound on SR-196 was not addressed nor was the impact of increased traffic at the intersections of SR-196 / SR-57 and SR-57 / US-72. I understand that the plan is that construction, truck, and employee traffic will primarily use US 72, and that once the IMF is completed, traffic will go from US 72 to SR-385 and I 69. The TDOT website has no completion date listed for section 9 of I 69 (through northern Mississippi and Western Tennessee, specifically Shelby and Fayette Counties). How soon after the IMF is completed and operational will I 69 be able to relieve the traffic load on the already crowded TN interstate system? The section of SR-385 from SR-57 to North SR-193 is scheduled to be completed in 2013, according to the TDOT website. Will this be before or after the completion and beginning of operations of the IMF? Consideration needs to be made of the impact of trucks and workers that will use SR-196 as a shortcut to SR-57 regardless of the availability of I 69 and SR-196. EA page 1-11 figure 1-9 indicates that Collierville and Piperton are future growth areas for warehouses to the West and North. It is doubtful that many drivers (truck, construction, employees of the IMF) needing to go east on SR-57 to Rossville, Moscow, Somerville etc. will use any route other than to go north on SR-196. SR-196 is a minor arterial road with two large turns near Old State Line Road and no traffic light at the intersection of SR-57 and SR-196. These issues need to be addressed. Similarly, there is no LOS for SR-57 and US-72 in Collierville in the EA. Traffic with a destination in Collierville, Cordova, or Germantown may find it more convenient to travel on SR-57 in Collierville, thus making the intersection of US-72 and SR-57 and traffic on SR-57 more crowded.

According to the EA, in the future thousands of jobs will be created by this project and, as revealed in the Public Hearing August 2, 2010, hundreds of trucks will leave the facility and exit on US-72. What route will all this traffic take and what will be the impact on the traffic on SR-57 and SR-196?

EA page 2-3 and 2-4, and table 2-5 state that “Alternatives must be located in proximity to an adequate highway network. Sites must have adequate infrastructure to be able to accommodate expected IMF traffic.” US 72 will be able to accommodate the increased traffic for a short distance, but are SR-196 and SR-57 adequate to handle increased traffic generated by the IMF?

Natural Resources Impact/ Hazardous Materials Impact

Attention was given to the Memphis Sands Aquifer in the EA and in the Public Hearings August 2 and 3. Reassurance was given that the cargo carried by the trains and trucks will have “no adverse effect” (EA, page iii, restated in table 3-23) and that there would be “no adverse effects” to the aquifer and groundwater (EA, page iii and table 3-23). How can such a guarantee be given? Nothing was mentioned in the EA nor at the Public Hearings about the frequency and accuracy of the inspection of the cargo to ensure that there are no hazardous materials in the containers that the trains will carry and the trucks will deliver. The issue of contamination of the aquifer from the vehicular traffic (antifreeze, oil, gasoline, transmission fluid) was addressed at the Public Hearing August 3 and to some extent in the EA, but with recent flooding events in mind, the safety of the groundwater protected by retention ponds cannot be ensured unless those ponds and protective measures (clay lining and concrete linings) are constructed to meet possibilities beyond current standards and projections. EA page 3-98 indicates that the area is a “flood hazard area”. It was also noted (Public Hearing, August 3) that in some places the aquifer is at the surface level. More discussion is needed about how the Memphis Sands Aquifer will be protected during and after the construction process.

Natural Resources

Page 3-84, figure 3-19 shows that 11 wetland sites and six pond sites will be affected by this project. Page 3-95 table 3-17 shows that 9 of the 11 wetland sites will be filled along with five of the pond sites. The EA (page 3-87) notes that “less mobile species (small mammals, reptiles, amphibians) would be lost to the area”. Page 3-115 identifies three State Listed Species within four miles of the IMF project site. Page 3-116 says, “no known at this time” When will it be known if some of these species are present? The website for the Tennessee Natural Heritage Program for Rare Species has three invertebrate animal species listed, seven vascular plant species listed, and six vertebrate animal species listed (website, list from 7/20/2009, page 81) in Fayette County yet of these 16 species, only three are identified in the EA. Is it not possible that *Aimophila aestivalis*, Bachman’s Sparrow, which nests on the ground in dense cover, is in the area? It has a state rank of S1B and a state designation of E. Could it be possible, for example, that *Sorex longirostris*, Southeastern Shrew, with a rank of S4 or *Zapus hudsonius*, Meadow Jumping Mouse, with a rank of S4, are also in the area? Why were they left off the EA’s list? If they are present, will they be lost by the IMF project? Why does page 3-

23 of the EA state “No Adverse Effects” for State Listed species? Page 3-206 of the EA table 23 shows for Federally Threatened or Endangered Species “None On-site”. How was this determined? How can this kind of blanket statement be made? Perhaps wording such as “none found on site” or “none observed on-site” would be more accurate.

Final note.

It would have helped to have had access to a copy of the Environmental Assessment prior to the Public Hearings so I could make comments and ask questions then. As it was, having not seen the document, I felt as though I could not ask relevant questions, and I did not want to duplicate information or ask about issues that were covered in the EA.

I had some difficulty locating a copy of the Environmental Assessment for the Norfolk Southern Regional Intermodal Facility. The Collierville Public Library did not have a copy when I went there. At the Rossville City Hall, the location of the EA copy was not known and I was asked to come back another day. I finally found a copy of the EA at the Ruth B. French Library in Byhalia, MS. Why was the Town Hall at Piperton not given a copy?

Thank you for your time in reading these comments. I know they are lengthy, but I appreciate the opportunity to make comments about the IMF Alternative 1 proposed for Fayette County.

Respectfully,


Clare Griggs

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Public Comment Form**

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What do you like and dislike about:

No-Build Alternative – Continue to use the existing Forrest IMF in Memphis without modification or expansion: _____

THERE IS NO WAY THE CURRENT FACILITY CAN HANDLE ANY GROWTH. LOCATION NEXT SCHOOL IS DANGEROUS.

Build Alternative 1 – Construct and operate Memphis Regional IMF in the Rossville Industrial Development Overlay District between SR-57 and US-72 with vehicular access from US-72: _____

YES!!! WE (TENNESSEE) NEEDS THE ECONOMIC DEVELOPMENT THAT IT WILL BRING. DON'T MISS OUR LIKE TN DID WHEN UNION PACIFIC BUILT IN MARION, AR.

Are there any issues or concerns that you feel were not addressed in the EA? If so, please explain what was not addressed in the categories listed below:

Identify which item was not addressed effecting Land Use/Farmland Impacts: ADDRESSED

Identify which item was not addressed effecting Traffic Impacts (Please specify which road.): ADDRESSED

Identify which item was not addressed effecting Social Impacts (including Neighborhoods, Schools, Public Services, Environmental Justice): ADDRESSED

Identify which item was not addressed effecting Air Quality/Noise/Visual Impacts: ADDRESSED

Identify which item was not addressed effecting Historic/Architectural and/or Archaeological Resources Impacts: ADDRESSED

Identify which item was not addressed effecting Natural Resources Impacts (including Terrestrial, Water Quality, Streams, Wetlands, Channelization, Floodplain, Aquifer, Stormwater, Threatened and Endangered Species): ADDRESSED

Identify which item was not addressed effecting Hazardous Materials Impacts: ADDRESSED

Identify which item was not addressed effecting Other Development in Surrounding Area: ADDRESSED

Identify which item was not addressed effecting Construction Impacts: ADDRESSED

Identify which item was not addressed effecting Others Impacts: ADDRESSED

Which describes your primary interest in the project?

Affected resident Affected business Affected landowner Concerned citizen
 Local resident Local business Government Representative

Please mark the blanks which describe you?

Live in MS Work in MS Farm in MS Live in TN Work in TN Farm in TN

Additional sheets can be attached as needed.

Your Name: DAN PALME

Date: 8-6-2010

Mailing Address: 8073 CAVERSHAMWOOD LN
GERMANTOWN, TN 38138

State and County of Residence: TN, Shelby

Phone Number (optional): 901-511-8000

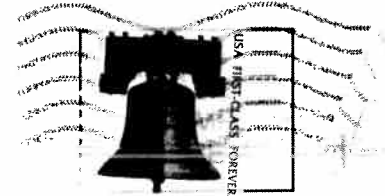
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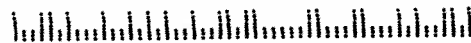
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THERE IS NO WAY THE CURRENT FACILITY CAN HANDLE ANY GROWTH. LOCATION NEXT

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YES!!! WE (TENNESSEE) NEEDS THE ECONOMIC DEVELOPMENT THAT IS WILL BRING. DON'T MISS OUR LIKE TN DID WHEN UNION PACIFIC BUILT IN MARION, AR.

Are there any issues or concerns that you feel were not addressed in the EA? If so, please explain what was not addressed in the categories listed below:

Identify which item was not addressed effecting Land Use/Farmland Impacts: Addressed

Identify which item was not addressed effecting Traffic Impacts (Please specify which road.): Addressed

Identify which item was not addressed effecting Social Impacts (including Neighborhoods, Schools, Public Services, Environmental Justice): Addressed

Identify which item was not addressed effecting Air Quality/Noise/Visual Impacts: Addressed

Identify which item was not addressed effecting Historic/Architectural and/or Archaeological Resources Impacts: Addressed

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Identify which item was not addressed effecting Hazardous Materials Impacts: Addressed

Identify which item was not addressed effecting Other Development in Surrounding Area: Addressed

Identify which item was not addressed effecting Construction Impacts: Addressed

Identify which item was not addressed effecting Others Impacts: Addressed

Which describes your primary interest in the project?

Affected resident
 Affected business
 _____ Affected landowner
 Concerned citizen
 Local resident
 Local business
 _____ Government Representative

Please mark the blanks which describe you?

_____ Live in MS
 _____ Work in MS
 _____ Farm in MS
 Live in TN
 Work in TN
 _____ Farm in TN

Additional sheets can be attached as needed.

