

W.W.C

Wilmington-Woburn Collaborative
14 Powder House Circle
Wilmington, MA 01887

January 30, 2008

Submitted Electronically:

The Honorable Vernon W. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423
ATTN: Ms. Phillis Johnson-Ball

Re: Petition for exemption by New England Transrail, LLC, d/b/a Wilmington & Woburn Terminal Railway (NET) pursuant to 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 to acquire in part, to construct in part, and to operate as a rail common carrier a total of approximately 7,500 feet of trackage located in Wilmington and Woburn, MA. Filed on December 5, 2005

Docket #: FD_34797_0

Dear Ms. Johnson-Ball,

The Wilmington-Woburn Collaborative (WWC) appeals to the Surface Transportation Board to reject this petition for exemption from the formal application procedures of 49 U.S.C. 10901, which requires the completion of a full Environmental Impact Statement. It is NET's intention to operate a trash transfer station at 51 Eames Street in Wilmington, MA.

This project when first introduced to you, was to operate a truck to rail reload facility where all commodities would be transported by railway to the property in closed and sealed containers. Only lumber would be exposed and stored on the property and only one sprung structure would be necessary. This proposal is far different from the original description and far more concerning as well. NET states that, upon commencement of rail operations, it would receive at its facility, and would provide rail transportation for, a variety of commodities, including, among others, sand and gravel, plastic resins and liquids, municipal solid waste, and construction and demolition debris. It has elaborate designs of multiple sprung structures and holding areas.

The present proposal details the proposed solid waste activities. Municipal solid waste will be transferred into hoppers and there will be grinding and bailing of such solid waste. This activity is consistent with a solid waste trash transfer station operation having very little to do with rail transportation. This facility is nothing more than a trash transfer

station including construction and debris operating under the guise of a railroad company. This ruse employs them to seek your exemption status thus allowing them to operate with little or no oversight.

As noted in their petition language, rail acquisition and construction is only “in part” of their operations. They seek this exemption only to usurp local and state authority. We agree with the Massachusetts Department of Environmental Protection’s position that this operation should fall under their jurisdiction and authority. We also agree with the National Solid Waste Management Association’s position that in granting this exemption, it gives this competing company an unfair advantage and allows them to operate without compliance to the same rules, permits and regulations as others in their industry.

We in the community however wish to be clear and concise in our opposition. We find it offensive that NET continues to re-apply, change their intended operations, disregard federal, local and state expert opinion, and not only ignore the environmental peril that presently exists on this 53-acre property, but seeks to intensify rather than attenuate the existing condition of the property.

This site is now under the Federal Environmental Protection Agency’s (EPA) Superfund jurisdiction. Nearly 450 residents have submitted letters to your board opposing this proposal and this exemption. In that petition letter, the community wishes the site be fully characterized, evaluated and investigated by the EPA before any redevelopment project begins. It is in our opinion that the EPA should have unfettered access to source site areas on the property in investigating newly found constituents and that potential usage of this site and remedial alternative selections should fall under the EPA after new risk assessments can be measured.

Other concerns of the community previously raised are enumerated in a letter from this organization to you on September 14, 2004. NET has falsely and haphazardly interpreted Environmental Justice. It has sparsely evaluated the cumulative air quality issues of the region. It has ignored recent trends and reports that there is more to the contamination issue on the property and throughout the site than those presented by the applicant and the present property owner. NET has not considered the poor infrastructure and roadways, which cannot support a project of this magnitude, and it continues to falsely evoke that this is a non-residential area.

I would submit to you that if a full environmental analysis was conducted, it would conclude that this property and site is incompatible for this company and its operation would further exacerbate and imperil the community, its environment and health.

This community cannot be put at any further risk. As it stands right now, the environment in this region and hazards from this property are under investigation as a precipitating factor in our childhood cancer cluster.

Please do not let NET *use* the federal exemption process to contravene local and state laws designed to protect our health and welfare.

Thank you once again for the opportunity to provide comment to this petition. I would also ask that previous comments provided to you from the community, the Concerned Citizens Network, and The Woburn Neighborhood Association be brought forward and considered in your decision.

Sincerely,

Kathleen M. Barry,

Kathleen M. Barry, Chair,
Wilmington-Woburn Collaborative

cc:

The Honorable Edward M. Kennedy, US Senate
The Honorable John F. Kerry, US Senate
The Honorable John Tierney, US House of Representatives
The Honorable Edward Markey, US House of Representatives
The Honorable James Miceli, MA House of Representatives
The Honorable Patrick Natale, MA House of Representatives
The Honorable Charles Murphy, MA House of Representatives
The Honorable Bruce Tarr, MA Senate
The Honorable Robert Havern, MA Senate
Michael Caira, Wilmington Town Manager
Thomas McLaughlin, Woburn Mayor
The Wilmington Board of Selectman
The Woburn City Council
Ellen Roy Herzfelder, Secretary EOE