



## ***TOWN OF DEERFIELD***

Board of Selectmen & Board of Health  
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July 3, 2008

Office of the Secretary  
Case Control Unit  
STB Finance Docket No. 35147  
Surface Transportation Board  
395 E Street SW  
Washington, DC 20024

Dear Members of the Surface Transportation Board:

The Town of Deerfield Massachusetts wishes to comment on the Environmental Appendix (Finance Document #35147, filing ID #222478) submitted by Norfolk Southern and Pan Am Railways Inc (herein referred to as the Corporation).

The Town of Deerfield has for over a decade attempted to engage Pan Am Railways regarding environmental conditions at state superfund hazardous waste sites at the East Deerfield rail yard both on the property it leases from the Commonwealth of Massachusetts and that is owned by the Corporation. While discussions on the matter have begun, the Town requests that any decisions by the Board be delayed and the comment period extended for the reasons discussed below. Failing that, the Town requests that the Board find that an Environmental Assessment is necessary.

The premise of the document submitted by the proponents is simply that the new operations will not appreciably increase environmental impacts. This overlooks the question of the current condition of the site and assumes that the current condition is acceptable, and that when there is a problem, the Corporation responds in a responsible manner. The Town's concerns center on the six known releases of hazardous materials (diesel fuel, solvents, diesel exhaust and other materials) in the yard, outflows from the yard into the Connecticut River and releases to the ambient air and the Corporations lack of compliance in addressing these issues.

The Town was awarded a second technical assistance grant (TAG) by the Massachusetts Department of Environmental Protection (DEP) and has applied for a third to allow it to continue to evaluate and monitor the assessment, proposed remedial options and remediation activities underway to address these hazardous material releases at the yard. A preliminary report from the town's consultant, Geoin sight, Inc., is included with this letter. Unfortunately, the assessment cannot be completed due to the incompleteness or lack of DEP required reporting by the railroad and its consultants. The DEP has assigned new due dates for the reporting, as indicated in the Town's document. Until this material is received and reviewed, the town cannot be assured that the level of effort is sufficient to address the issues indicated. Because of this, the Town requests that the comment period be extended until November 30, 2008, and the STB take no action on the Environmental Appendix before that date or find that an Environmental Assessment is necessary.

It should also be noted that these hazardous waste sites are subject to the Public Involvement Process (PIP) under Massachusetts Contingency Plan regulations. One PIP (that combined activities from three of the sites) is unsatisfactory and will be appealed by the Town. The corporation is not in compliance with the PIP process for the two new additional sites and a third PIP will now be added due to a new release two weeks ago. There is a

preliminary agreement with the railroad's consultant to combine all the 3 new (as of the last 3 years) sites into a single plan and move forward. Unfortunately, that effort and the information it will provide will not occur until well after the current comment period on the Environmental Appendix.

There is a DAF wastewater treatment plant operated on the site and a number of stormwater outfalls into the Connecticut River at a point considered to be priority spawning habitat for the only federally endangered species on the river. The Town found that the Corporation had been out of compliance with the original NPDES permit, had worked with U.S. Environmental Protection Agency to oversee the permit revision, and ultimately found it necessary to object to the Storm Water Pollution Prevention Plan (SWPPP) filed by Pan Am with the EPA. EPA subsequently issued an Administrative Order on the matter. Documentation on the matter is enclosed.

The final concern involves air quality impact due to diesel idling. Some of the air quality issues should be improved along the rail line once the tracks are improved and upgraded due to the elimination of the time necessary to recrew the trains. Idling of the trains in the yard and the exhaust from the training moving through the yards is still an issue. Since the Connecticut River valley is prone to air inversions, smog conditions result due to the exhaust in the yard that have been reported to the Board of Health, the health agent, the police, and the state police by residents sometimes several miles down the valley. The town recently learned that the railroad had conducted air quality testing in some areas of the yard, but the data is available at this time. The Town has requested this current data as well as some additional testing information in the areas experiencing severe air pollution episodes from Pan Am, but unfortunately will not be able to receive and review the existing data or conduct additional testing prior to the deadline for the comment period. The Town has also been informed that the railroad is equipping it engines with APUs. While 17% of the engines have been converted, there is no firm timeline for converting the remainder nor has the company affiliated with Northeast Diesel Collaborative to advance the process.

Pan Am Railways and its predecessors have long been part of the Town of Deerfield. The Town is aware that the proposed Pan Am Southern "Patriot Corridor" may have significant economic benefits to the region in general and Deerfield in particular. These benefits do not eliminate the need for a careful review of the proposal and its prospective impacts. Consequently, the Town respectfully requests that the Board offer the town the opportunity to resolve the matter either through an extension of the comment period which will allow for further resolution of the current impacts and additional research by the town. If the Board will not grant an extension to this extremely short comment period, we request that you require an Environmental Assessment.

Sincerely,



Bernard R. Kubiak  
Town Administrator

Enclosures

pc: Board of Selectmen/Board of Health  
Hon. John Olver, Member of Congress  
Secretary Bernard Cohen, Executive Office of Transportation, Commonwealth of Massachusetts