



Woburn Neighborhood Association, Inc.

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EI -2163

April 27, 2006

Phillis Johnson-Ball
Surface Transportation Board
1925 K Street NW
Washington, DC 20423

Re: Finance Docket No. 34797

Dear Ms Ball:

Thank you for giving us the opportunity once again to comment on New England Transrail, LLC d/b/a Wilmington & Woburn Terminal Railway – Construction, Acquisition and Operation Exemption – In Wilmington and Woburn, MA

In reading your letter dated April 7, 2006 we do have concerns regarding adverse potential environmental impacts. We find it hard to believe that there would be any beneficial impacts regarding the health of the residents in both the communities of Wilmington and Woburn.

- 1) On page 3 paragraph one states: “According to NET, part of the transloading operations would include the unloading of construction and demolition waste onto a concrete floor at the north end of the transloading structure **and inspected to ensure consistency with the terms of its bill of lading and that it contains no hazardous waste.** “

Also: Other shipments of municipal solid waste would arrive as bulk material. **These shipments would be inspected** and either loaded into containers or baled for loading onto rail cars.”

This is very troubling to say the least. Who is going to inspect and make sure that there is no hazardous waste? Did you ever hear of the saying “those that test control the results”? This was a quote from Jan Schlitchman, lawyer of the “Woburn Civil Action” where children died from drinking the water of G & H Wells in Woburn, MA, which is now a Superfund Site.

- 2) On page 3 paragraph two states: “NET expects that **approximately 400 trucks** daily would enter and exit the proposed transload facility. Net **estimates** that the transload facility would generate **fifteen rail carloads per day initially.**”

Approximately 400 trucks daily ! Estimate fifteen rail carloads per day initially!
We all know what this means, don't we.

3) Since NEPA has required an environmental review the following as stated by NEPA in their policy should prevail!

Purpose

Sec. 2(42USC – 4321)

The purpose of this Act are: To declare a national policy which will encourage **productive and enjoyable harmony between man and his environment**; to promote efforts which will **prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man**; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on environmental Quality.

To allow New England Transrail, LLC to operate a Regional Trash Transfer Station is not as described above to the purpose of NEPA. How can there be harmony between man and his environment? The only productivity will be the increasing contamination, traffic, noise and pollution to man and our environment.

To prevent or eliminate damage – There is a great possibility that NET will contribute to the damage of the Olin site and surrounding neighborhoods.

To stimulate the health and welfare of man – To succeed in this is to deny New England Transrail, LLC their petition.

Congressional Declaration of National Environmental Policy

Sec. 101 (42USC 431).

(b) 2. Assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

How can the STB or New England Transrail, LLC state that under NEPA's policy this applies? NO WAY will this be a safe, healthful, productive and aesthetically and culturally pleasing surroundings! The human environment is at stake here !

(b) 3. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

NET's operation on the Olin Site will be degrading to both communities as well as a risk to health. It definitely will be undesirable and the consequences – **environmental injustice !**

The safety of the residents (and there are many) cannot be overlooked. The STB needs to take a site visit! Not by air but by meeting the residents and seeing for themselves that this site is a risk to many!

(b) 5. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities;

There cannot be a balance or high standards of living for the residents who have to live, breath and put up with the environmental injustice to all in the communities of Woburn and Wilmington. How would one of you like to be living here? Please take into consideration the policy that NEPA should adhere to.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

Contamination knows no Boundaries!

For over 20 years the EPA has been working on the cleanup of two Superfund Sites: Industri-Plex and Wells G & H that feed into the Aberjona River. To have New England Transrail, LLC threaten the work of the EPA would be a sad state of affairs for all. A point of interest; we now have a third Superfund Site – Olin Chemical and all three Superfund Sites are within a few miles of each other and ALL have contributed to the contamination of the Aberjona River. We do not need another party (NET) contributing to the environmental injustice in our communities. Enough is enough !

Again, the Woburn Neighborhood Association, Inc. who is represented by over 350 residents is stating for the record that we are opposed to New England Transrail, LLC operation at the Olin property on 51 Eames Street, Wilmington, MA.

For the health, safety and welfare of the residents in the communities of Woburn and Wilmington, take into affect the Human Environment. The quality of life of the residents surrounding this site will be altered forever. New England Transrail, LLC will be adding insult to injury. And by the approval of the Surface Transportation Board they will be to blame as well. This will be another environmental disaster to both communities.

Sincerely,



Linda Raymond, Co-Chairman
Woburn Neighborhood Association, Inc.

Cc: US Senator, John F. Kerry
US Senator, Edward Kennedy
Congressman, John Tierney
Congressman, Edward Markey
State Senator, Jarrett T. Barrios
State Senator, Bruce E. Tarr
State Senator, Dianne Wilkerson
State Senator Robert Havern
State Representative, Charles Murphy
State Representative, Patrick Natale
State Representative, James Miceli
State Representative, Jay Kaufman
EOEA Secretary, Ellen Roy Herzfelder
EPA Regional Administrator, Robert W. Varney
Honorable Woburn Mayor, Thomas L. McLaughlin
Woburn City Council President, Charles Doherty
Wilmington Board of Selectman
Wilmington Town Manager, Michael Caira
President Dr. Kathleen Barry, Woburn-Wilmington Collaborative
Fred R. Moore, Saugus MA
Stephen R. Sasala, Waterbury Regional Chamber
Paul J. Meaney, Woburn Business Association
Siu Tip Lam, MA Office of Attorney General
Edward Greenberg, Esq. Galland, Kharasch, Greenberg, Fellman&Swinsky,P.C.
Laura Swain, Esq, Department of Environmental Protection
Nyjah Wyche, Black Males Health-University MA
Arthur Williams, National Agenda Convention, Inc.
P. Christopher Podguski, Podguski Corp.
Thomas E. Dew, Berry Moorman
M. Barbara Sullivan, Wilmington MA
Arthur Mansilla, United Tool & Die Co, Inc.
Susan Ruch, Esq. MA DEP, Region I
John W. Carrington, Hiram Grand Lodge A.F. & A.M., Inc.
Tim Conway, U.S. EPA, Region I
Deborah L. Duggan, Wilmington MA
Robert A. Rio, Associated Industries of MA
Patrick J. Cane, Mercer County Improvement Authority
Deutsch Williams Brooks Derensis & Holland, P.C.
J. Patrick Berry, esq. Baker Boots LLP