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January 20, 2006

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SURFACE
TRANSPORTATION BOARD

BY HAND DELIVERY

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

Re: Finance Docket No. 33388 (Sub-No. 100)
CSX Corporation, et al. - Control and Operating Leases/Agreements
- Conrail Inc., et al. (Petition for Supplemental Order)

Dear Secretary Williams:

Enclosed for filing in the above-referenced proceeding are the original and ten copies of Bridgewater Resources, Inc.'s and ECDC Environmental, L.L.C.'s Petition for Clarification Or In the Alternative for Supplemental Order - North Jersey Shared Assets Area. Also enclosed are a check for \$200.00 to cover the filing fee for the Petition, and a CD containing the text of the Petition including the supporting Verified Statement of Paul H. Reistrup in WordPerfect 8.0 format.

Kindly acknowledge receipt of these materials by date-stamping and returning the enclosed extra copy of this letter to our messenger.

Sincerely,

Christopher A. Mills

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JAN 20 2006

SURFACE
TRANSPORTATION BOARD

CAM:dmb
Enclosures

cc: David M. Konschnik (STB Office of Proceedings)
Service List per Certificate of Service

BEFORE THE
SURFACE TRANSPORTATION BOARD



CSX CORPORATION AND CSX)	
TRANSPORTATION, INC., NORFOLK)	
SOUTHERN CORPORATION AND)	
NORFOLK SOUTHERN RAILWAY)	Finance Docket No. 33388
COMPANY – CONTROL AND)	(Sub-No. 100)
OPERATING LEASES/AGREEMENTS –)	
CONRAIL INC. AND CONSOLIDATED)	
RAIL CORPORATION)	(Petition for Supplemental Order)

PETITION FOR CLARIFICATION OR IN THE ALTERNATIVE FOR
SUPPLEMENTAL ORDER – NORTH JERSEY SHARED ASSETS AREA

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TRANSPORTATION BOARD

BRIDGEWATER RESOURCES, INC.
ECDC ENVIRONMENTAL, L.L.C.

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Dated: January 20, 2006

Their Attorneys

TABLE OF CONTENTS

I.	Background and Summary	2
II.	The Board Should Clarify that the BRI Facility is Located Within the NJSAA ..	7
III.	The Public Interest Warrants Issuance of a Supplemental Order Authorizing Conrail to Switch the BRI Facility	8
IV.	Possible Alternative Method of Service the BRI Facility	14
V.	Proposed Procedural Schedule	16
	Conclusion	17

Verified Statement of Paul H. Reistrup

I.	Background and Qualifications	1
II.	Purpose and Scope	3
III.	Description of the NJSAA in the Port Reading Jct. Area	3
IV.	Rail Operations/Service to the BRI Facility	9
V.	Other Possible Alternatives to Present Method of Switching Cars between the BRI Facility and Manville Yard	12

Exhibit 1	Map of the North Jersey Shared Assets Area
Exhibit 2	Vicinity Maps
Exhibit 3	Rail Facilities at Port Reading Jct., NJ
Exhibit 4	Conrail Station Pages and Special Instructions
Exhibit 5	Schematic Drawing of C.P. Port Reading Jct.
Exhibit 6	Copy of March 6, 2004 Fax to ECDC
Exhibit 7	Possible Improvement – C.P. Port Reading Jct.

Appendix: Citation/Fine Notices Issued to BRI by New Jersey Department of Environmental Protection

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

CSX CORPORATION AND CSX)	
TRANSPORTATION, INC., NORFOLK)	
SOUTHERN CORPORATION AND)	
NORFOLK SOUTHERN RAILWAY)	Finance Docket No. 33388
COMPANY – CONTROL AND)	(Sub-No. 100)
OPERATING LEASES/AGREEMENTS –)	
CONRAIL INC. AND CONSOLIDATED)	
RAIL CORPORATION)	(Petition for Supplemental Order)

**PETITION FOR CLARIFICATION OR IN THE ALTERNATIVE FOR
SUPPLEMENTAL ORDER – NORTH JERSEY SHARED ASSETS AREA**

Bridgewater Resources, Inc. (“BRI”) and ECDC Environmental, L.L.C.

