

# FRANKLIN & MARSHALL

September 29, 2008

Dan Gillis  
TRRAAC  
1770 Wicklawn Drive  
Lancaster, PA 17603

Dear Dan:

I am writing in response to your September 7, 2008 correspondence regarding the NEPA review process for the overall Norfolk Southern Dillerville Yard Consolidation Project (Project).

First, let me say that Franklin & Marshall College and Lancaster General (Project Partners) have cooperated fully and have worked closely with PennDot and the Department of Transportation's Federal Highway Administration (FHWA) in proceeding through their NEPA review process. We had anticipated that our NEPA document and supporting information were going to be finished last month. However, we are still compiling the necessary information and have yet to submit our NEPA CE document.

Second, the NEPA process is an involved and extensive undertaking, which is directed by PennDot and FHWA, and can be difficult to understand given the nomenclature of the program. In an effort to address your requests, I will elaborate on my letter of July 28, 2008 to Gary Brown by providing a more detailed description of the steps for submitting a NEPA CE document and when information becomes available for public review.

When PennDot and FHWA conducted the NEPA site-scoping visit for the Project, it was felt that the initiative would qualify as an "excluded" project. Consequently, we have been working on our NEPA submission as a Categorical Exclusion (CE) document.

When PennDot receives a NEPA CE document and supporting information it reviews the submission and if acceptable confirms the classification and forwards the submission to FHWA for their review and final determination. At this point the supporting information becomes available to the public. However, the actual CE document is only made available to the public after it has been submitted, reviewed and accepted by FHWA. We will post the supporting information on our web site for public review upon notification from PennDot that they have referred the document to FHWA. At this point in time, I cannot predict the precise date when we will file our document and supporting information but expect it to occur sometime this fall.

With a CE determination the detailed environmental studies for noise, vibration and air quality that the Project Partners undertook are not required. Despite very conservative assumptions the studies' initial results indicated that further investigations would not be required based upon federal government noise, vibration and air quality standards. However, the Project Partners decided to pursue additional levels of studies to ensure that any significant detrimental impact would be avoided. While these studies are not required for the CE process, we have posted them, including a summary page for each report, on our website along with the presentation boards used at the information stations for the public meeting, which describe the environmental studies and the NEPA process

The June 19, 2008 Public Meeting was a chance for the public to comment on the NEPA document being compiled but not to review it. PennDot and FHWA believe the results of our noise, vibration and air quality studies and the release of them at the public meeting are part of our public involvement responsibilities for the NEPA process.

As the lead federal agency under NEPA, FHWA has the final responsibility to determine the appropriate level of NEPA documentation. From the scoping visit and information provided to date, FHWA appears to believe that a CE is the appropriate level of NEPA documentation.

The Remedial Investigation Report and Cleanup Plan (RICP) is part of the Pennsylvania Department of Environmental Protection's (DEP) Act 2 Program associated with the removal of non-media material on the Lancaster County Solid Waste Management Authority's (LCSWMA) property. A NEPA review is not required for the removal of the non-media material because the work has an independent utility and no federal funding is being used to accomplish the work.

The reference to the Public Involvement Plan (PIP) included in the RICP in my July 28, 2008 letter was meant to indicate that there is another opportunity for public review other than the NEPA process.

The Project Partners must adhere to the procedures for the NEPA CE process as managed by PennDot and FHWA. Be assured that if PennDot accepts our NEPA CE document, confirms the classification and forwards the submission to FHWA for their review and final determination, we will post the supporting information for the submission on the website at that time.

With regard to your request to provide evidence on how real estate values are impacted, I respectfully remind you that I made the same request of you and TRRAAC months ago when you declared in public notices that the Project would destroy neighborhood values. To date I received no response or documents from TRRAAC. I believe that both of us have discovered that there is no generally accepted methodology or real estate analysis to predict impacts on property values from different types of projects. However, given that our environmental studies for sound, vibration and air quality found that any impact will be below federal government standards for mitigation it is reasonable to expect that as

with most real estate, it will be zoning and individual owner maintenance that ultimately impacts property values.

Finally, you identified three documents which have "...yet to be made available to the public..." based upon your review of the RICP and DEP files: the September 2002 Environmental Due Diligence Investigation, the February 6, 2006 Step 1 Work Plan and Appendix E of the RICP filing - laboratory analysis of the asbestos samples taken earlier this year. According to our consultant, ARM Group, the first report is a document prepared by them for LCSWMA and used by LCSWMA in considering the purchase of lands owned by the former Lancaster Malleable Castings Corporation. This report is not the property of or in the possession of the Project Partners. The second document, the February 6, 2006 Step 1 Work Plan Report was a business proposal that became a contract between our counsel, Barley Snyder, and our consultant, ARM. It contains a scope of services and price quotation for what ARM referred to as the Step 1 work (initial site investigation of the LCSWMA parcel). The results of this work were completely incorporated into the July 23, 2008 RICP submission. Finally, the laboratory analysis of asbestos content of floor tile samples was inadvertently omitted from Appendix E when ARM Group copied the original RICP submission dated July 23, 2008. This omission was corrected with a supplemental filing made to DEP on September 17, 2008. This filing was inserted in the documents on public display as well as on the Project website

I will close by stating what has been said on a number of occasions that the Project Partners' are striving to be transparent regarding the Project. To this end we held numerous neighborhood meetings, sent an extensive FAQ mailer, held a public meeting and continue to update our website when relevant information becomes available. However, in many instances the regulations of the governmental programs impacting the Project are what determine when information can be made available to the public. I trust you can appreciate our position.

Thank you for your recent letter and I hope the above information addresses your questions. We will continue striving to respond to correspondence in a timely manner throughout the course of the Project.

Sincerely,



Keith A. Orris

cc: Gary R. Brown  
Greg Vaughn, PennDot  
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