

1514 Hillcrest Road
Lancaster, PA 17603
August 23, 2008

Keith A. Orris, Vice President for External Affairs
Franklin and Marshall College
P.O. Box 3003
Lancaster, PA 17604-3003

**RE: Franklin & Marshall College
Remedial Investigation Report and Cleanup Plan ("RICP")
Questions and Comments to Newspaper Notification of July 25, 2008 and RICP**

Dear Mr. Orris,

I am a resident of School Lane Hills and am concerned about the College's proposed activity at the LCSWMA site. What follows are questions and comments I have in response to the recent RICP. On June 19, our family was out of town on travel planned and paid for much earlier (February). I hope the College will consider these comments and questions.

Asbestos.

In your July 28, 2008 letter to Gary Brown, you reference that only two samples containing asbestos were found, and the asbestos was determined to be non-friable.

Question 1: Given you are planning to excavate 60,000 to 80,000 cubic yards of material, how can the College be confident that the relatively limited sampling done thus far has delineated the extent of any asbestos, particularly friable asbestos, that may be in the dump?

Your response to Mr. Brown indicates air monitoring will occur "During the initial stages of waste removal activities."

Question 2: What does "initial stages" mean? Won't the College be monitoring throughout the excavation?

Your response refers to your "site specific Health and Safety Plan."

Question (set) 3: Was that plan included in the RICP (all I saw in the RICP on this topic

was on pages 70 and 79 of same)? Has it been submitted to DEP? To the public? Will it be submitted to DEP? To the public? Does the Health and Safety Plan contemplate notice to the public if friable asbestos is being found and dug up?

Question 4: How will all residents have confidence that friable asbestos will not be released into the air to neighboring properties?

NEPA.

Question (set) 5: Why is public review of the CE only available after it being accepted by FHWA and PennDOT? Why does the College's proposed timing seem to contemplate proceeding with the RICP without first obtaining NEPA approval?

Question 6: On what basis does the College conclude that a NEPA environmental impact statement ("EIS") is not required?

Question (set) 7: Does the College intend to obtain the approval of the United States Surface Transportation Board ("STB"), including approval of a NEPA EIS, for either: (1) the RICP; or (2) the construction of the railyard? If "no", on what legal basis does the College conclude that such is not required (especially as to the construction of the railyard)? Also if "no", what independent administrative or quasi-judicial body does the College intend to have review the railyard proposal as to possible adverse effects therefrom, including noise, lighting, air emissions, etc.?

The issues of noise, lighting and air emissions are particular concerns of mine and many area residential property owners.

Question 8: Similarly, what body will review the proposed new railyard on the LCSWMA land and possible alternatives to it, including the possible alternate railyard locations that would not entail creation of a new railyard near residential areas?

Alternatives to the Clean Up.

Question 9: Is receipt of Act 2 certification a requirement of Norfolk Southern for its moving of its Dillerville Yard operation (in part) to the new railyard (on the LCSWMA property)? Is such certification a requirement of LCSWMA or any other party (and if so, please identify the party)?

Question 10: What alternatives analysis has been done to determine whether or not it would be preferable to leave the dump undisturbed, and what governmental entity (if any) has approved or will be solicited to approve the alternatives analysis?

Post Clean Up Use.

Question 11: Will the fill for which Act 2 approval is sought return the property to existing grades, or will the fill be to higher grades that will thereafter allow for construction of the railyard without further fill?

The July 25 newspaper advertisement indicates the post cleanup use will be for open space.

Question (set) 12: What will be the geographic extent of the open space use, i.e., is the open space limited to the LCSWMA tract, or will it extend to the tract owned by the College to the south of the LCSWMA tract, (No. 390-12J-2-8, Account No. 390-47445-0-0000; Deed Book F, Volume 82, page 554) (the "College Parcel")? Will the open space be preserved in perpetuity through a land use covenant or deed? Who is proposed to have enforcement rights as to the covenant?

Question (set) 13: Does the College agree that the existing trees, shrubs and other natural vegetation on the College Parcel will assist with buffering the noise to be generated on the LCSWMA tract associated with the RICP and the railyard use? If "yes", will the College be preserving the College Parcel as open space in perpetuity for the benefit of residents who would otherwise not have their noise so buffered? If "no", what assurance can the College give that the noise impact won't be exacerbated if there is further development of the College Parcel?

Question 14: When will the results of the noise study be made available? What noise mitigation measures are proposed for the excavation phase of the RICP and for the railyard use?

Question 15: What use does the College propose for the College Parcel?

Question (set) 16: Is the College proposing to connect, over the College Parcel and/or the LCSWMA parcel, the School Lane Hills neighborhood with the Crossings at Conestoga project (or to a trail network suggested for eastern East Hempfield Township in the area of the RICP project) via walking and/or bike (but in any event non-motorized) paths, open to the public? Does the College's RICP and post clean up design leave open the possibility for such non-motorized access, if deemed desirable either now or in the future?

Question 17: What input from residents has the College obtained or attempted to obtain as to Question 16?

Public Participation.

Page 14, paragraph 4 of the RICP (among various other parts of the RICP) references, under the heading of "public meetings and roundtable discussions", the occurrence of "community focus group and cottage meetings held earlier this year in the Barrcrest and School Lane Hills neighborhoods."

Question 18: Were any of the "community focus group and cottage meetings" open to the public generally, or instead were they by invitation only?

Question 19: How was it determined whom the College would invite to the community focus group and cottage meetings? Why didn't the College have more of such meetings, and/or solicit from the community information on who would be interested in attending such meetings?

Question 20: Page 14, paragraph 4 of the RICP refers to the June 19 meeting as "The Public Meeting." Were there any other public meetings, including those for persons who were out of town for the Public Meeting?

Question 21: Did the Public Meeting allow members of the public and their representatives to ask and have answered any and all relevant questions that they may have had? Did it allow for full questioning of the College's consultants without time limit or cut off of questions by College representatives?

Question 22: Will the College answer all relevant questions that members of the public and their representatives still have about either the RICP or the railyard?

Question 23: Is the College willing to have additional public meetings at appropriate times (for example, following production of NEPA documents and/or the production of noise studies)?

Thank you for your attention to the above questions and comments. I look forward to receipt of responses to the above in such manner as the College may see fit to make.

Sincerely,



George T. Cook

Enclosure

cc: Ms. Kathleen Horvath, P.G.
Bob Desmarais, President, School Lane Hills Homeowner's Association