



Paul J. Kurzanski, REM
Manager Environmental Remediation

500 Water Street – J275
Jacksonville, Florida 32202
(904) 359-3101
Fax (904) 245-2826
paul_kurzanski@csx.com

Brian Van Wye
Natural Resources Administration
1200 First Street, N.E., 5th Floor
Washington, D.C. 20002

Stormwater Rule

Dear Mr. Van Wye:

CSX Transportation, Inc. (“CSX”) thanks the District Department of the Environment (“DDOE”) for the opportunity to comment on the proposed Stormwater Management, and Soil Erosion and Sediment Control rulemaking, 59 D.C. Reg. No. 32, Notice Id. 3027678 (Aug.10, 2012) (to be codified at 21 D.C.M.R. §§ 500-547, 599) (“Proposed Rule”). At this time, CSX wishes to comment on a single aspect of the rule -- the effective date and planned transition period. See Proposed Rule at 5. CSX reserves the right to comment on other portions of the proposal or subsequent proposals at a future date.

CSX commends the District for its proposal with respect to the effective date and planned transition period. The Proposed Rule indicates that the effective date of a final rule would be either six months from its promulgation in the D.C. Register or July 22, 2013, whichever date is earlier. Proposed Rule at 5. CSX understands that any Stormwater Management Plan or Soil Erosion and Sediment Control Plan submitted for the first time to DDOE before the effective date will be governed by the rules in place as of the date of initial submission, even if DDOE does not approve the plan until after the effective date or requests subsequent amendments that may be submitted after the effective date. Id.

This proposed transition period is fair, wise, and beneficial. Under the proposal, parties that are currently engaged in activities throughout the District will be able to move forward with the certainty required to commit to significant capital projects. These projects include many with significant environmental benefits, including environmental remediation efforts. An alternative approach -- either by moving the effective date forward or applying the new stormwater regulations to even those plans initially submitted before the effective date -- would have adverse consequences. Companies might defer projects until after the effective date. This would slow economic activity and delay environmental improvements. In addition, parties who have been working cooperatively with District agencies on project planning might need to redesign significant aspects of project elements, leading to inefficient and unfair cost burdens. CSX believes that the District’s proposal correctly provides project planners with the lead time necessary to incorporate the new rules into future project planning without impeding projects now underway.

Thank you for your consideration of these comments.

Sincerely,

Paul J. Kurzanski
Manager Environmental Remediation