



Stanley H. Kellerhouse Municipal Building
One Van Wyck Street
Croton-on-Hudson, NY 10520-2501

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February 23, 2009

Attention: STB Ex Parte No. 684

Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

To Whom It May Concern:

These comments are filed in response to the January 14, 2009 Notice of Proposed Rulemaking issued by the Surface Transportation Board. The Notice contained proposed rules to implement the provisions of the Clean Railroads Act of 2008, Pub. L. No. 110-432, 122 Stat. 4848, and indicated that comments on the proposal could be submitted to the Surface Transportation Board by February 23, 2009.

The Village of Croton on Hudson has reviewed the Notice of Proposed Rulemaking, and the comments prepared on the Notice by the National Solid Wastes Management Association, which are being submitted to you by separate letter, and we adopt the comments of the National Solid Wastes Management Association except for one amendment as follows:

On the last page of their letter, next-to-last paragraph, this is the last sentence:

To ensure that there is an actual controversy, it might be appropriate for the Board to also seek information that the facility has operated for at least one day since the date of enactment, but there is no reason to require that the facility be in operation on the date the petition is filed.

The Village would like this sentence to be revised to read:

To ensure that there is an actual controversy, the Board should also seek information that the facility has lawfully operated as a solid waste facility on a commercial scale for at least 30 days since the date of enactment, but there is no reason to require that the facility be in operation on the date the petition is filed.

Thank you for the opportunity to comment on this proposal.

Sincerely,

Janine King, Assistant Manager

On behalf of Abraham Zambrano, Village Manager, and Mayor and Village Board of Trustees