Your Name: DAN PALME

Date: 8-6-2010

Mailing Address: 8073 CAVERSHAMWOOD LN
GERMANTOWN, TN 38138

State and County of Residence: TN, SHELBY

Phone Number (optional): 901-541-8000

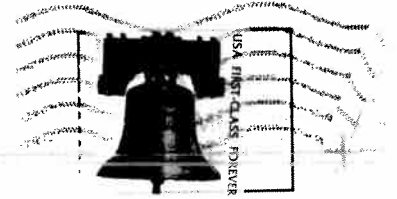
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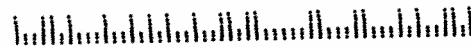
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Identify which item was not addressed effecting Land Use/Farmland Impacts: _____

Identify which item was not addressed effecting Traffic Impacts (Please specify which road.): Hwy 57

The cost(s) the State will Bear ASSOC. w/ Private Enterprise
to widen Roads + Bridges

Identify which item was not addressed effecting Social Impacts (including Neighborhoods, Schools, Public Services, Environmental Justice): Impact on Residential Property Values

Identify which item was not addressed effecting Air Quality/Noise/Visual Impacts: How FAR AWAY will Noise Be Heard? BACKUP BEHINDS ON TRUCK DRIVER

Identify which item was not addressed effecting Historic/Architectural and/or Archaeological Resources Impacts: What ANCILLARY BUSINESS' will pop up to SERVICE TRANSIENT

Identify which item was not addressed effecting Natural Resources Impacts (including Terrestrial, Water Quality, Streams, Wetlands, Channelization, Floodplain, Aquifer, Stormwater, Threatened and Endangered Species): _____

Identify which item was not addressed effecting Hazardous Materials Impacts: _____

Identify which item was not addressed effecting Other Development in Surrounding Area: _____

Identify which item was not addressed effecting Construction Impacts: Length of construction Delays

Identify which item was not addressed effecting Others Impacts: _____

Which describes your primary interest in the project?

Affected resident _____ Affected business Affected landowner _____ Concerned citizen
 _____ Local resident _____ Local business _____ Government Representative

Please mark the blanks which describe you?

_____ Live in MS _____ Work in MS _____ Farm in MS Live in TN Work in TN Farm in TN

Additional sheets can be attached as needed.

Your Name: Richard Watson

Date: Aug. 10, 2010

Mailing Address: 90 Clover Ridge DR
Piperton, TN 38017

State and County of Residence: Fayette, TN

Phone Number (optional): 901-292-3302

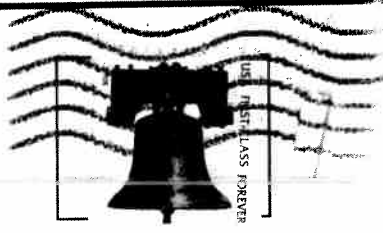
E-mail Address (optional): rnfxhd@aol.com (Check here if you would like to receive e-mail notices)

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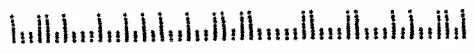
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Identify which item was not addressed effecting Air Quality/Noise/Visual Impacts: How Far Away will Noise Be Heard? Backup Beepers on Tru

Identify which item was not addressed effecting Historic/Architectural and/or Archaeological Resources Impacts: What Ancillary Business' will pop up to service TRANSIENT TRUCK DRIVERS

Identify which item was not addressed effecting Natural Resources Impacts (including Terrestrial, Water Quality, Streams, Wetlands, Channelization, Floodplain, Aquifer, Stormwater, Threatened and Endangered Species): _____

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 _____ Local resident _____ Local business _____ Government Representative

Please mark the blanks which describe you?

- _____ Live in MS _____ Work in MS _____ Farm in MS Live in TN Work in TN Farm in TN

Additional sheets can be attached as needed.

Your Name: Richard Watson

Date: Aug. 10, 2010

Mailing Address: 90 Clover Ridge Dr
Piperton, TN 38017

State and County of Residence: Fayette, TN

Phone Number (optional): 901.292.3302

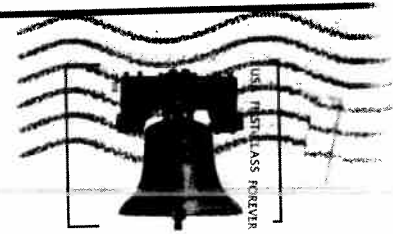
E-mail Address (optional): rnfxhd@aol.com (Check here if you would like to receive e-mail notices)

Would you like to receive future mailings about the Memphis Regional Intermodal Facility project? YES NO

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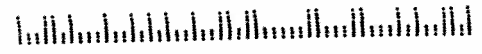
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**Norfolk Southern Railway
 Memphis Regional Intermodal Facility
 Public Hearing – August 2, 2010
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What do you like and dislike about:

No-Build Alternative – Continue to use the existing Forrest IMF in Memphis without modification or expansion: _____

Build Alternative 1 – Construct and operate Memphis Regional IMF in the Rossville Industrial Development Overlay District between SR-57 and US-72 with vehicular access from US-72: BEST IDEA + PLAN FOR ALL PARTIES CONCERNED PROCEED WITH PLAN.

Are there any issues or concerns that you feel were not addressed in the EA? If so, please explain what was not addressed in the categories listed below:

Identify which item was not addressed effecting Land Use/Farmland Impacts: _____

Identify which item was not addressed effecting Traffic Impacts (Please specify which road.): _____

Identify which item was not addressed effecting Social Impacts (including Neighborhoods, Schools, Public Services, Environmental Justice): _____

Identify which item was not addressed effecting Air Quality/Noise/Visual Impacts: _____

Identify which item was not addressed effecting Historic/Architectural and/or Archaeological Resources Impacts: _____

Identify which item was not addressed effecting Natural Resources Impacts (including Terrestrial, Water Quality, Streams, Wetlands, Channelization, Floodplain, Aquifer, Stormwater, Threatened and Endangered Species): _____

Identify which item was not addressed effecting Hazardous Materials Impacts: _____

Identify which item was not addressed effecting Other Development in Surrounding Area: _____

Identify which item was not addressed effecting Construction Impacts: _____

Identify which item was not addressed effecting Others Impacts: _____

Which describes your primary interest in the project?

_____ Affected resident _____ Affected business Affected landowner Concerned citizen
 Local resident _____ Local business _____ Government Representative

Please mark the blanks which describe you?

_____ Live in MS _____ Work in MS Farm in MS Live in TN _____ Work in TN ~~_____ Live in TN~~

Additional sheets can be attached as needed.

Your Name: JERRY HORN

Date: 8-3-10

Mailing Address: 5166 ROWEN OAK RD.
COLLIERVILLE, TN 38017

State and County of Residence: TN, SHELBY

Phone Number (optional): _____

E-mail Address (optional): JBHORN@BELLSOUTH.NET (Check here if you would like to receive e-mail notices)

Would you like to receive future mailings about the Memphis Regional Intermodal Facility project? YES NO _____

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What do you like and dislike about:

No-Build Alternative – Continue to use the existing Forrest IMF in Memphis without modification or expansion: _____

Build Alternative 1 – Construct and operate Memphis Regional IMF in the Rossville Industrial Development Overlay District between SR-57 and US-72 with vehicular access from US-72: Great development possibility for our Community

Are there any issues or concerns that you feel were not addressed in the EA? If so, please explain what was not addressed in the categories listed below:

Identify which item was not addressed effecting Land Use/Farmland Impacts: _____

Identify which item was not addressed effecting Traffic Impacts (Please specify which road.): _____

Identify which item was not addressed effecting Social Impacts (including Neighborhoods, Schools, Public Services, Environmental Justice): Cayce VFD never contacted, Primary responsible for all traffic exiting Facility in Marshall City.

Identify which item was not addressed effecting Air Quality/Noise/Visual Impacts: _____

Identify which item was not addressed effecting Historic/Architectural and/or Archaeological Resources Impacts: _____

Identify which item was not addressed effecting Natural Resources Impacts (including Terrestrial, Water Quality, Streams, Wetlands, Channelization, Floodplain, Aquifer, Stormwater, Threatened and Endangered Species): _____

Identify which item was not addressed effecting Hazardous Materials Impacts: _____

Identify which item was not addressed effecting Other Development in Surrounding Area: _____

Identify which item was not addressed effecting Construction Impacts: _____

Identify which item was not addressed effecting Others Impacts: _____

Which describes your primary interest in the project?

Affected resident Affected business Affected landowner Concerned citizen
 Local resident Local business Government Representative Cayce V.F.D. Asst. Chief

Please mark the blanks which describe you?

Live in MS Work in MS Farm in MS Live in TN Work in TN Farm in TN

Additional sheets can be attached as needed.

MS Resident/ Cayce VFR Asst. Chief

Your Name: Harry Willis

Date: 8-9-10

Mailing Address: 156 Jonathan Dr
Byhalia MS

State and County of Residence: Marshall, MS

Phone Number (optional): 901-603-3885

E-mail Address (optional): hwdomer@aol.com (Check here if you would like to receive e-mail notices)

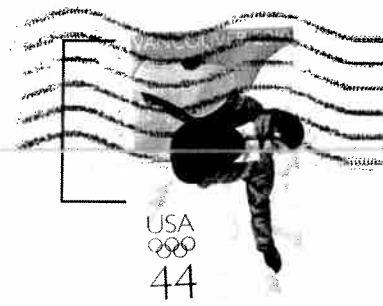
Would you like to receive future mailings about the Memphis Regional Intermodal Facility project? YES NO

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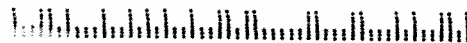
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What do you like and dislike about:

No-Build Alternative – Continue to use the existing Forrest IMF in Memphis without modification or expansion: No negative impact. Uses existing infrastructure, probably a reduced cost financially, certainly environmental.

Build Alternative 1 – Construct and operate Memphis Regional IMF in the Rossville Industrial Development Overlay District between SR-57 and US-72 with vehicular access from US-72: Effects thousands of citizens financially, hundreds of thousands environmentally negatively.

Are there any issues or concerns that you feel were not addressed in the EA? If so, please explain what was not addressed in the categories listed below:

Identify which item was not addressed effecting Land Use/Farmland Impacts: _____

Identify which item was not addressed effecting Traffic Impacts (Please specify which road.): _____

Identify which item was not addressed effecting Social Impacts (including Neighborhoods, Schools, Public Services, Environmental Justice): Property values, + the negative changes to neighborhoods.