(“ECDC”) hereby jointly petition the Board pursuant to 49 U.S.C. § 11327 to issue an order clarifying or supplementing the limits of the North Jersey Shared Assets Area (“NJSAA”) established as part of the Conrail control transaction, as approved by the Board in *CSX Corp., et al. – Control – Conrail Inc., et al.*, Decision No. 89, 3 S.T.B. 196 (1998) (“*Decision No. 89*”). Specifically, BRI/ECDC request the Board:

1. to clarify that BRI’s waste transfer facility located near Port Reading Jct. in Bridgewater Township, Somerset County, NJ (“BRI facility”) is within the NJSAA and/or that switching service between the BRI facility and CSXT’s Manville Yard can be performed by Conrail pursuant to the North Jersey Shared Assets Area Operating Agreement.

In the alternative, if the Board concludes that the BRI facility is not located within the NJSAA and/or cannot presently be switched by Conrail, BRI/ECDC request the Board:

2. to issue a supplemental order allowing Conrail to perform switching service between the BRI facility and CSXT’s Manville Yard.

Part 1 of this Petition, as described above, essentially seeks clarification from the Board as to whether the BRI facility is located within the NJSAA and/or can be switched by Conrail under the agreements pertaining to the NJSAA that were approved by the Board in *Decision No. 89*. Part 2 of the Petition comes into play only if the Board finds that the BRI facility is not located within the NJSAA and/or cannot be switched by Conrail under these agreements. As explained below, if the Board makes such a finding, the Board should issue a supplemental order that enables Conrail to provide switching service between the BRI facility and CSXT's Manville Yard (which apparently is located within the NJSAA, and which Conrail presently uses as a base for switch runs). Such an order is in the public interest, and is necessary to implement the operational efficiencies and competitive benefits intended by *Decision No. 89*.

In addition to its general authority to issue supplemental orders and to modify decisions entered in merger and control proceedings under 49 U.S.C. § 11327,¹ the Board also has authority to issue the requested clarification and supplemental order pursuant to Ordering Paragraph No. 1 in *Decision No. 89*.

I. Background and Summary

BRI owns and operates a fully-permitted solid waste transfer station near Manville/Port Reading Jct. in Bridgewater Township, Somerset County, New Jersey. The

¹ See, e.g., Finance Docket 32299 (Sub-No. 1), *Norfolk Southern Railway Company – Consolidation of Operations – CSX Transportation, Inc.* (STB served December 2, 2005) at 2.

current owners and management acquired BRI and the transfer facility from its prior owner, who was in bankruptcy, on July 1, 2003. Non-toxic municipal solid waste (“MSW”), construction and demolition debris (“C&D”), and non-hazardous soils (“soils”) are transported to the BRI facility by truck from various locations in northern New Jersey and Staten Island. These waste materials are processed at the BRI facility and shipped to disposal sites in other states. MSW is loaded into covered containers, which in turn are loaded onto specially-designed private railroad flatcars for outbound rail movement. C&D and soils are moved in gondolas. Although MSW was shipped by rail from the BRI facility by its previous owner from 1998 to 2000, MSW began moving by rail in large quantities in late 2003. Present volume is approximately 2,500 cars per year.

ECDC is a subsidiary of Allied Waste Industries. ECDC arranges for the transportation of containerized shipments of MSW from collection stations at various points, including the BRI facility, to landfills in other states. ECDC pays the freight charges for most rail shipments from the BRI facility to such landfills.

At present, about 80% of the rail movements from the BRI facility are shipments of MSW that move to a CSXT-served landfill near Florence, SC. The remaining 20% consist of C&D and soils that presently move to NS-served landfills. Rail service for the MSW shipments is provided by NS and CSX pursuant to a rail transportation contract. NS acts as a switching carrier, and switches loaded and empty railcars between the BRI facility and CSXT’s nearby Manville Yard in Manville, NJ. Manville Yard is located less than 100 yards as the crow flies from the closest point on

BRI's private rail spur, known as the Royce Spur.² CSXT performs the line-haul transportation between Manville Yard and the landfill in South Carolina. ECDC pays a single, through rate for these rail transportation services. BRI manages the loading of the railcars and co-ordinates the movement of the cars between its facility and Manville Yard. NS is supposed to provide switching service at least five days per week, and normally moves – or could move – up to 60 cars per week (ten or more cars per day) of MSW from the BRI facility.

