

Congress of the United States
Washington, D.C. 20510

March 28, 2023

The Honorable KC Becker
Regional Administrator
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202

Dear Administrator Becker:

We write to share our ongoing concerns about the risks to Colorado's communities, water, land, air, and climate from the Uinta Basin Railway Project (the Project). If completed, the Project would enable the shipment of up to 4.6 billion gallons of waxy crude oil per year from Utah through Colorado to the Gulf Coast on as many as five trains per day. These trains would run over 100 miles directly alongside the headwaters of the Colorado River (the River) – a vital water supply for nearly 40 million Americans, 30 Tribal nations, and millions of acres of agricultural land.

The Environmental Protection Agency (EPA) has an obligation to advise other federal agencies on the adequacy of their environmental analyses pursuant to the National Environmental Policy Act (NEPA). However, EPA's review of the Surface Transportation Board (STB)'s Environmental Impact Statement (EIS) of the Project had several shortcomings.

First, it focused solely on the Project's risks in Utah with no evaluation of its potential harm to Colorado, including the risk of a derailment and oil spill in the headwaters of the River. Second, this review also failed to include any analysis of the Project's effect on greenhouse gas emissions and climate change. We urge you to conduct a supplemental review to fully account for these potential harms. This review is especially critical in light of the recent train derailment and environmental disaster in East Palestine, Ohio, which laid bare the danger of moving hazardous materials by rail. Additional train accidents in West Virginia and Washington within weeks of each other demonstrate that derailments in this country are shockingly common – in fact, there are more than 1,000 per year on average according to the Bureau of Transportation Statistics.

A train derailment that spills oil in the headwaters of the River would be catastrophic to our state's water supplies, wildlife habitat, outdoor recreation, and the broader River Basin. In addition to Denver, major cities outside Colorado rely heavily on the River for drinking water and other critical needs, including Phoenix, Las Vegas, San Diego, Los Angeles, Salt Lake City, Tucson, and Albuquerque. An accident on the proposed railway would not only imperil the River's water supplies, but also increase wildfires as the West faces a 1,200-year drought.

Across Colorado, local and county governments have raised grave concerns about the Project's local impacts (for example, see attached letters from Eagle County, CO, the Northwest CO Council of Governments Water Quality/Quantity Committee, and members of the CO General Assembly). These communities have further noted that the Project has advanced based on a deeply flawed environmental analysis that understated its potential dangers. But even that flawed

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analysis concluded that, if completed, this Project would double the risk of a derailment in Colorado and produce an oil spill roughly every four years.

We urge EPA to conduct a supplemental review that accounts for the full risks to Colorado's communities, water supplies, and environment, as well as its effects on climate change.

We look forward to hearing from you on this important matter.

Sincerely,



Michael F. Bennet
U.S. Senator



Joe Neguse
Member of Congress