Identify which item was not addressed effecting Air Quality/Noise/Visual Impacts: _____

Identify which item was not addressed effecting Historic/Architectural and/or Archaeological Resources Impacts: _____

Identify which item was not addressed effecting Natural Resources Impacts (including Terrestrial, Water Quality, Streams, Wetlands, Channelization, Floodplain, Aquifer, Stormwater, Threatened and Endangered Species): _____

Identify which item was not addressed effecting Hazardous Materials Impacts: _____

Identify which item was not addressed effecting Other Development in Surrounding Area: _____

Identify which item was not addressed effecting Construction Impacts: _____

Identify which item was not addressed effecting Others Impacts: _____

Which describes your primary interest in the project?

Affected resident _____ Affected business _____ Affected landowner _____ Concerned citizen
 _____ Local resident _____ Local business _____ Government Representative

Please mark the blanks which describe you?

_____ Live in MS _____ Work in MS _____ Farm in MS Live in TN Work in TN _____ Farm in TN

Additional sheets can be attached as needed.

Your Name: Guy DeShazo

Date: 8.9.10

Mailing Address: 295 Neville Rd
Rossville

State and County of Residence: TN, Fayette

Phone Number (optional): _____

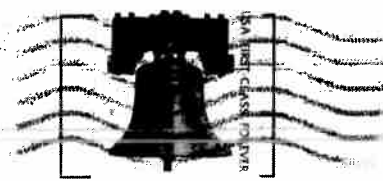
E-mail Address (optional): _____ (Check here if you would like to receive e-mail notices)

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What do you like and dislike about:

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Build Alternative 1 – Construct and operate Memphis Regional IMF in the Rossville Industrial Development Overlay District between SR-57 and US-72 with vehicular access from US-72: I support the Intermodal Facility in Rossville. It will be good for the economic development of the region.

Are there any issues or concerns that you feel were not addressed in the EA? If so, please explain what was not addressed in the categories listed below:

Identify which item was not addressed effecting Land Use/Farmland Impacts: NONE

Identify which item was not addressed effecting Traffic Impacts (Please specify which road.): NONE

Identify which item was not addressed effecting Social Impacts (including Neighborhoods, Schools, Public Services, Environmental Justice): NONE

Identify which item was not addressed effecting Air Quality/Noise/Visual Impacts: NONE

Identify which item was not addressed effecting Historic/Architectural and/or Archaeological Resources Impacts: NONE

Identify which item was not addressed effecting Natural Resources Impacts (including Terrestrial, Water Quality, Streams, Wetlands, Channelization, Floodplain, Aquifer, Stormwater, Threatened and Endangered Species): NONE

Identify which item was not addressed effecting Hazardous Materials Impacts: NONE

Identify which item was not addressed effecting Other Development in Surrounding Area: NONE

Identify which item was not addressed effecting Construction Impacts: NONE

Identify which item was not addressed effecting Others Impacts: NONE

Which describes your primary interest in the project?

_____ Affected resident _____ Affected business _____ Affected landowner _____ Concerned citizen
X Local resident _____ Local business _____ Government Representative

Please mark the blanks which describe you?

_____ Live in MS _____ Work in MS _____ Farm in MS X Live in TN X Work in TN _____ Farm in TN

Additional sheets can be attached as needed.

Your Name: William R Barbow

Date: 8/3/10

Mailing Address: 1649 Gosnold Bluff CV
Collierville, TN 38017

State and County of Residence: TN, Shelby

Phone Number (optional): _____

E-mail Address (optional): bbarbow@Re-TRANS.com (Check here if you would like to receive e-mail notices)

Would you like to receive future mailings about the Memphis Regional Intermodal Facility project? YES NO

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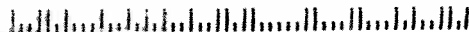
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Why with this meeting held 11th of the day when most people would be eating?

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What do you like and dislike about:

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Build Alternative 1 - Construct and operate Memphis Regional IMF in the Rossville Industrial Development Overlay District between SR-57 and US-72 with vehicular access from US-72: this is really sad to think of the truck traffic on 72 Hwy

Are there any issues or concerns that you feel were not addressed in the EA? If so, please explain what was not addressed in the categories listed below:

Identify which item was not addressed effecting Land Use/Farmland Impacts: Homes resale value

Identify which item was not addressed effecting Traffic Impacts (Please specify which road.): Hwy 72
people in Mississippi travel this Hwy to the stores in Collierville TN,

Identify which item was not addressed effecting Social Impacts (including Neighborhoods, Schools, Public Services, Environmental Justice): _____

Identify which item was not addressed effecting Air Quality/Noise/Visual Impacts: All of these

Identify which item was not addressed effecting Historic/Architectural and/or Archaeological Resources Impacts: _____

Identify which item was not addressed effecting Natural Resources Impacts (including Terrestrial, Water Quality, Streams, Wetlands, Channelization, Floodplain, Aquifer, Stormwater, Threatened and Endangered Species): is Animals wetlands more important than peoples homes???

Identify which item was not addressed effecting Hazardous Materials Impacts: _____

Identify which item was not addressed effecting Other Development in Surrounding Area: _____

Identify which item was not addressed effecting Construction Impacts: _____

Identify which item was not addressed effecting Others Impacts: _____

Which describes your primary interest in the project?

- Affected resident
- Affected business
- Affected landowner
- Concerned citizen
- Local resident
- Local business
- Government Representative

Please mark the blanks which describe you?

- Live in MS
- Work in MS
- Farm in MS
- Live in TN
- Work in TN
- Farm in TN

Additional sheets can be attached as needed.



Your Name: Betty Scobey
Mailing Address: 6382 Hwy 72

Date: 8-4-2010

State and County of Residence: MS - Marshall

Phone Number (optional): 662-851-4095

E-mail Address (optional): B.Scobey@msn.com (Check here if you would like to receive e-mail notices)

Would you like to receive future mailings about the Memphis Regional Intermodal Facility project? YES NO

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What do you like and dislike about:

No-Build Alternative – Continue to use the existing Forrest IMF in Memphis without modification or expansion: _____

LIKE

Build Alternative 1 – Construct and operate Memphis Regional IMF in the Rossville Industrial Development Overlay District between SR-57 and US-72 with vehicular access from US-72: DISLIKE location and all impacts associated with it.

Are there any issues or concerns that you feel were not addressed in the EA? If so, please explain what was not addressed in the categories listed below:

Identify which item was not addressed effecting Land Use/Farmland Impacts: severity of land use changes

Identify which item was not addressed effecting Traffic Impacts (Please specify which road.): severity of 3 trucks/minute impacts; traffic on Hwy 57.

Identify which item was not addressed effecting Social Impacts (including Neighborhoods, Schools, Public Services, Environmental Justice): destruction of rural, residential community

Identify which item was not addressed effecting Air Quality/Noise/Visual Impacts: truck engines & noise equip. noise, aesthetics, increased air pollution

Identify which item was not addressed effecting Historic/Architectural and/or Archaeological Resources Impacts: _____

Identify which item was not addressed effecting Natural Resources Impacts (including Terrestrial, Water Quality, Streams, Wetlands, Channelization, Floodplain, Aquifer, Stormwater, Threatened and Endangered Species): insufficient assessment of impacts on aquifer, stream water quality, wildlife

Identify which item was not addressed effecting Hazardous Materials Impacts: Haz mat. on site in containers

Identify which item was not addressed effecting Other Development in Surrounding Area: warehousing

Identify which item was not addressed effecting Construction Impacts: emission control, dust, noise

Identify which item was not addressed effecting Others Impacts: destruction of bucolic quality of life

Which describes your primary interest in the project?

_____ Affected resident _____ Affected business _____ Affected landowner Concerned citizen
 Local resident _____ Local business _____ Government Representative

Please mark the blanks which describe you?

_____ Live in MS _____ Work in MS _____ Farm in MS Live in TN Work in TN Farm in TN

Additional sheets can be attached as needed.

Your Name: N. Brannon

Date: 8/9/2010

Mailing Address: 10420 Godwin Rd.
Arlington, TN 38012

State and County of Residence: Shelby

Phone Number (optional): _____

E-mail Address (optional): brannon.n@gmail.com Check here if you would like to receive e-mail notices

Would you like to receive future mailings about the Memphis Regional Intermodal Facility project? YES NO

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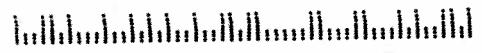
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What do you like and dislike about:

No-Build Alternative – Continue to use the existing Forrest IMF in Memphis without modification or expansion: _____

I like that this option does not jeopardize the Memphis aquifer.

Build Alternative 1 – Construct and operate Memphis Regional IMF in the Rossville Industrial Development Overlay District between SR-57 and US-72 with vehicular access from US-72: I dislike the high number of trucks entering Hwy 72. Three per minute is too much for other drivers to deal with. I don't like risking damage to the aquifer.

Are there any issues or concerns that you feel were not addressed in the EA? If so, please explain what was not addressed in the categories listed below:

Identify which item was not addressed effecting Land-Use/Farmland Impacts: The likely construction of many distribution warehouses and truck stops in the area was not discussed.

Identify which item was not addressed effecting Traffic Impacts (Please specify which road.): The extensive use of 385 by entering from 72 was not adequately addressed. The added traffic at rush hours was not sufficiently addressed. Just because the peak use is during midday doesn't mean there will be no problem.

Identify which item was not addressed effecting Social Impacts (including Neighborhoods, Schools, Public Services, Environmental Justice): The construction stands to convert a residential area nearby (Greenbriar and Ridgewood Grove) into a pocket of a commercial area.

Identify which item was not addressed effecting Air Quality/Noise/Visual Impacts: How many more trains will be coming through compared to now? This will impact noise.

Identify which item was not addressed effecting Historic/Architectural and/or Archaeological Resources Impacts: _____

Identify which item was not addressed effecting Natural Resources Impacts (including Terrestrial, Water Quality, Streams, Wetlands, Channelization, Floodplain, Aquifer, Stormwater, Threatened and Endangered Species): No mention was made that trucks leak oil, as do train cars. It was only emphasized that containers are sealed. A more intensive test of potential harm to the aquifer needs to be done.

Identify which item was not addressed effecting Hazardous Materials Impacts: _____

Identify which item was not addressed effecting Other Development in Surrounding Area: Potential construction of distribution buildings, truck stops was not discussed.

Identify which item was not addressed effecting Construction Impacts: _____

Identify which item was not addressed effecting Others Impacts: _____

Which describes your primary interest in the project?

