

REVISION

Notation For Action

Item 11.9 SUBJECT: Request Ratification of Letter in Opposition to Track Line, LLC Air Permit No. 0830196-001-AC

The letter was refined following a conversation with FDEP and learning additional information, particularly, an extension of 60 days to petition for an administrative hearing instead of 20 days was requested; and information regarding similar activity in Newberry, FL was provided. Chairman Bryant has signed this letter and it was distributed via email and U.S. mail on Thursday, October 30th.



Marion County Board of County Commissioners

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District 4 - Carl Zalak III, Vice Chair
District 5 - Michelle Stone, Commissioner

October 30, 2025

Florida Department of Environmental Protection
Division of Air Resource Management
Permit Review Section
2600 Blair Stone Road, MS #5505
Tallahassee, Florida 32399-2400

RE: Comments in Opposition to Air Permit Application
Project No. 0830196-001-AC, Track Line, LLC
20365 E. McKinney Avenue, Dunnellon, Marion County, Florida

Dear Permitting Authority:

Please accept this letter, on behalf of Marion County, as its written comment in opposition to the Florida Department of Environmental Protection (FDEP) air pollution permit application submitted by Track Line, LLC, Project No. 0830196-001-AC. We respectfully request that you take this letter into consideration as it outlines Marion County's extensive concerns with the activities planned by the applicant. Further, Marion County requests that the FDEP deny this permit application, or, alternatively, allow Marion County additional time of sixty (60) days (pursuant to 62-110.106(4), F.A.C.), to petition FDEP for an administrative hearing.

It is our understanding that Track Line, LLC, a Texas based company, previously had unpermitted operations in Newberry, Florida, that were ongoing for a period of months and were ultimately shut down.¹ Track Line, LLC has now relocated their hazardous

¹ Christopher Gilbert, Ph.D., the Hazardous Materials Program Manager at the Environmental Protection Department in Gainesville advised Marion County as follows:

The analytical report of the railroad tie grinding identifies exceedances of several poly aromatic hydrocarbons which have public health and environmental concerns. This would be from the grinding operation which should only be conducted inside an enclosed building, where no release of the grinding dust could leave the building. Any dust discharge would be an issue for the soil, surface waters, ground waters, or the potential exposure to people. The contamination issue would also be a concern for any storm water retention ponds on site.

The grinding operation at the parcel in Newberry created the requirement of the entire site to be scraped and properly disposed by FDEP due to contamination issues.

operations to Marion County utilizing a section of CSX Transportation, Inc.'s property, within a Spring Protection Overlay Zone (SPOZ), zoned as Agriculture (A-1), with a land use designation requiring Preservation (PR), surrounded by the Greenway State Recreation Area property to the north, springs and the Rainbow River² to the south, and residential properties on both sides.

Track Line, LLC has not sought Marion County's approval for its planned operation but still has caused many thousands of creosote-treated railroad ties to be deposited not only on its proposed site, as identified in the FDEP Technical Evaluation and Preliminary Determination, but also on numerous other parcels adjacent to the proposed site.³ This massive accumulation resulted in Marion County issuing CSX Transportation, Inc. and Track Line, LLC, a notice of violation of Marion County Code Chapter 16, Article III, Sec. 16-92. Additionally, because the property has a PR land use, an A-1 zoning, and is within the SPOZ, Track Line, LLC is required to first obtain a Special Use Permit from Marion County before it is permitted to store on the ground and/or grind down any creosote-treated railroad ties on the site.⁴ Track Line, LLC has not sought any required re-zoning or permitting from Marion County and is therefore not allowed to conduct any heavy industrial or commercial use on this property.

In addition to Track Line, LLC's failure to comply with Marion County's Code of Ordinances, there are additional concerns associated with Track Line, LLC's FDEP permit application for authorization to install a heavy industrial-type facility amidst residences where it intends to shred and grind creosote-treated railroad ties, as follows:

- Members of the Blue Cove and Chatmire communities have complained of ill-health effects brought on by the extraordinary influx of Track Line, LLC's storing

² DIV. 4. - SPRINGS PROTECTION OVERLAY ZONE (SPOZ), Sec. 5.4.1. - Purpose and intent.

The purpose and intent of the Springs Protection Overlay Zone is to protect and preserve the quality and quantity of the Floridan Aquifer underlying all of Marion County, as well as the environmental, recreational, and economic values of Silver Springs and Rainbow Springs in the interest of public health, safety and general welfare. This is to be accomplished by regulating land uses and activities which can adversely impact the quality and quantity of groundwater.

