

PAN AM SOUTHERN LLC

EI-17960

1700 IRON HORSE PARK
NORTH BILLERICA, MA 01862-1681

KB

FD 35147

November 13, 2009

VIA OVERNIGHT MAIL

Carl F. Dierker
Regional Counsel
U.S. EPA, Region 1
1 Congress St., Suite 1100
Boston, MA 02114-2023

Martin Suuberg
Regional Director
Massachusetts Department of
Environmental Protection, Central Region
627 Main St.
Worcester, MA 01608

Re: Pan Am Southern LLC San Vel Automotive Facility, Ayer, MA

Dear Messrs. Dierker and Suuberg:

This letter follows up on requests for clarification contained in your October 20, 2009 letter acknowledging receipt of the information Pan Am Southern LLC (PAS) submitted to your offices by letter dated October 8, 2009, which supplements significant amounts of information previously submitted to your offices by PAS regarding the San Vel Automotive Facility in Ayer, MA being constructed by PAS. In your October 20 letter, you indicated that the U.S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (DEP) (together, the Agencies) were continuing to review the information in PAS's October 8 submittal. We note that PAS anticipates completing construction of the locomotive containment area after receipt of the geotextile liner, which is anticipated to occur early in the week of November 16. In addition, this letter responds to certain requests for clarification submitted by Engineering & Consulting Resources, Inc. (ECR), the consultant for the Town of Ayer, regarding the locomotive containment area and planned deicing procedures, as well as a verbal inquiry during the November 4, 2009 construction site meeting by the Town of Ayer Fire Department regarding emergency access roadways.

Your October 20 letter notes an apparent conflict between the text of the October 8 cover letter and the post-construction Operation and Maintenance (O&M) Plan #2 in that the former reflects an average of weekly sweeping while the latter indicates yearly sweeping. The October 8 letter correctly reflects the agreement to sweep weekly using mechanical means. As of that date, PAS had not updated the post-construction O&M Plan #2. The Standard Operating Procedure (SOP) for facility operations, which PAS previously agreed to prepare and provide to the Agencies and the Town of Ayer, will incorporate the relevant parts of O&M Plan #2 and specifically will state that internal driveways and parking lots that are reasonably accessible by mechanical sweeping

equipment will be swept by mechanical means on an average of a weekly basis, weather permitting.

Your letter next notes that the design plans note energy dissipaters in several locations but the plans did not contain details of the energy dissipaters. Energy dissipaters are located at the end of each drainage outlet pipe, as reflected on sheets S-1, S-2 and S-3. Sheet CD-4 has been revised to show the detail of a typical energy dissipater, with stone at the pipe outlet to prevent erosion. In addition, as shown on sheets S-1 and S-2, stone check dams will be located in the entrance "throat" to the retention areas to control the velocity of the stormwater and aid in further infiltration. Sheet CD-4 has been revised to show the detail of a typical check dam. Consistent with Massachusetts stormwater guidelines, the design had originally contemplated a sediment forebay, which is the long swale upstream of the retention area where the check dams are now located. Sheets S-1 and S-2 have been revised to specifically mark the location of the sediment forebay before stormwater enters the retention area. Attachment I contains the revised plans. We note as well that, after discussion with and approval by the DEP's stormwater expert, due to availability issues and technical feasibility, the 18-inch gate valves previously requested by the Agencies have been replaced with 18-inch butterfly valves. The butterfly valve is typically more appropriate than a gate valve for larger diameter pipes and provides the same function.

Finally, as requested in your letter, sheets S-1, S-2 and S-3 have been revised to include nine anticipated snow storage areas. These specific snow storage locations are for demonstration purposes only, and snow may be piled in other areas of the site depending on operations (e.g., vehicles parked in storage areas), in emergency situations, or for safety reasons. However, any snow piled on the site will be located such that melting snow will not bypass appropriate pretreatment structures, and this protocol will be included in the SOP.

In addition, during the regularly scheduled November 4, 2009 construction meeting, ECR, on behalf of the Town of Ayer, provided a letter containing comments regarding the locomotive containment area and de-icing procedures. This letter is enclosed as Attachment 2. ECR expressed satisfaction with the design of the locomotive containment area, and commented only in relation to operations in and near the containment area. Specifically, ECR noted that the containment area underlies two of the four tracks that enter the facility, and requested that the SOP address this issue. The SOP will include a protocol that, except in emergency situations, locomotives will idle or park for extended periods only on the tracks located over the containment area. Please note that facility operations and the existence of the SOP or any other measure that PAS is undertaking at the San Vel facility on a voluntary basis (including the additional detail and enhanced nature of the locomotive containment area) are not enforceable by the Town and are not within the jurisdiction of the EPA or DEP unless and until an event occurs that would result in such jurisdiction.

