

CHAPTER III: GUIDE TO FEDERAL ENVIRONMENTAL LAWS

MAJOR ENVIRONMENTAL LAWS APPLICABLE TO THE SHORT LINE RAILROAD INDUSTRY

The major federal environmental laws applicable to short lines are discussed below. They are listed in order of appearance:

- The Resource Conservation and Recovery Act
- The Clean Water Act
- The Clean Air Act
- The Toxic Substances Control Act
- The Comprehensive Environmental Response, Compensation, and Liability Act
- The Emergency Planning and Community Right-to-Know Act
- The Federal Insecticide, Fungicide, and Rodenticide Act
- Noise Control Act
- Other Regulations Potentially Affecting Railroad Operations.

Only those regulatory requirements that have the greatest impact on railroad operations are presented below; the discussions of environmental statutes are not intended to be exhaustive. The history of major environmental laws, the railroad operations they regulate, their compliance requirements, and non-compliance penalties are presented for each environmental statute. The Code of Federal Regulations (CFR) citation for each regulation is presented for further research purposes. The CFR citation contains the text of the regulations discussed here. Contact your state environmental agency or public library to determine the closest source of CFR materials.

Please note: The handbook discusses only federal environmental laws and their related regulations. However, many states have been given the authority to put their own environmental programs in place if these programs are at least as strict as the federal ones discussed below. Even where federal regulations apply, individual states may impose additional requirements for environmental compliance. As a result, the type and stringency of environmental requirements will differ from state to state. Since state standards may be considerably more restrictive, the compliance requirements discussed below should be considered as a baseline—the lowest potential level of activity required from compliance with environmental laws. This document should not be used as an explicit guide to compliance; it is only intended to provide a background on environmental compliance issues. You can determine the compliance requirements particular to your state by contacting your state’s environmental agency listed in Appendix A.

Some examples of the applicability of environmental laws to short line railroad operations are presented in the table below:

Major Environmental Laws, What They Regulate, and Their Application to the Short Line Railroad Industry		
Regulation	Sample of Materials That May Be Regulated	Applicability to the Short Line Railroad Industry
Resource Conservation and Recovery Act (RCRA Subtitle C)	<ul style="list-style-type: none"> • Signal batteries • Used oil • Paint sludges 	Governs storage and disposal of common railroad wastes
RCRA Subtitle I	<ul style="list-style-type: none"> • Underground storage tanks (USTs) 	Governs storage of hazardous substances and petroleum products in USTs
Clean Water Act (CWA)	<ul style="list-style-type: none"> • Locomotive wash waters • Storm water runoff from refueling stations 	Treatment and permitting requirements for railroad wastewater discharge
Clean Air Act (CAA)	<ul style="list-style-type: none"> • Bulk storage • Solvent cleaning stations • Yard dust • Asbestos, CFCs 	Requires permits and emission controls for releases of specific compounds to the air
Toxic Substances Control Act (TSCA)	<ul style="list-style-type: none"> • Transformers, PCBs 	Proper disposal and storage of transformers
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)	<ul style="list-style-type: none"> • Waste dumps containing hazardous materials • Hazardous material reporting • Non-permitted landfills 	Clean-up of hazardous waste sites and proper reporting requirements for hazardous material incidents
Emergency Planning and Community Right-to-Know Act (EPCRA)	<ul style="list-style-type: none"> • Material Safety Data Sheets 	Worker and community knowledge of chemicals onsite
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)	<ul style="list-style-type: none"> • Pesticides and herbicide application procedures 	Track maintenance
Noise Control Act	<ul style="list-style-type: none"> • Maximum allowable sound levels from specific railroad operations 	Operation of certain rail equipment retarders, car coupling and load cell testing

Note: This table is for reference purposes. The sections below provide more detailed information on the regulations concerned.