1 Affected resident _____ Affected business _____ Affected landowner 2 Concerned citizen
 _____ Local resident _____ Local business _____ Government Representative

Please mark the blanks which describe you?

_____ Live in MS _____ Work in MS _____ Farm in MS Live in TN Work in TN _____ Farm in TN

Additional sheets can be attached as needed.



Your Name: Judith Faris

Date: 8-9-10

Mailing Address: 155 Ridgewood Dr.
Piperton, TN 38017

State and County of Residence: TN, Fayette

Phone Number (optional): _____

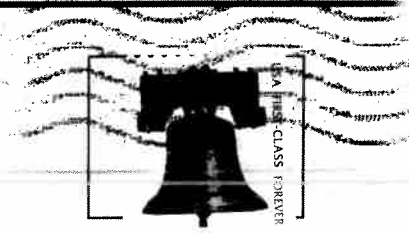
E-mail Address (optional): ja.faris@comcast.net (Check here if you would like to receive e-mail notices)

Would you like to receive future mailings about the Memphis Regional Intermodal Facility project? YES NO

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What do you like and dislike about:

No-Build Alternative – Continue to use the existing Forrest IMF in Memphis without modification or expansion: _____

NOT SURE WHAT IT MEANS!

Build Alternative 1 – Construct and operate Memphis Regional IMF in the Rossville Industrial Development Overlay District between SR-57 and US-72 with vehicular access from US-72: _____

NOT SURE WHAT IT MEANS!

Are there any issues or concerns that you feel were not addressed in the EA? If so, please explain what was not addressed in the categories listed below:

MS, PEOPLE did NOT come - TN. PEOPLE SAID THEY COULD NOT DISCUSS

Identify which item was not addressed effecting Land Use/Farmland Impacts: _____

Identify which item was not addressed effecting Traffic Impacts (Please specify which road.): 72 - MS - TN

LINE, TO THE ALTERNATIVE I LIVE 3/4 MILES FROM LINE

Identify which item was not addressed effecting Social Impacts (including Neighborhoods, Schools, Public Services, Environmental Justice): ALL - MS - REAS - NO SHOW -

Identify which item was not addressed effecting Air Quality/Noise/Visual Impacts: SAME

Identify which item was not addressed effecting Historic/Architectural and/or Archaeological Resources Impacts: _____

DO NOT KNOW OF ANY

Identify which item was not addressed effecting Natural Resources Impacts (including Terrestrial, Water Quality, Streams, Wetlands, Channelization, Floodplain, Aquifer, Stormwater, Threatened and Endangered Species): ALL

Identify which item was not addressed effecting Hazardous Materials Impacts: ALL

Identify which item was not addressed effecting Other Development in Surrounding Area: ALL

Identify which item was not addressed effecting Construction Impacts: ALL

Identify which item was not addressed effecting Others Impacts: ALL

Which describes your primary interest in the project?

_____ Affected resident _____ Affected business _____ Affected landowner Concerned citizen
 _____ Local resident _____ Local business _____ Government Representative

Please mark the blanks which describe you?

Live in MS _____ Work in MS _____ Farm in MS _____ Live in TN _____ Work in TN _____ Farm in TN

Additional sheets can be attached as needed.

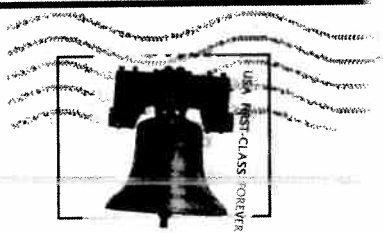
Your Name: SHIRLEY HURDLE Date: 8-3-2010
Mailing Address: 72 SOUTH MAGNOLIA
BY HALIA, MS, 38641 DR.
State and County of Residence: MS, - MARSHAL
Phone Number (optional): 662-216-3492
E-mail Address (optional): _____ (Check here if you would like to receive e-mail notices ____)

Would you like to receive future mailings about the Memphis Regional Intermodal Facility project? YES NO

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Memphis Regional Intermodal Facility
Public Hearing – August 2, 2010
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What do you like and dislike about:

No-Build Alternative – Continue to use the existing Forrest IMF in Memphis without modification or expansion: _____

LIKE

Build Alternative 1 – Construct and operate Memphis Regional IMF in the Rossville Industrial Development Overlay District between SR-57 and US-72 with vehicular access from US-72: DISLIKE location and all impacts associated with it.

Are there any issues or concerns that you feel were not addressed in the EA? If so, please explain what was not addressed in the categories listed below:

Identify which item was not addressed effecting Land Use/Farmland Impacts: severity of land use changes

Identify which item was not addressed effecting Traffic Impacts (Please specify which road.): severity of 3 trucks/minute impacts; traffic on Hwy 57.

Identify which item was not addressed effecting Social Impacts (including Neighborhoods, Schools, Public Services, Environmental Justice): destruction of rural, residential community

Identify which item was not addressed effecting Air Quality/Noise/Visual Impacts: truck engines & noise, equip. air pollution noise, aesthetics, increased

Identify which item was not addressed effecting Historic/Architectural and/or Archaeological Resources Impacts: _____

Identify which item was not addressed effecting Natural Resources Impacts (including Terrestrial, Water Quality, Streams, Wetlands, Channelization, Floodplain, Aquifer, Stormwater, Threatened and Endangered Species): insufficient assessment of impacts on aquifer, stream water quality, wildlife

Identify which item was not addressed effecting Hazardous Materials Impacts: Haz mat. on site in containers

Identify which item was not addressed effecting Other Development in Surrounding Area: warehousing

Identify which item was not addressed effecting Construction Impacts: erosion control, dust, noise

Identify which item was not addressed effecting Others Impacts: destruction of bucolic quality of life

Which describes your primary interest in the project?

- Affected resident
 Affected business
 Affected landowner
 Concerned citizen
 Local resident
 Local business
 Government Representative

Please mark the blanks which describe you?

- Live in MS
 Work in MS
 Farm in MS
 Live in TN
 Work in TN
 Farm in TN

Additional sheets can be attached as needed.

Your Name: N. Brauman

Date: 8/9/2010

Mailing Address: 10420 Godwin Rd.

Arlington, TN 38012

State and County of Residence: Shelby

Phone Number (optional): _____

E-mail Address (optional): brauman.n@gmail.com Check here if you would like to receive e-mail notices

Would you like to receive future mailings about the Memphis Regional Intermodal Facility project? YES NO

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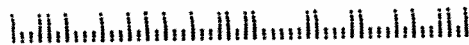
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What do you like and dislike about:

No-Build Alternative – Continue to use the existing Forrest IMF in Memphis without modification or expansion: _____

I like that this option does not jeopardize the Memphis aquifer.

Build Alternative 1 – Construct and operate Memphis Regional IMF in the Rossville Industrial Development Overlay District between SR-57 and US-72 with vehicular access from US-72: I dislike the high number of trucks entering Hwy 72. Three per minute is too much for other drivers to deal with. I don't like risking damage to the aquifer.

Are there any issues or concerns that you feel were not addressed in the EA? If so, please explain what was not addressed in the categories listed below:

Identify which item was not addressed effecting Land Use/Farmland Impacts: The likely construction of many distribution warehouses and truck stops in the area was not discussed.

Identify which item was not addressed effecting Traffic Impacts (Please specify which road.): The extensive use of 385 by entering from 72 was not adequately addressed. The added traffic at rush hours was not sufficiently addressed. Just because the peak use is during midday doesn't mean there will be no problem.

Identify which item was not addressed effecting Social Impacts (including Neighborhoods, Schools, Public Services, Environmental Justice): The construction stands to convert a residential area nearby (Greenbriar and Ridgewood Grove) into a pocket of a commercial area.

Identify which item was not addressed effecting Air Quality/Noise/Visual Impacts: How many more trains will be coming through compared to now? This will impact noise.

Identify which item was not addressed effecting Historic/Architectural and/or Archaeological Resources Impacts: _____

Identify which item was not addressed effecting Natural Resources Impacts (including Terrestrial, Water Quality, Streams, Wetlands, Channelization, Floodplain, Aquifer, Stormwater, Threatened and Endangered Species): No mention was made that trucks leak oil, as do train cars. It was only emphasized that containers are sealed. A more intensive test of potential harm to the aquifer needs to be done.

Identify which item was not addressed effecting Hazardous Materials Impacts: _____

Identify which item was not addressed effecting Other Development in Surrounding Area: Potential construction of distribution buildings, truck stops was not discussed.

Identify which item was not addressed effecting Construction Impacts: _____

Identify which item was not addressed effecting Others Impacts: _____

Which describes your primary interest in the project?

1 Affected resident _____ Affected business _____ Affected landowner 2 Concerned citizen
 _____ Local resident _____ Local business _____ Government Representative

Please mark the blanks which describe you?

____ Live in MS _____ Work in MS _____ Farm in MS Live in TN Work in TN _____ Farm in TN

Additional sheets can be attached as needed.

Your Name: Judith Faris

Date: 8-9-10

Mailing Address: 155 Ridgewood Dr.
Piperton, TN 38017

State and County of Residence: TN, Fayette

Phone Number (optional): _____

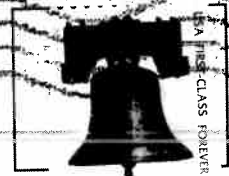
E-mail Address (optional): ja.faris@comcast.net (Check here if you would like to receive e-mail notices)

Would you like to receive future mailings about the Memphis Regional Intermodal Facility project? YES NO

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What do you like and dislike about:

No-Build Alternative – Continue to use the existing Forrest IMF in Memphis without modification or expansion: _____

Build Alternative 1 – Construct and operate Memphis Regional IMF in the Rossville Industrial Development Overlay District between SR-57 and US-72 with vehicular access from US-72: _____

*Hiway 72 needs to be completed into 4 lane before this
 access rd. is connected*

Are there any issues or concerns that you feel were not addressed in the EA? If so, please explain what was not addressed in the categories listed below:

Identify which item was not addressed effecting Land Use/Farmland Impacts: _____

Identify which item was not addressed effecting Traffic Impacts (Please specify which road.): *I HEARD IT*

*SAID THAT HIWAY 72 WAS GOING TO BE COMPLETED INTO 4 LANE
 BETWEEN TN AND MT. PLEASANT MS. THIS NEEDS TO BE COMPLETED BEFORE THE*
 Identify which item was not addressed effecting Social Impacts (including Neighborhoods, Schools, Public Services, Environmental Justice): *WHAT KIND OF SEWER SYSTEM | ENTRANCE RD IS JOINED*

WILL BE USED? HOPEFULLY NOT SEPTIC LAGOON.
 Identify which item was not addressed effecting Air Quality/Noise/Visual Impacts: _____

Identify which item was not addressed effecting Historic/Architectural and/or Archaeological Resources Impacts: _____

Identify which item was not addressed effecting Natural Resources Impacts (including Terrestrial, Water Quality, Streams, Wetlands, Channelization, Floodplain, Aquifer, Stormwater, Threatened and Endangered Species): _____

Identify which item was not addressed effecting Hazardous Materials Impacts: _____

Identify which item was not addressed effecting Other Development in Surrounding Area: _____

Identify which item was not addressed effecting Construction Impacts: _____

Identify which item was not addressed effecting Others Impacts: _____

Which describes your primary interest in the project?

