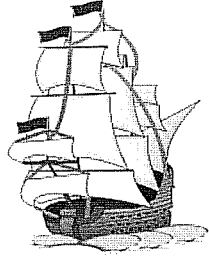


Supervisor  
Mindy A. Wormuth

Council  
Walter F. Polak  
Regina C. Parker  
Paul Hotaling  
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# TOWN of HALFMOON

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December 10, 2008

Mr. Ken Blodgett  
Case Control Unit  
Surface Transportation Board  
395 East Street, S.W.  
Washington, DC 20423-0001

Dear Mr. Blodgett:

Your office issued a press release on November 14, 2008 regarding the "Norfolk Southern Railway Company and Pan Am Railways application (Finance Docket No. 35147). With that an Environmental Assessment was prepared.

I wrote to your office on July 1, 2008 regarding this matter (see attached letter). In that letter we indicated that the Town of Halfmoon is an interested party. We have never received a response to this letter. We evidenced concerns regarding the following: "More specifically, the Town has concerns regarding the proposed project and the possible negative effects on traffic safety, light pollution, noise pollution, and security concerns regarding both the type of materials to be transported and the site itself. We also asked to be advised on any public meetings that would be held. To our knowledge none have been advertised or held.

A review of the Environmental Assessment provides us with grave concerns regarding the thoroughness of your review. No mention was ever made of lighting concerns in the report. Since we have Town of Halfmoon residents who will be affected by this facility we wonder why the area of concern was not mentioned.

In all of the review sections it appears that your document indicates:

1. "Negligible effects" on traffic
2. No adverse impacts to land use
3. No concerns about possible hazardous waste shipments
4. No adverse impacts on noise
5. The permitting process would mitigate impacts on the Anthony Kill

Some specific comments follow and are in addition to our general comments above:

- **S. Summary**
- Summary, S.3, Proposed Action and Alternatives
  - The paragraph indicates that the project is in the City of Mechanicville, NY. The project parcel is located in the Town of Halfmoon, NY
- **3. Affected Environment and Environmental Impacts**
- 3.1 Transportation, 3.1.1.3
  - Neither of the projected traffic volumes mentions the potential for project related growth with the vicinity of the proposed site. The Town of Halfmoon has two approved Light Industrial PDD's (totaling 1,150,000SF of potential use) within this vicinity that have the potential to affect, or have an affect on, the traffic patterns in this area.
- 3.2 Land Use, 3.2
  - Section 3.2.1 and Note 12 indicate that the project lies with in the Town of Halfmoon's Light Industrial and Commercial Zone (LI-C). The parcel is actually located within the Manufacturing Zone (M-1).
- 3.6 Water Resources, 3.6.1.1
  - This section states that there are no water bodies near the Mechanicville Facility that are listed on the New York 303(d) water quality-limited water bodies list. There is a 303(d) listed water body, the Dwaas Kill Creek, which is a tributary of the Anthony Kill. This may require pretreatment prior to recharge into a stormwater pond.
- 3.6 Water Resources, 3.6.1.1
  - The NYS Stormwater Management Design Manual (April 2003) states that detention ponds meet water quantity goals but are an unacceptable practice for water quality because of poor pollutant removal, therefore requiring additional practices for treatment.
- 3.6 Water Resources, 3.6.1.4
  - The NYS Stormwater Management Design Manual (April 2003) states that "For developments greater than 50 acres, with impervious cover greater than 25%, it is recommended that a detailed geomorphic assessment be performed to determine the appropriate level of control" for stream channel protection volume requirements.
- 3.8 Air Quality and Climate, 3.8.3, 3.8.4
  - This sections states that there is expected to be a small increase in toxic emissions and greenhouse gas emissions at the site. It does not clarify how this may be mitigated, such as plantings and landscaping that could filter out such particulates.
- 3.9 Noise and Vibration
  - The study does not indicate what time of year that the noise impacts were evaluated. It would seem that less vegetation during winter months could increase the noise exposure to the areas around the proposed site.

We may submit additional comments as more information becomes known and as we as a Town administer the local SEQRA process.

This review concerns our Town and its residents. While we understand the positive business results for the region we still feel our Town has not been involved in the process for review. Our citizens have not been given any opportunity for comment. We wonder why no public meetings were scheduled by your agency. I would appreciate hearing from you regarding our concerns.

Sincerely,

A handwritten signature in black ink that reads "Mindy Wormuth". The signature is written in a cursive, flowing style.

Mindy Wormuth, Supervisor  
Town of Halfmoon