

Attention: STB Ex Parte No. 684

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

To Whom It May Concern,

These reply comments are filed in response to the January 14, 2009 Notice of Proposed Rulemaking issued by the STB. 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 STB by Feb 23, 2009, with reply comments due 320 days later by March 23, 2009.

The following comments are submitted:

HIRR Solid Waste facility should not be established against the property lines of residential zone and residential homes (more than 50).

The debris, i.e. paint chips, asbestos, sheetrock, trash, etc, blows into residents' yards on a daily basis.

Noise, diesel clouds and diesel fumes and vibrations affecting residents this facility is up against. Roofs are turning black, plants are dying and cracks in foundations are occurring.

How does a facility process solid waste when it does not have an "exemption" to do so from the STB?

Residents are being sued by the facility and properties are attempted to be seized when they call the DEP and the County Health Department to report noise, diesel clouds, smells, debris, vibrations. Is this not a violation of CIVIL RIGHTS?

Re: Docket 34695 which states the "exemption" is for wine, steel and lumber, not SOLID WASTE. Where in this granted exemption is the SOLID WASTE facility mentioned and the building included in the site plan?

The STB needs to perform a site visit to the surrounding neighborhood to see if the site proposed to the STB is appropriate or not. Judge's courts orders should be honored and not overlooked where prohibitions have been established.