_____ Affected resident _____ Affected business Affected landowner _____ Concerned citizen
 _____ Local resident _____ Local business _____ Government Representative

Please mark the blanks which describe you?

Live in MS _____ Work in MS _____ Farm in MS _____ Live in TN _____ Work in TN _____ Farm in TN

Additional sheets can be attached as needed.

Your Name: June H. Carlson

Date: 8-7-2010

Mailing Address: 75 N. MAGNOLIA DR.
BYHATIA, MS 38611

State and County of Residence: MARSHALL COUNTY MISSISSIPPI

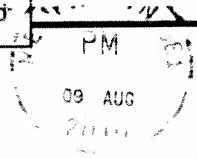
Phone Number (optional): _____

E-mail Address (optional): _____ (Check here if you would like to receive e-mail notices)

Would you like to receive future mailings about the Memphis Regional Intermodal Facility project? YES NO

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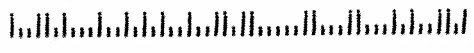
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What do you like and dislike about:

No-Build Alternative – Continue to use the existing Forrest IMF in Memphis without modification or expansion:

Like this because it is environmentally safer, less urban sprawl + suburb disturbance

Build Alternative 1 – Construct and operate Memphis Regional IMF in the Rossville Industrial Development Overlay District between SR-57 and US-72 with vehicular access from US-72: NO, a completely BAD idea that in the long run RUINS a lovely farming and residential area when OTHER alternatives are available.

Are there any issues or concerns that you feel were not addressed in the EA? If so, please explain what was not addressed in the categories listed below:

Identify which item was not addressed effecting Land Use/Farmland Impacts: water contamination (other than to claim it would not be a problem).

Identify which item was not addressed effecting Traffic Impacts (Please specify which road.): No mention of highways other than Hwy US-72, no mention of congestion on Byhalia Rd., 196, other.

Identify which item was not addressed effecting Social Impacts (including Neighborhoods, Schools, Public Services, Environmental Justice): I heard nothing mentioned or disussed with regard to any of these

Identify which item was not addressed effecting Air Quality/Noise/Visual Impacts: this was discussed, but advanced as a "no problem". RESIDENTS nearby believe otherwise.

Identify which item was not addressed effecting Historic/Architectural and/or Archaeological Resources Impacts: _____
Tennessee Scenic Highway 57 designation

Identify which item was not addressed effecting Natural Resources Impacts (including Terrestrial, Water Quality, Streams, Wetlands, Channelization, Floodplain, Aquifer, Stormwater, Threatened and Endangered Species): This was discussed in detail, though no one is responsible for inspection of threat to the reclamation/sand areas that drain into the Memphis aquifer.

Identify which item was not addressed effecting Hazardous Materials Impacts: No response to residents asking about evacuation or emergency signals.

Identify which item was not addressed effecting Other Development in Surrounding Area: warehousing + truck stops impact on residential community.

Identify which item was not addressed effecting Construction Impacts: No disussion on how construction delays will be handled for the already-busy SR-57.

Identify which item was not addressed effecting Others Impacts: _____

Which describes your primary interest in the project?

Affected resident _____ Affected business Affected landowner _____ Concerned citizen
 Local resident _____ Local business _____ Government Representative

Please mark the blanks which describe you?

_____ Live in MS _____ Work in MS _____ Farm in MS Live in TN Work in TN Farm in TN

Additional sheets can be attached as needed.

Your Name: Mr. + Mrs. Richard Watson

Date: 08-04-2010

Mailing Address: 90 Clover Ridge
Piperton, TN 38017

State and County of Residence: TN, Fayette

Phone Number (optional): 901-292-3302

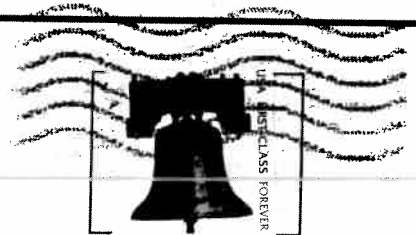
E-mail Address (optional): lcranford@bloomberg.net (Check here if you would like to receive e-mail notices)

Would you like to receive future mailings about the Memphis Regional Intermodal Facility project? YES NO

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What do you like and dislike about:

No-Build Alternative – Continue to use the existing Forrest IMF in Memphis without modification or expansion: _____

Build Alternative 1 – Construct and operate Memphis Regional IMF in the Rossville Industrial Development Overlay District between SR-57 and US-72 with vehicular access from US-72: _____

Are there any issues or concerns that you feel were not addressed in the EA? If so, please explain what was not addressed in the categories listed below:

Identify which item was not addressed effecting Land Use/Farmland Impacts: _____

Identify which item was not addressed effecting Traffic Impacts (Please specify which road.): _____

Identify which item was not addressed effecting Social Impacts (including Neighborhoods, Schools, Public Services, Environmental Justice): _____

Identify which item was not addressed effecting Air Quality/Noise/Visual Impacts: _____

Identify which item was not addressed effecting Historic/Architectural and/or Archaeological Resources Impacts: _____

Identify which item was not addressed effecting Natural Resources Impacts (including Terrestrial, Water Quality, Streams, Wetlands, Channelization, Floodplain, Aquifer, Stormwater, Threatened and Endangered Species): _____

Identify which item was not addressed effecting Hazardous Materials Impacts: _____

Identify which item was not addressed effecting Other Development in Surrounding Area: _____

Identify which item was not addressed effecting Construction Impacts: _____

Identify which item was not addressed effecting Others Impacts: _____

Which describes your primary interest in the project?

Affected resident Affected business Affected landowner Concerned citizen
 Local resident Local business Government Representative

Please mark the blanks which describe you?

Live in MS Work in MS Farm in MS Live in TN Work in TN Farm in TN

Additional sheets can be attached as needed.

Your Name: VIVIAN C. WIGGS

Date: 08/03/10

Mailing Address: 7240 Highway 72
Byhalia, MS 38611

State and County of Residence: MS, Marshall

Phone Number (optional): 662 851 7636

E-mail Address (optional): _____ (Check here if you would like to receive e-mail notices)

Would you like to receive future mailings about the Memphis Regional Intermodal Facility project? YES NO

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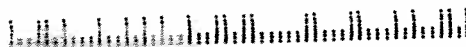
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What do you like and dislike about:

No-Build Alternative – Continue to use the existing Forrest IMF in Memphis without modification or expansion: _____

This plan would maintain the status quo/keep blight where it is.

Build Alternative 1 – Construct and operate Memphis Regional IMF in the Rossville Industrial Development Overlay District between SR-57 and US-72 with vehicular access from US-72: HWY 72 is inadequate for traff.

This plan ruins our land and our property values.

2000+/- Vehicles entering HWY 72 will be dangerous & is unrealistic

Are there any issues or concerns that you feel were not addressed in the EA? If so, please explain what was not

addressed in the categories listed below:

Identify which item was not addressed effecting Land Use/Farmland Impacts: Aquifer pollution; runoff of oil & toxins

Identify which item was not addressed effecting Traffic Impacts (Please specify which road.): HWY 72 at "Industrial Road" can't handle the extra traffic.

Identify which item was not addressed effecting Social Impacts (including Neighborhoods, Schools, Public Services, Environmental Justice): M-DOT has been conspicuously absent from the meetings

Destruction of nearby property values/Hwy dang

Identify which item was not addressed effecting Air Quality/Noise/Visual Impacts: Study underestimated noise and light pollution.

Identify which item was not addressed effecting Historic/Architectural and/or Archaeological Resources Impacts: _____

* M-DOT is nowhere close to widening HWY 72 according to your study which I read thoroughly at the C-vue Library.

Identify which item was not addressed effecting Natural Resources Impacts (including Terrestrial, Water Quality, Streams, Wetlands, Channelization, Floodplain, Aquifer, Stormwater, Threatened and Endangered Species): Proposed development does not adequately protect our water recharge area

Identify which item was not addressed effecting Hazardous Materials Impacts: Possibility of accidents was minimized unrealistically

Identify which item was not addressed effecting Other Development in Surrounding Area: Facilities Proposed will TRASH THE ENTIRE AREA.

Identify which item was not addressed effecting Construction Impacts: HWY 72 is already overloaded

Identify which item was not addressed effecting Others Impacts: Negative economic impact to nearby landowners; very dangerous traffic situation.

Which describes your primary interest in the project?

- Affected resident Affected business Affected landowner Concerned citizen
 Local resident Local business Government Representative

Please mark the blanks which describe you?

- Live in MS Work in MS Farm in MS Live in TN Work in TN Farm in TN

Additional sheets can be attached as needed.

