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IMPROVEMENT
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215310

Executive Director
Norman M. Guerra

Deputy Executive Director
E. Junior Maldonado

General Counsel
William J. Netchert, Esq.

December 7, 2005

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street N.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings

DEC 8 2005

Part of
Public Record



Re: Formal Comment on Petition for Declaratory Order
National Solid Waste Management Association, et al
FD-34776

Dear Secretary Williams:

Enclosed please find the Comments of the Hudson County Improvement Authority and the Hudson County Solid Waste Management District in support of the Petition for Declaratory Order filed by the National Solid Waste Management Association, et al, Finance Docket Number 34776.

Sincerely,

Norman M. Guerra ^{1/75}
Norman M. Guerra
Executive Director

Enclosure

**BEFORE THE
SURFACE TRANSPORTATION BOARD
FINANCE DOCKET NO. 34776
COMMENTS OF THE HUDSON COUNTY
IMPROVEMENT AUTHORITY
AND
THE HUDSON COUNTY SOLID
WASTE MANAGEMENT DISTRICT
IN SUPPORT OF THE PETITION OF
NATIONAL SOLID WASTE MANAGEMENT ASSOCIATION, ET AL
FOR DECLARATORY ORDER**



Norman M. Guerra, Executive Director
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Office of Hearings
DEC 8 2005
Public Access

**BEFORE THE
SURFACE TRANSPORTATION BOARD
FINANCE DOCKET NO. 34776
COMMENTS OF THE HUDSON COUNTY
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INTRODUCTION

The Hudson County Improvement Authority (“HCIA”) was designated the sole agency responsible for the implementation of the Hudson County District Solid Waste Management Plan in 1987. The HCIA is charged with the responsibility of solid waste planning in accordance with N.J.S.A. 13:1E et seq. and N.J.A.C. 7:26 et seq. Hudson County is the most densely populated county in New Jersey as well as one the densest in the country. Because of this, the HCIA’s concern for the proper siting, construction and operation of any solid waste facility takes on a more urgent sense and makes it more incumbent upon the HCIA to insure that all health, safety and environmental concerns are addressed and satisfied.

COMMENTS

1. The Site in question is within the Hudson County Solid Waste Management District and has been the subject of numerous complaints by residents, local officials and public health agencies. The number of complaints against this and similar facilities within Hudson County far outweigh those received for traditional solid waste transfer station operators. It is safe to conclude that because of the more stringent regulations and oversight the traditional solid waste facilities are subject to, there is less incentive to “cut” corners for the sake of higher profits, to the benefit of the public.
2. While the HCIA does not question the Surface Transfer Board’s jurisdiction over the normally accepted operations of railroads, the transformation of these operations into those of a traditional solid waste transfer station is nothing short of the unethical elements of the solid waste industry to utilize the railroads’ exempt status in an attempt to extrude an advantage over the traditional transfer stations, who are subject to intensive local regulation, at the expense of the health and safety of the populace of Hudson County and its environment. Rail solid waste transfer facilities should be subject to extensive local scrutiny similar to traditional solid waste transfer stations

since their operations are not intrinsic to the widely acknowledged transportation activities of railroads and also significantly impact the public in the surrounding area. Unlike intermodal facilities where solid waste is strictly transferred in sealed containers on to rail cars for transport, the dumping and reloading of solid waste at a rail facility is an operation fraught with environmental issues and potential deleterious effects on public health, safety and welfare.

3. The tri-state area, and New Jersey and New York in particular, have in the past been the subject of numerous investigations and scandals regarding organized crime involvement in the solid waste industry. Both New Jersey and New York City have taken significant steps to insure that only qualified and reputable persons and companies operate in the public domain. This can only be effectively done at the local and state levels where constant vigilance and oversight can be practically accomplished. Officials in each of their respective locales are the ones who day-in-day-out interact with the industry and the neighborhoods affected by solid waste facilities. A one-size fits all philosophy or rule can never fully work given the vastness of the land or the particulars of a community.
4. Rail has been the backbone of this country's transportation system and its economy for over a hundred years. It has made it possible for products to be transported over a great many miles at relatively little cost. However, solid waste is a locally-generated "product" whose characteristics require a high level of local regulation and control so as to minimize or eliminate the potential for health and environmental damage. The HCIA views rail as a natural progression in its quest for a reliable and cost-effective component of the Hudson County disposal system. The HCIA does not want to sacrifice lower environmental oversight for reduced cost.

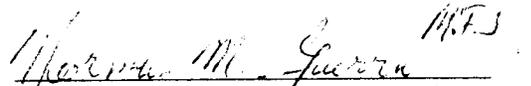
CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Comment was served this 7th day of December, 2005, upon the following by first class mail:

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