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Savas C. Danos, General Manager

July 7, 2008

Ms. Anne K. Quinlan
Office of the Secretary
Case Control Unit
STB Finance Docket No. 35147
Surface Transportation Board
395 E. St. S.W.
Washington, D.C. 20024

**RE: Response to Environmental Appendix
Norfolk – Southern Railway Company
Pan Am Railways, Inc. et.al.
Joint Control and Operating Pooling Agreements**

Dear Secretary Quinlan:

With this letter, the Littleton Water Department of Littleton, Massachusetts (LWD), an abutter to the automobile unloading facility planned for Ayer, MA as part of this Pooling Agreement referenced above, takes exception to the *Environmental Appendix* supplied for this Pooling Agreement for the following reasons and concerns:

1. LWD was a formal intervener in the *Joint Petition for Declaratory Order – Boston and Main Corporation and the Town of Ayer, MA* decided on April 30, 2001. As a formal intervener with possible impacts from this development on both Ayer and Littleton water supplies, we take issue that we were not on the formal Service List for this filing.
2. The *Environmental Appendix* does not address in any manner possible impacts to the groundwater of the Ayer intermodal facility. This site is within a formal MA DEP approved Zone II to an Ayer municipal well and within the MA DEP Zone III to a Littleton municipal well. Greater than 2.5 mgd drinking water capacity may be affected if proper attention to stormwater and hazardous materials management is not paid. There is absolutely no mention, discussion or resolve of these issues in the *Environmental Appendix*.
3. The decision of the Surface Transportation Board of April 30, 2001 included 36 terms and conditions (STB Financial Docket # 33971). There is no reference or mention of any of these terms and conditions in this filing, nor have the proponents carried out the vast majority of the terms and conditions related to

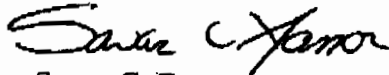


groundwater quality, monitoring, protection and/or stormwater management referenced therein.

4. The MA DEP has promulgated new stormwater regulations in sensitive areas, including Zone IIs and IIIs to municipal water supplies. These changes have been incorporated into 310 CMR 10.00, the Mass. Wetlands Protection Act Regulations, effective January 2008. In addition, MA DEP also applies the Stormwater Management Regulations when reviewing projects that require a water quality certification pursuant to 314 CMR 9.00. New stormwater pre-treatment and treatment requirements in sensitive areas (which include Zone IIs) will require a great deal of change to the original design. Again there is no mention or reference to stormwater management in the *Environmental Appendix* submitted.

The *Environmental Appendix* as it relates to the construction and operation of a new automotive trainload facility with 810 parking spots at the former San Vel site, on the Ayer/Littleton border is woefully lacking in any reference and/or detail with respect to groundwater and stormwater management in this sensitive Zone II area. These issues must be addressed in detail, based on the terms and conditions of the 2001 STB decision and current MA DEP criteria before any work commences on this environmentally sensitive property.

Respectfully submitted,



Savas C. Danos
General Manager

cc: Surface Transportation Board - SEA
Littleton Board of Water Commissioners
Littleton Board of Selectmen
Littleton Board of Health
Littleton Conservation Commission
Littleton Planning Board
Littleton Clean Lakes Committee
Ayer Board of Selectmen
Ayer Conservation Commission
Ayer Board of Health
Ayer Planning Board
Ayer PACE



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Fax

To: Ken Blodgett, SEA/STB	From: Savas Danos
Fax: (202) 245-0454	Pages: 3 , including cover
Phone:	Date: July 23, 2008
Re: STB Dock No. 35147	CC:

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

◆ **Comments:**

Good Morning Ken:

Thank you very much for calling me this morning regarding the environmental review of Docket # 35147, specifically as it pertains to well head/aquifer protection and stormwater management of the affected lands in Ayer, Massachusetts.

Attached is a copy of the letter I sent to your office and that of the Office of the Secretary.

Please feel free to call me for a further discussion of the important issues I am trying to raise, or email me at sdanos@lelwd.com

Thank you

Savas C. Danos
General Manager