³ It is also our understanding that not only is CSX Transportation, Inc., potentially unaware of this permit application, but CSX Transportation, Inc. is also unaware that Track Line, LLC is continuing to stockpile creosote-treated railroad ties on other adjacent parcels owned by CSX Transportation, Inc., that are not designated in the Track Lines, LLC's permit application.

⁴ Sec. 5.4.4. - Uses within the SPOZ.

- A. Prohibited Uses. The expansion of existing or new uses and activities, as listed below, shall be prohibited within the primary zone:

- (4) Heavy industrial and commercial uses, including new and expanding permitted and special uses allowed exclusively in B-5, I-C, or M-2 zoning categories, unless the owner demonstrates to the Planning/Zoning Manager, based on credible scientific data and information, that the proposed use will not pose a potential threat to groundwater quality.

of creosote-treated railroad ties outside, subject to the effects of rain and wind, and very close (approximately 120 feet) to their homes.⁵

- The storing and processing of creosote-treated materials through shredding and grinding operations will undoubtedly create toxic airborne particles that have and will continue to transport into the communities, contaminating the soil, and ultimately the watershed of Marion County.
- The proposed operation of grinding the materials will cause substantial quantities of air pollutant emissions (including, without limitation, fine particulate matter, nitrogen oxide, carbon monoxide, sulfur dioxide, and other volatile and carcinogenic compounds) which will most certainly affect the long-term health of Marion County citizens.⁶
- The storing and grinding of highly combustible and flammable creosote-treated railroad ties and use of heavy industrial machinery (diesel engines) increases the likelihood of accidents, emergencies and fires in a location that is not readily accessible to Marion County Fire Rescue, thereby endangering nearby homes and land.
- According to the Environmental Protection Agency's (EPA) Resource Conservation and Recovery Act, reclaimed creosote and creosote-contaminated soil are classified as hazardous materials, and although the EPA has not banned creosote, the chemical is restricted as a public health hazard to commercial-use only as it exceeds the EPA's level of concern for cancer risk.
- Florida law bans the release of creosote into the fresh waters of this state. See, section 379.295, Florida Statutes. The Rainbow River and its springs are immediately south of Track Line, LLC's proposed site and the proposed operations will release this toxin into the air which will ultimately rest in the fresh water and soil and eventually leach into the ground water.

Accordingly, and based upon the foregoing concerns, Marion County respectfully requests that the FDEP deny Track Line, LLC's application for Air Permit No. 0830196-001-AC, as it is in violation of Chapter 403, Florida Statutes. Track Line, LLC's proposed facility and operations pose an unacceptable risk to air quality, water resources, public health, and the community's well-being. Based upon the hazardous

⁵ https://dunnellon.granicus.com/player/clip/385?view_id=1&redirect=true.

Members of these communities also complain of the noise levels occurring in the middle of the night as a result of the extensive off-loading operation of the creosote-treated railroad ties, as well as the large commercial vehicles driving through the small residential communities on small residential roadways, in order for Track Lines, LLC to access the CSX Transportation, Inc.'s property.

⁶ According to the City of Dunnellon, the proposed facility will emit the following: 58.77 tons per year of particulate matter (PM), 33.47 tons per year of PM10, 20.83 tons per year of PM2.5, 67.22 tons per year of nitrogen oxides, 67.22 tons per year of carbon monoxide, 23.95 tons per year of sulfur dioxide, and 3.65 tons per year of volatile organic compounds.

condition the Newberry site was left in,⁷ as well as the current hazardous conditions currently existing on the site, Track Line, LLC cannot demonstrate that its project can operate without adversely impacting Marion County.

We urge you to carefully consider the concerns herein raised and assist us in protecting Marion County by denying this permit application. Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Kathy Bryant". The signature is fluid and cursive, with the first name "Kathy" and last name "Bryant" clearly distinguishable.

Kathy Bryant
Chairman
Marion County Board of County Commissioners

cc: Board of County Commissioners
Mounir Bouyounes, County Administrator
Tracy Straub, Assistant County Administrator
Preston Bowlin, Director of Emergency Management

⁷ We encourage you to please make contact with Chris Azcuy, Environmental Manager, Department of Environmental Protection, Northeast District at chris.azcuy@floridadep.gov or 904-256-1529, who can better describe the air pollutants and emissions discovered at the applicant's prior facility in Newberry, Florida.