Your Name: NANCY FAY Date: 8-19-10

Mailing Address: 3414 S. SLAYDEN RD
LAMAR, MS 38642 } FARM

State and County of Residence: 5823 GARDEN RIVER CIRCLE

Phone Number (optional): MEMPHIS, TN 38120

E-mail Address (optional): _____ (Check here if you would like to receive e-mail notices)

Would you like to receive future mailings about the Memphis Regional Intermodal Facility project? YES NO

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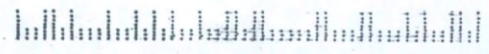
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Visit the TDOT website at <http://www.tdot.state.tn.us/>
Or contact Tom Love, TDOT Environmental Division at tom.love@tn.gov

Your Name: William Lackey

Date: Aug 22, 2010

Mailing Address: 2615 Knox Rd

Rossville, TN 38066

State and County of Residence: TN Fayette

Phone Number (optional): _____

E-mail Address (optional): _____ (Check here if you would like to receive e-mail notices)

Would you like to receive future mailings about the Memphis Regional Intermodal Facility project? YES NO

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What do you like and dislike about:

No-Build Alternative – Continue to use the existing Forrest IMF in Memphis without modification or expansion: _____

No Build - this is the best solution from a business, environmental, and tax payer perspective

Build Alternative 1 – Construct and operate Memphis Regional IMF in the Rossville Industrial Development Overlay District between SR-57 and US-72 with vehicular access from US-72: _____

Do not support!

Are there any issues or concerns that you feel were not addressed in the EA? If so, please explain what was not addressed in the categories listed below:

Identify which item was not addressed effecting Land Use/Farmland Impacts: Water, Well, Sound, and light Pollution

Identify which item was not addressed effecting Traffic Impacts (Please specify which road.): Truck inspections and cost to local tax payer for road upkeep.

Identify which item was not addressed effecting Social Impacts (including Neighborhoods, Schools, Public Services, Environmental Justice): Air, noise, visual, Truck Impact to a rural area.

Identify which item was not addressed effecting Air Quality/Noise/Visual Impacts: Safety

Identify which item was not addressed effecting Historic/Architectural and/or Archaeological Resources Impacts: _____

Identify which item was not addressed effecting Natural Resources Impacts (including Terrestrial, Water Quality, Streams, Wetlands, Channelization, Floodplain, Aquifer, Stormwater, Threatened and Endangered Species): Earthquake, surface water, well water, and air jeopardized. Request Full Environmental Impact

Identify which item was not addressed effecting Hazardous Materials Impacts: Hazmat Team + Notifications Study!

Identify which item was not addressed effecting Other Development in Surrounding Area: Rural to Industrial.

Identify which item was not addressed effecting Construction Impacts: Water aquifer.

Identify which item was not addressed effecting Others Impacts: Property Owners + Hunting, fishing.

Which describes your primary interest in the project?

- Affected resident _____ Affected business _____ Affected landowner _____ Concerned citizen
 _____ Local resident _____ Local business _____ Government Representative

Please mark the blanks which describe you?

- _____ Live in MS _____ Work in MS _____ Farm in MS Live in TN Work in TN _____ Farm in TN

Additional sheets can be attached as needed.



**SIERRA
CLUB**
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Sierra Club Tennessee Chapter, Chickasaw Group Drinking Water/ Aquifer Protection: Position Paper

*By Nancy Brannon, Ph.D.
Environmental Sociologist*

Introduction:

The Sierra Club Chickasaw Group emphasizes the importance of affording the highest level of protection to the region's drinking water source, i.e., the multi-layered aquifer system known as the Mississippi Embayment Regional Aquifer System. Of particular interest to Memphis and west Tennessee, northern Mississippi, and eastern Arkansas are the Memphis Sand aquifer, primary source of drinking water, and the surficial aquifers that overlie the Memphis Sand. The surficial aquifers are a source of drinking water in some rural areas, a source of irrigation water, and a potential conduit for surface contaminants to the deeper aquifers.

Sierra Club Policy:

Water is basic to all life. Water quality and water quantity are integral to issues such as energy, land use, and maintenance of a healthy environment for plants, wildlife and humanity. Proper management of water is essential so that present and future generations may survive and flourish. To promote proper management for a healthful and aesthetically pleasing natural environment, Sierra Club adopts the following Water Policy:

Coordinated Ground and Surface Water Management

Federal, state and provincial laws should take into account the physical interrelationship of ground and surface water. Rights in both sources of supply should be integrated, and their management should be coordinated. The available water in a basin should be managed on a sustained-yield basis. **Projects and proposals should be stopped if they would significantly damage aquifers** or other natural features such as springs.

Reasons for Concern:

The primary aquifer research institutions, the Ground Water Institute at the University of Memphis and the U.S. Geological Survey, have identified potential threats to the Memphis Sand aquifer, the region's primary drinking water source.

The Ground Water Institute has identified four "foreseeable concerns" about the integrity of the area's drinking water for the future:

- (1) The protective clay layer over the primary drinking water aquifer is not contiguous, and to a great extent, breaches in the clay layer exacerbate the potential for contamination.
- (2) The risk of the consumption rate of groundwater being greater than the rate of natural replenishment.
- (3) As development moves into the ground-water recharge areas, there will be an impact on water sustainability and quality.
- (4) The influence of surface water on ground-water quantity and quality must be considered. Where surface waters are connected to ground-water, they can be a source of contamination from land surface runoff.

Potential threats to both the quality and quantity of the region's drinking water source are identified:

- (1) In places where the confining/ protective clay layer over the primary drinking water aquifer is not contiguous; where there are "breaches." One highly documented case is at Shelby Farms east of Memphis, TN where leachate from a former landfill is contaminating the Memphis Sand aquifer through a breach in the confining clay layer. This and other breaches in Memphis/ Shelby County

area allow for any toxic substances on the land surface or underground (such as underground storage tanks and landfills) to quickly reach the drinking water aquifer.

- (2) As development moves into the recharge area, the potential to adversely affect sustainability of the aquifer and water quality exists. In recharge areas, the Memphis Sand aquifer is near or at the surface (outcrops) and is directly affected by land surface activities. Surface activities that adversely affect the aquifer are (1) paving over or otherwise making impermeable the land surface, thereby impairing recharge and decreasing water quantity. (2) Any land surface activities that locate, store, discharge, or use toxic substances or other pollutants pose contamination threats that harm water quality.
 - a. As water consumption and land development either remain steady or increase, activities in the recharge areas that impair recharge will upset the water balance and lead to declining water availability.
- (3) The influence of surface water on ground-water quantity and quality. In places where there are breaches, in recharge areas, and in streams where surface waters and ground water are in direct contact, any pollutants in surface waters can quickly reach the drinking water aquifer.

Potential Threats:

A proposed land use/ development project will likely impair ground water quantity and quality:

The 600+ acre Norfolk Southern Intermodal facility on the former Twin Hill Ranch in Fayette County, TN. The site sits directly atop outcrops of the Memphis Sands aquifer. The paving over and making impervious the land surface will inhibit recharge to the aquifer and will dramatically alter surface water drainage. The truck and train traffic, plus contents of containers, pose contamination sources that would directly reach the Memphis Sands aquifer. There are also private and municipal wells in the area that would potentially be affected.

In a position paper, the Ground Water Institute at the University of Memphis called for an "intensive study" of the impacts that the \$112 million Memphis Regional Intermodal Facility could have on the Memphis Sand aquifer. The concerns reflect the fact that the proposed site for the facility lies squarely within the broad "recharge" zone where rain water and surface runoff seep directly into the aquifer, said Brian Waldron, Associate Director of the Institute. He said chemical spills, either large, single incidents or small, steady ones, pose the greatest danger to the aquifer, which has surface outcroppings in East Shelby County and Fayette County. "The threats to water quantity are hard to measure," Waldron said. "The bigger threats are to quality."

But the project has environmental impacts beyond its potential harm to the aquifer.

Norfolk Southern's project would destroy 2.24 acres of wetlands and alter nearly 4,000 feet of streams. Other impacts include the paving of 233 acres, serving up to 327,000 truck trailers and containers yearly, and installation of railroad tracks on 76 acres, according to the company's permit application.

(Source: *The Commercial Appeal*, March 15, 2010)

Other environmental impacts of the Norfolk Southern Intermodal project include increased air pollution in the area from thousands of diesel trucks and trains daily. Related aquifer quality impacts result from increased surface and underground fuel storage tanks, both at the intermodal facility and at related fuel stations opening to serve the increased truck traffic. Drastic land transformations - from green space to industrial use - result in destruction of wildlife habitats and other essential ecosystems services provided by the wetlands, pasture lands, and forested lands. Social impacts include increased traffic congestion and destruction of the bucolic setting of the current rural, residential neighborhood and the quality of life in the community.

Potential Threats Remedies:

Because of the numerous environmental and social impacts to the area, particularly to the region's drinking water source, the Memphis Regional Intermodal Facility should not be located on the former Twin Hill Ranch, or any other property where numerous outcrops of the Memphis Sand aquifer are

present. If the initial location near the Wolf River was problematic, this location is even more problematic.

If the project cannot be rejected on these bases, or those of the preliminary Environmental Assessment, then a full Environmental Impact Statement should be required and conducted by a fully independent agency.

Policy Recommendations:

Policies for sustainable use of ground water must **prioritize protection** of both quality and quantity. Sustainable policies should include (1) protection zones in recharge areas and (2) protection strategies around "breaches."

Aquifer recharge protection areas should be designated at places where the Memphis Sand aquifer outcrops, or is near the surface, and is not covered by the protective clay layer. These recharge areas have been delineated in research conducted by the Ground Water Institute and the U.S. Geological Survey. In these areas there must be careful consideration of all land uses, with a full Environmental Impact Statement required that evaluates all the potential threats to both quality and quantity of the aquifer from any proposed development or land use. No land uses that could pose a threat to quality or quantity of ground water should be allowed in these areas.

The breach protection areas would be modeled after the existing wellhead protection areas: a designated area within whose boundaries no potential sources of contamination could be located.

The Tennessee Chapter Sierra Club, Chickasaw Group recognizes that the Mississippi Embayment Aquifer system, the region's source of drinking water, is our most valuable natural resource asset. This plentiful source of high quality water has served the region for over 100 years. For the water source to remain sustainable and the region viable, careful conservation and protection of this resource is absolutely necessary. Conservation means balancing withdrawal with recharge, and refraining from locating any potentially harmful land uses in areas that will directly affect the quality and quantity of ground water.

*Nancy Brannon, Ph.D.
Chair, Chickasaw Group Sierra Club*

EMail Comment Baker.txt

>>> On 8/5/2010 at 12:56 PM, James Baker <tn_water_sentinel@yahoo.com> wrote:

Dear Sir and Madam;

Attached is a PDF of my letter to the Tennessee Department of Transportation regarding the NEPA hearing on August 2, 2010 regarding the presentation of the Environmental Assessment (EA) on the above referenced facility.

