

April 23, 2014

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*Via Electronic Mail*

**Re: Docket TR-140424 BNSF Railway Request for Waiver of the Overhead Clearance Rules in WAC 480-60-040**

Dear Mr. King:

On behalf of the Sierra Club, I write to offer a few additional comments in advance of the April 24, 2014, UTC hearing on the BNSF surfactant re-spray station matter. The Sierra Club and other partners also submitted comments and a hearing extension request on March 31, 2014, which mentioned a number of questions the public has about this re-spray station. We appreciate the opportunity to offer written comments in addition to oral testimony.

BNSF proposes to build a re-spray station, presumably to help it deal with coal dust pollution and ballast safety issues. The UTC must look at both the threat and proposed solution in this context. The Sierra Club believes surfactants are an ineffective solution.

**I. Coal Dust and Train Derailment Problems**

The UTC must review the threats associated with coal dust and coal train derailments. Given the ballast safety issues associated with coal dust, the UTC should be questioning BNSF's proposed solution of surfactants.

There were over 18 derailments of coal trains in the United States in the summer of 2012, including one at Mesa, Washington, near the Columbia River and others across the country that caused fatalities and major coal spills. In 2013 alone, there have been over 90 coal train-related incidents in the U.S. that include derailments, spills and other dumping, 36 of which were derailments.<sup>1</sup> There is a serious risk to human health from a huge increase in coal train traffic along the route to and from the Powder River Basin due

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<sup>1</sup> As of November 4, 2013. See National Response Center Database, [http://www.nrc.uscg.mil/pls/apex/f?p=109:2:9481443649338:pg\\_R\\_1810817102655439:NO&pg\\_min\\_row=81&pg\\_max\\_rows=20&pg\\_rows\\_fetched=20](http://www.nrc.uscg.mil/pls/apex/f?p=109:2:9481443649338:pg_R_1810817102655439:NO&pg_min_row=81&pg_max_rows=20&pg_rows_fetched=20).

the proposed coal export facilities in Longview and Bellingham, WA and Morrow, Oregon.

Coal dust has also been shown to be a cause of rail bed instability and derailments, which can pose a significant public safety hazard. As the Surface Transportation Board (“STB”), which found coal dust to be “a pernicious ballast foulant,” *See* Surface Transportation Board Decision, *Arkansas Electric Cooperative Corporation – Petition for Declaratory Order*, Docket No. FD 35305 (Mar. 3, 2011),<sup>2</sup> acknowledged in its coal dust proceeding, the quantity of coal emitted by a train into the air, water and onto tracks is not insignificant.<sup>3</sup> An average of 500 pounds of coal dust per rail car is lost during each trip. BNSF Railway, *Coal Dust Frequently Asked Questions* (2011).<sup>4</sup> Each train is composed of 120 cars or more. *See* Hearing, July 29, 2010, *Arkansas Electric Cooperative Association—Petition for Declaratory Order*, Surface Transportation Board, Docket No. FD 35305 at 42:5-13. The risk of train derailments is heightened on lines with heavy coal-train traffic. “Coal dust, even in small amounts, poses a real threat to the integrity of the ballast section and track stability.” *Id.* at 46:18-20. *See* Surface Transportation Board Hearing Transcript (STB Hearing Transcript), *Re: Arkansas Electric Cooperative Corporation – Petition for Declaratory Order*, Docket No. FD 35305 (July 29, 2010).

## II. Surfactants are an Ineffective Solution

There is no question that coal dust pollution is a serious problem. However, the UTC must explore the efficacy of surfactants to control coal dust and the potential impacts of the use of surfactants to control dust emissions. BNSF has claimed that applying surfactants at the coal mine is effective for the entire rail journey. Now, BNSF is applying to the UTC to build a surfactant re-spray station some 900 miles from the Powder River Basin coal mines. This application itself would seem to acknowledge the very problem here at issue—surfactants wear off and pollute our water, land, and air, and coal dust continues to come out of the open-top rail cars.

Although use of surfactants in some contexts is common, their efficacy and safety for use on coal-carrying trains is unproven. The claimed 85% control efficiency has been called “junk science” by coal shippers. Topping agents wear off along the route, are themselves pollutants, and can even possibly increase the amount of coal lost due to saltation. *See* Dr. Phyllis Fox, *Fugitive Particulate Matter Emissions from Coal Train Staging at the Proposed Coyote Island Terminal*, July 19, 2013, p. 7-9, **Attached hereto as Exh. 1**. Second, surfactants contain myriad undisclosed chemicals, many of whose biological and ecological effects have not yet been adequately studied. While BNSF did provide a few materials data safety sheets to the UTC, some sheets do not disclose the chemical

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<sup>2</sup> Available at <http://www.stb.dot.gov/decisions/readingroom.nsf/WebDecisionID/40436?OpenDocument>).

<sup>3</sup> The STB has conducted two proceedings related to coal dust, referenced at Docket numbers 35557 and 35305. *See* <http://www.stb.dot.gov/newsrels.nsf/219d1aee5889780b85256e59005edefe/72355569b86fcf0485257950006d6966?OpenDocument>.

<sup>4</sup> Copy on file with Sierra Club.

mixture. *See, e.g.,* Mintopper S+0150 Material Safety Data Sheet. Surfactants could cause a number of potential harms, including: danger to human health during and after application; surface, groundwater, and soil contamination; air pollution; changes in hydrologic characteristics of the soils; and impacts on native flora and fauna populations. *See* Environmental Protection Agency, Potential Environmental Impacts of Dust Suppressants: Avoiding Another Times Beach § 3 (May 30-31, 2002), **attached hereto as Exh. 2.**

Only fully enclosing the rail cars and making them water tight would reduce coal dust and coal chunk pollution.

We urge the UTC to require full information from BNSF before making this decision.

Sincerely,



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