Carl F. Dierker, Regional Counsel, EPA
Martin Suuberg, Regional Director, DEP
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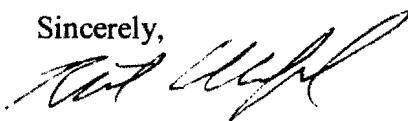
ECR also commented on the "potential use of de-icing salts" at the facility, and requested documentation that use of salts would be prohibited at the facility. As PAS previously indicated to the Surface Transportation Board (STB) during its Environmental Assessment process, no road salt or de-icing fluids will be used at the San Vel facility. The facility will be posted a "No Salt Zone," and PAS will use sand or similar inert material for creating safe winter operating conditions. The SOP will address the prohibition against use of salt at the facility.

In addition to ECR's comments during the regular construction meeting on November 4, 2009 as memorialized in the November 4 letter, at the same meeting, the Town of Ayer Fire Department inquired whether plowing of the emergency access road through the facility would be addressed in the SOP. The SOP will include safety measures such as facility plowing and will specifically address plowing of the emergency access road provided to Wagon Road residents that is on PAS property. In addition, the Fire Department requested a plan showing the emergency access road through the facility. The as-built drawings that will be provided to the Town once the facility is completed will show the emergency access road.

PAS appreciates the Agencies' review of and comment on the various items we have submitted. We note, however, that we are voluntarily providing extremely detailed information, including development of an SOP, and making significant modifications to the facility design that are not required by the STB's March 10, 2009 order. PAS has complied with the conditions of that order during the construction of the facility and to the extent any conditions relate to operations, PAS will comply with those requirements during operations.

If you have any questions regarding the information contained in this transmittal or any of the attachments, please contact the undersigned at (603) 816-0042 or rculliford@flypanam.com.

Sincerely,



Robert B. Culliford
for PAN AM SOUTHERN LLC

Attachments

cc: Evelyn Kitay, Associate General Counsel, Surface Transportation Board (*without attachments*)
Vicki Rutson, SEA Chief, Surface Transportation Board (*with attachments*)
Shaun A. Suhoski, Town of Ayer (*with attachments*)

LIST OF ATTACHMENTS

Attachment 1 Site Plans, Sheets 2, 3, 4, 9, revised 11/4/2009
Attachment 2 November 4 letter from ECR, on behalf of Town of Ayer

Too large to pdf.

- Available upon request



ECR, Inc.
PO Box 966
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(978) 500-3199
info@ecr-consulting.co

November 4, 2009

Mr. Robert B. Culliford
Pan Am Southern LLC
c/o Pan Am Railways
Iron Horse Park
North Billerica, Massachusetts 01862

Re: San Vel Automotive Facility
Ayer, MA

Dear Mr. Culliford:

On behalf of the Town of Ayer and the Ayer Department of Public Works, Engineering & Consulting Resources, Inc. (ECR) prepared this letter to document our concerns and request additional information regarding several specific issues related to the construction of San Vel Automotive Facility in Ayer, MA. These issues are as follows:

Below-Rail Containment Area

Design drawings of the proposed below-rail containment area were recently reviewed by ECR. The design includes several features that are, in ECR's opinion, significant improvements over the initial plan, including an expanded containment area, the addition of an alarm on the Stormceptor 450i, and the addition of two isolation valves. However, our concern is that the containment area appears to underlie only two of the four tracks that enter the automotive facility. This concern was discussed with personnel overseeing site construction, who stated that operating procedures will be in place to assure that locomotives will only idle or park within the containment area. Because these procedures are critical to the effectiveness of the containment area, they need to be strictly adhered to during operation of the facility. We understand that operating procedures will be documented in an Operating Plan that will be sent to Massachusetts Department of Environmental Protection (MassDEP) and the United States Environmental Protection Agency (US EPA) for review and comment. We request that the Town of Ayer also be provided with a copy of the Operating Plan (when available), including a description of the means of assuring compliance during operation of the unloading facility.

Storage and Use of De-icing Salts

The potential use of de-icing salts at the site is of concern because these chemicals would likely migrate into the underlying aquifer. It is our understanding that de-icing salts will not be used at the facility during construction or operation. We request that

this prohibition be documented in the Operating Plan, including a description of the means for assuring compliance.

Please feel free to contact me at (978) 500-3199 if you have any questions or comments regarding this letter.

Sincerely,
Engineering & Consulting Resources, Inc.



Richard E. Doherty, P.E., L.S.P.
President

cc: Martin Suuberg, MassDEP
Carl F. Dierker, US EPA
Evelyn Kitay, Surface Transportation Board
Daniel Nason, Superintendent, Ayer DPW
Shaun Suhoski, Ayer Town Administrator
Ayer Board of Selectmen
Ayer Board of Health
John Edwards, Pam Am Southern
Cynthia Scarano, Pan Am