I'll be sending a separate letter regarding proposed storm water permit # TN0081108 and wetlands permit # NRS10.013

TDOT, EPA and TDEC personnel; please send me an e-mail confirming receipt... thank you.

Sincerely;

James H. Baker

Thursday, August 05, 2010

TN Dept. of Transportation
Attn.: Public Information Meeting Comments
Suite 700, James K. Polk Bldg.
505 Deaderick St.
Nashville, TN 37243-0332

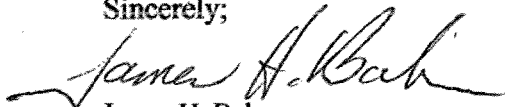
RE: NEPA Public Hearing, August 2, 2010-Memphis Regional Intermodal Facility
WRITTEN RESPONSE REQUESTED

Dear Sir or Madam;

I'm writing this letter to ask that the Tennessee Department of Transportation (TDOT) follow the NO-BUILD alternative to Norfolk Southern Railroad's proposed Memphis Regional Intermodal Facility near Rossville, TN. I'm also asking that TDOT commission a full Environmental Impact Statement (EIS) rather than the Environmental Assessment (EA) that has currently been commissioned and that alternative locations be fully studied. My reasons are:

- The current EA has only two alternatives, the Rossville, TN location and the 'no-build' alternative. I'm not against economic recovery and job growth, but it's unconscionable and irresponsible to future generations that this intermodal facility should be sited on top of the recharge zone of the Memphis Sands aquifer-the sole source of drinking water in region. Intermodal facilities can be moved, aquifer recharge zones cannot. Until suitable alternative locations are properly evaluated, then I must request TDOT follow NO-BUILD.
- Norfolk Southern Railroad has received \$105 million under the American Recovery and Reinvestment Act's 'Transportation Investment Generating Economic Recovery program (TIGER). From my understanding of Environmental Law, an EIS applies if a private entity (in this case, Norfolk Southern) uses Federal authorization or funding. I think a \$105 million TIGER grant definitely qualifies as Federal funding and therefore requires a full EIS.
- In addition, the requested full EIS needs to be done by an independent third party, one with no ties to Norfolk Southern. Norfolk Southern's consultant, AMEC has a decades long history of working with the railroad, and I think they cannot serve as an unbiased authority in creating an EIS.

Sincerely;



James H. Baker
3814 Wychemere Dr.
Memphis, TN 38128
901-826-2448
tn_water_sentinel@yahoo.com

- c. The Honorable Marsha Blackburn
The Honorable Steve Cohen
Mr. Ben West-U.S. EPA Region 4
Mr. Brian Canada-TDEC/DWPC
Ms. Erin O'Brien-TDEC/DWPC
Ms. Bianca Philips-*Memphis Flyer*
Mr. Eric Smith-*Memphis Daily News*
Mr. Tom Charlier-*Memphis Commercial Appeal*

EMail Comment Hiner.txt

From: Hiner, Marilyn [mailto:Marilyn.Hiner@morgankeegan.com]
Sent: Wednesday, August 11, 2010 9:51 AM
To: Fottrell, Gary (FHWA)
Subject: FW: Norfolk Southern Intermodal Facility in Fayette County

As a resident of Pi perton, TN, living less than 1 mile from the proposed Norfolk Southern Intermodal facility at Twin Hills Ranch, I implore you to recommend a FULL ENVIRONMENTAL IMPACT STATEMENT to study the potential detrimental effects of this industrial site to our community. I feel this is being shoved down our throats as a quiet bedroom community fighting the mighty corporation and the government seems to be rubber stamping this whole process. I feel it is unfathomable that Norfolk Southern is allowed to hire a firm to give an opinion on the pollution effects and amazingly their study affirms their plans as "safe" for all concerned, specifically potential ground water contamination in the event of a spill. I read about a Norfolk Southern chlorine spill in South Carolina they were involved in and people died. I don't believe all the "green hype" Norfolk Southern is spinning on this deal. I find it more frightening that the government is supporting this "for-profit" corporation supplying funds for highway construction, etc to help facilitate this deal to move forward with our tax dollars.

Please , I urge you to recommend an Environmental Impact Statement for the safety of the local residents and tax payers who will have to live with this FOREVER. How would you feel is this facility was 1 mile from your home??? Wouldn't you want more assurances in the event of an "accident"? How about safety issues with thousands of more trucks driving along the road where I live? You are in a position to ask the questions they must answer. Please put yourself in our shoes. What do you think is the right thing to do?

Local residents feel they are not being fairly represented. This whole deal has been "railroaded" onto us! We implore you to show us that you are working for the local people being effected the most and not for the corporation who stands to benefit monetarily the most from all of this!!!

Thanks for your attention.

Sincerely,
Marilyn Mann Hiner
1225 US Hwy 72
Pi perton, TN 38017

Marilyn M. Hiner
Managing Director
Morgan Keegan & Company
Equity Block Trading Desk
50 Front Street
Memphis, TN 38103
901-529-5306
800-342-8721
Fax 901-531-3436

>>> Lisa Leffler <lfeffler@yahoo.com> 8/13/2010 10:41 PM >>>

Dear Ms. O'Brien and Mr. Canada,
I am writing to strongly oppose the following permits, (Permit FileNumber: NRS10.013) and (Permit Number: TN0081108), to alter the streams or wetlands in the Twin Hill Ranch area, and I am also against the proposed use of roller compacted concrete for operational paved surfaces which will prevent replenishment of and cause damage to the Memphis Sand aquifer causing significant environmental impact.

Dear Mr. Fottrell and Mr. Love,
I petition FHWA to voice my opinion that the IMF will have a devastating effect on the wellness of Memphis, Shelby, and Fayette County residents. I strongly favor the "NO BUILD option" and am strongly opposed to the proposed use of roller compacted concrete, and noxious fumes, poor air quality resulting from the proposed use, and absurd amounts of traffic being added to Highway 57. Damage to the Memphis Sand Aquifer will directly effect residents of Fayette County, the fastest growing county in Tennessee, having a tremendously negative impact on the tax base and health of the community.

Sincerely,
Lisa F. Leffler
901-832-7567

Further, I agree with the following statements:
Twin Hill Ranch serves as an important recharge area for the region's drinking water source.
The Memphis Sand aquifer touches the surface in numerous places on the Ranch and the site for the proposed IMF sits atop the Memphis Sand.
The IMF Environmental Assessment shows drinking water wells in the vicinity that serve people living on Knox Road, Neville Road and U.S. 57.
The town of Rossville obtains its public supply from three other shallow wells. If any drinking water wells are affected, these likely will be the first ones where contamination could appear.
The Norfolk Southern facility will bring 1,668 semi trucks and 278 vehicles per day to the site, according to the assessment.
On the 650-acre site, there will be 76 acres of tracks; the facility itself will occupy 380 acres with 233 acres paved; and there will be paved parking to accommodate about 2,000 semi trucks.
NSR will use "roller compacted concrete for operational paved surfaces within the facility." In addition to the IMF, thousands of acres of warehousing are proposed for the Chickasaw Trails Industrial Park, which will further transform the rural area's pasturelands.
A large body of scientific research clearly demonstrates the land uses most harmful to aquifers include paving over the land surface (which impedes rainfall recharge) and locating potential contaminant sources in recharge areas.
West Tennessee and North Mississippi have long enjoyed a plentiful supply of pure drinking water from the regional aquifer system, but until land use decisions prioritize its protection and incorporate additional protection policies, our regional drinking water source will continue to be at risk from future developments.

Tennessee Department of Transportation
Public Information Meeting Comments
Suite 700, James K. Polk Building
505 Deaderick Street
Nashville, TN 37243-0332

Tom Love, permit coordinator,

Applicant: Norfolk Southern Railway Company
Public Hearing – August 2nd, 2010
Location: South of SR-57 1.7 miles west of Rossville Junction Fayette County

I'm a local resident of Fayette County with very serious concerns about the water quality if this project is accepted. The proposed site sits upon a delicate water recharge area for the Memphis Sands Aquifer, the regions only source of drinking water. Local residents are on shallow well water and will be most affected by water degradation. This is currently the only source of water for local residents as well as the city of Rossville. **A Full Environmental Impact Study should be done to help ensure water will not be contaminated.**

There are many issues that were **not** addressed or answered satisfactory at the public hearing. AMEC did not know how deep the Memphis Sands Aquifer lies. There is no proven precedent that the mitigation plan of debiting at a 2:1 ratio would keep our water quality from degradation. It may reduce the impact but to what extant?

Runoff from construction and daily activities should be captured and tested safe before being release in the area. Especially, given they do not know how deep the sands aquifer lies or if the 2:1 ratio will definitely prevent water degradation.

Pools to capture the water in retention ponds should have extra capacity for flash floods and hurricane type weather. This water should be tested before being released into the area(every batch should be tested) and approved by independent testers. There should be a plan for treating this water if contaminated and a plan on how to clean it to satisfactory drinking water levels if found contaminated. They did not seem to have a concrete plan on how to clean the water.

There is no emergency spill plan. Norfolk's answer to this is that they will notify the authorities. This is not sufficient. We only have a volunteer fire department that could not possibly inform or evacuate residents if necessary. This should be their responsibility. And I will add that Norfolk has a record of not notifying the authorities immediately. See attached Graniteville SC spill announcement.

AMEX includes a reasoning for the permit to be accepted is that the land is already zoned Commercial/Industrial. The re-zoning was done specifically for Norfolk by political and business leaders who will most likely financially gain from the proposed project. How the land is zoned has no impact on what makes the land environmental appropriate. How it's zoned should not be a factor in accepting this project.

AMEX also stated at the meeting that they did not know where the trucks where going past HWY 72. This is unacceptable. They should have study the percentage of trucks that would be accessing HWY 385 East and West, I269(that's not built yet) to I40 East and West, HWY 302, and HWY 78. It was also not address how trucks would make a left hand turn from the access road onto HWY 72. They could not pull out against traffic on a two lane (supposed to be 4 lane, when?) road. Will there be an overpass or traffic light? I also thought the graphs concerning increased traffic on HWY 72 where inadequate. They did not give any supporting numbers just

percentages. They did not say how the weighted a tracker trailer over a car. Obviously, a semi would cause a higher impact to traffic and road conditions than a car. They did not provide any breakdown of number of vehicles now versus the number of vehicles when project is done, plus the number of increased trucks because of project. There also has been no study of the increased traffic on HWY 57 that is only two lanes in consequence to vehicles avoiding increased traffic on HWY 72.

AMEX can not provide evidence that they will **not** pollute our waters. This is because there is no standard or regulation for this kind of development on a delicate recharge area with many outcropping and sands that come to the surface. The **Ground Water Institute at the University of Memphis is calling for an 'intensive study'**. Independent scientific studies are still underway to understand just how important this area of land is to the entire aquifer that provides millions of people inexpensive quality drinking water. These questions should be answered with more concrete data by AMEX before this permit is accepted.

I feel that AMEC has a conflict of interest in providing a favorable EA to the company that employs them. **AMEC has a long history of providing Norfolk with FONSI EAs.** Some states are trying to balance out this unfair playing field by making the applicant choose from a list of environmental companies that have been pre-approved by the government agencies as being fair and unbiased before granting the permits. I would hope TDOT would also look at doing the same.

I also feel the taxpayers should **not** have to pay for this infrastructure of the HWY 57 overpass that will only benefit a privately traded company. This is urban sprawl at it's ugliest at the risk of the regions sole source of drinking water. There is absolutely no public need for a new facility to be built in Fayette County. There are currently facilities already built in the Memphis metro area that is either idle or underutilized. NSR reasoning for **not** using these facilities are inadequate. I would like to see the **No-Build Alternative** selected and give the TIGER funds back to the people that earned it – **the taxpayers.**

According to study done by **Rail Solution** (an advocacy group that **promotes** railroads) **demonstrates how NFS's projected truck diversion is unrealistic and even if realized would be too small to matter.**

'We are concerned that one million trucks spread over 14 states will never be noticed. It is probably less than the growth of trucking in the greater I-81 corridor over the next five years. This compounds the difficulty in adding up a convincing slate of public benefits, since no avoided costs of new highway capacity can be included.'

It is clear that the public benefit does not exceed the public cost. I encourage TDOT to understand this project in relation to the bigger picture.

The Memphis Sand's water is reputedly some of the best ground water in the USA, and the aquifer supplies drinking water to over 1.1 million residents of Shelby County.

Regards,

Dana Lackey
2615 Knox Road
Rossville, TN 38066
901-850-9674
dana_leehise@yahoo.com

Railroad Company to Pay \$4 Million Penalty for 2005 Chlorine Spill in Graniteville, SC

Release date: 03/08/2010

Contact Information: Dawn Harris-Young, (404) 562-8421, harris-young.dawn@epa.gov

(ATLANTA – March 8, 2010) Norfolk Southern Railway Company has agreed to pay \$4 million penalty to resolve alleged violations of the Clean Water Act (CWA) and hazardous materials laws for a 2005 chlorine spill in Graniteville, S.C., the Justice Department and U.S. Environmental Protection Agency (EPA) announced today.

Under the settlement filed in federal court in Columbia, S.C., Norfolk Southern will be required to pay a civil penalty of \$3,967,500 for the alleged CWA violations, to be deposited in the federal Oil Spill Liability Trust Fund. The alleged CWA violations, included in an amended complaint filed in March 2009, are for the discharge of tons of chlorine, a hazardous substance, from a derailed train tank car and thousands of gallons of diesel fuel from ruptured locomotive engine fuel tanks. For the alleged Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) **violation for failure to immediately notify the National Response Center of the chlorine release**, Norfolk Southern will pay a penalty of \$32,500, to be deposited in the Hazardous Substance Superfund.

The settlement addresses the January 6, 2005 Norfolk Southern train derailment in Graniteville, South Carolina. During the derailment, one of the train's tank cars was punctured and released chlorine gas. **Nine people died** as a result of chlorine exposure and hundreds of people sought medical care due to respiratory distress. The incident resulted in the **evacuation of more than 5,000 people living and working within a 1-mile radius of the release area**. A cloud of the gas settled over nearby Horse Creek and its tributaries and was absorbed into the water in sufficient quantity to kill hundreds of fish. Two of the engines involved in the crash leaked diesel fuel, a portion of which reached Horse Creek.

"This settlement reflects the Agency's commitment to ensure compliance with our nation's environmental laws," said Stan Meiburg, EPA Acting Regional Administrator in Atlanta. "Companies have a responsibility to workers, emergency responders and the community to make sure a serious accident doesn't become a senseless tragedy."

"This agreement includes a significant civil penalty for the catastrophic chlorine spill, which resulted in loss of human life and damage to the environment, and ensures that those responsible are held accountable under the law," said Bob Dreher, Principal Deputy Assistant Attorney General for the Justice Department's Environment and Natural Resources Division.

Under the terms of the agreement, Norfolk Southern will provide incident command system training to environmental and transportation personnel; stock nearby Langley Pond with at least 3,000 fish to replace fish killed by the chlorine spill; and post the telephone number for the National Response Center to facilitate spill reporting. Further, the settlement includes a supplemental environmental project (SEP) valued at \$100,000 to plant vegetation along the banks of Horse Creek to decrease erosion and sedimentation, thereby improving water quality in Horse Creek.

Chlorine is defined as a "hazardous substance" under CERCLA and CWA, and can cause significant harm to human health and the environment. In humans, chlorine corrodes the respiratory tract and can cause severe eye and skin burns, lung collapse and death. Chlorine is also toxic to marine life and vegetation. Chlorine reacts with water to form a strongly oxidizing solution that can damage the gills of fish and other organisms, inhibiting their ability to absorb

oxygen.

The consent decree was filed today in the U.S. District Court for the District of South Carolina and is subject to a 30-day public comment period and court review and approval. A copy of the consent decree will be available on the Department of Justice Web site at http://www.justice.gov/enrd/Consent_Decrees.html

Commercial Appeal

Rail terminal presents risks to Memphis aquifer, U of M says

By Tom Charlier

Posted March 15, 2010 at midnight

Long touted as a "green" project that will reduce pollution, Norfolk Southern's proposed truck-to-rail terminal in western Fayette County could pose a threat to the source of Memphis' drinking water, researchers say.

In a recent position paper, the Ground Water Institute at the University of Memphis called for an "intensive study" of the potential impacts that the company's \$112 million Memphis Regional Intermodal Facility could have on the Memphis Sand aquifer.

And after construction, an independent agency should extensively monitor both the quantity and quality of aquifer water, the institute said.

The concerns reflect the fact that the proposed site for the facility -- between Tenn. 57 and U.S. 72 in the Rossville area some five miles east of Collierville -- lies squarely within the broad "recharge" zone where rain water and surface runoff seep directly into the aquifer, said Brian Waldron, associate director of the institute.

He said chemical spills -- either large, single incidents or small, steady ones -- pose perhaps the greatest danger to the aquifer, which lies hundreds of feet below most of Memphis but has surface outcroppings in East Shelby County and Fayette County.

"The threats to water quantity probably are small," Waldron said. "The bigger threats are to quality."

The Memphis Sand, widely known for its purity, supplies about 150 million gallons of water daily to Memphis and smaller amounts to surrounding municipalities.

Norfolk Southern spokeswoman Susan Terpay said she could not comment on the institute's statements until she studies them.

However, "we will address all the concerns" about the project, Terpay said.

The institute's comments come as Norfolk Southern seeks a federal Clean Water Act permit for the terminal, where overhead cranes will transfer containers between trucks and trains.

Serving up to 327,000 truck trailers and containers yearly, the facility will be part of a \$2.5 billion scheme of improvements across the Southeast that Norfolk Southern calls its Crescent Corridor initiative. The terminal is slated to open in early 2012.

While announcing the terminal project last summer, company CEO Wick Moorman emphasized the hundreds of "green jobs" the facility would create by taking long-haul trucks off the roads, saving an estimated 170 million gallons of fuel annually.

But the project has environmental impacts beyond its potential harm to the aquifer.

Norfolk Southern needs the Clean Water Act permit because the project would destroy 2.24 acres of wetlands and alter nearly 4,000 feet of a stream. Other impacts include the paving of 233 acres and installation of railroad tracks on 76 acres, according to the company's permit application.

-- Tom Charlier: 529-2572

Memphis Daily News



A story from The Memphis News  On newsstands throughout the city

Water Contamination From Norfolk Site Almost a Certainty

News came recently that [Norfolk Southern Corp.](#) will receive \$105 million in federal stimulus money. It was reported that \$52.5 million of the taxpayer funds will be used to build the company's new Memphis Regional Intermodal Facility in Fayette County between Rossville and Piperton on the former Twin Hill Ranch.

[William Adair](#) bought the 3,000-acre property in 2007 from the Keith Taylor Family, and his plan to bring Norfolk Southern's intermodal yard to the Ranch was revealed in 2009.

An important factor in this land use decision that has garnered little attention is the fact that Twin Hill Ranch serves as an important recharge area for the region's drinking water source.

The Memphis Sand aquifer touches the surface in numerous places on the Ranch and the site for the proposed IMF sits atop the Memphis Sand.

The IMF Environmental Assessment shows drinking water wells in the vicinity that serve people living on Knox Road, Neville Road and U.S. 57.

The town of Rossville obtains its public supply from three other shallow wells. If any drinking water wells are affected, these likely will be the first ones where contamination could appear.

The Norfolk Southern facility will bring 1,668 semi trucks and 278 vehicles per day to the site, according to the assessment.

On the 650-acre site, there will be 76 acres of tracks; the facility itself will occupy 380 acres with 233 acres paved; and there will be paved parking to accommodate about 2,000 semi trucks.

NSR will use "roller compacted concrete for operational paved surfaces within the facility." In addition to the IMF, thousands of acres of warehousing are proposed for the Chickasaw Trails Industrial Park, which will further transform the rural area's pasturelands.

A large body of scientific research clearly demonstrates the land uses most harmful to aquifers include paving over the land surface (which impedes rainfall recharge) and locating potential contaminant sources in recharge areas.

West Tennessee and North Mississippi have long enjoyed a plentiful supply of pure drinking water from the regional aquifer system, but until land use decisions prioritize its protection and incorporate additional protection policies, our regional drinking water source will continue to be at risk from future developments.

Brannon is an environmental sociologist.