Prior to mid-2004, ECDC shipped MSW to a CSXT-served landfill in South Carolina pursuant to a five-year contract with NS/CSXT. In mid-2004 ECDC requested a multi-year extension of the expiring contract or a new multi-year contract. This request was denied by NS (as BRI's serving carrier) and the parties entered into a one-year contract. In 2005, ECDC again requested a multi-year contract for the MSW movements. In response, NS offered a joint contract with CSXT for up to three years. This contract provided for a rate increase of about 13 percent, plus a fuel surcharge, with further substantial rate increases for the second and third years. ECDC had no choice but to accept NS's offer, since it could not obtain service directly from CSXT and thereby request a competitive contract from CSXT.

As BRI/ECDC have advised NS, switch service is required at least five days per week to keep trash from piling up at the BRI transfer building. However, the

² Maps and aerial photographs of the rail facilities in the immediate vicinity of the BRI facility and Manville/Port Reading Jct. are included in Exhibits 2 and 3 to the Verified Statement of Paul H. Reistrup included with this Petition.

switching service provided by NS has deteriorated over the past six months. For example, NS did not switch the facility on five days in both September and October 2005 when service should have been provided. On one of these days (October 12th) approximately 30 empty flatcars were available at Manville Yard for movement to the BRI facility. The BRI facility received no switching service that day – no loads were pulled and none of the empty cars were moved to the BRI facility. BRI has occasionally requested and received a switch between its facility and Manville yard from a Conrail crew when a NS crew was unavailable, in order to avoid the over-accumulation of trash at its transfer station (which is a health and safety issue for Somerset County) and keep empty cars from clogging CSXT's Manville Yard.

In addition to rate increases and increasingly poor service from NS, NS has been unresponsive (or extremely slow to respond) to requests for rates and service on potential new waste movements from the BRI facility. This has resulted in lost business opportunities for BRI and ECDC which could have increased the volume of waste traffic shipped from the BRI facility.

The sporadic nature of the switching service the BRI facility is receiving from NS also results in an increase in the cost of operating the facility. In addition, the BRI facility – which is the only waste transfer station in Somerset County – has been cited by the New Jersey Department of Environmental Protection twice since late September of 2005 for allowing MSW to accumulate outside the enclosed transfer building. This

situation was caused by NS's failure to deliver sufficient empty cars from Manville Yard on a timely basis.

As explained in more detail in Mr. Reistrup's Verified Statement, the BRI facility is located within the NJSAA that was created as a result of the Conrail control transaction, and switching service between the BRI facility and CSXT's Manville Yard for cars moving to and from CSXT-served landfills can and should be provided by Conrail rather than NS. BRI/ECDC understand that the Manville Yard is also considered part of the NJSAA; that Conrail (like NS) has the right to use the Manville Yard for the purpose of basing and switching local trains; and that Conrail, CSXT and NS all have locomotives and switch crews that are based at the Manville Yard. BRI/ECDC desire switching service from Conrail because such service is likely to be more efficient and more frequent than the switching service provided by NS. Given the environmentally-controversial nature of the processing and transportation of MSW and C&D in New Jersey,³ having regular switch service from Conrail rather than sporadic switch service from NS is in the public interest.

BRI/ECDC recently requested NS to permit Conrail to switch MSW cars and containers moving to CSXT-served destinations between the BRI facility and Manville Yard, rather than NS. NS has refused this request and takes the position that the BRI facility is local to NS and not located within the NJSAA, and therefore may not be switched by Conrail.

³ See, e.g., the recently-initiated proceedings in Finance Docket No. 34776, *National Solid Waste Management Association, et al.—Petition for Declaratory Order* (“*National Solid Waste Management*”).

BRI/ECDC emphasize that the relief they are requesting in this petition is very narrow, and is justified by the location of the BRI facility and the unique facts and physical circumstances relating to rail service to that facility. BRI/ECDC are not suggesting that the Board re-visit the boundaries of the NJSAA, and they are not requesting the Board to order any changes in the manner in which service is provided to rail customers in the vicinity of this shared-assets area.

II. The Board Should Clarify that the BRI Facility is Located Within the NJSAA

Mr. Reistrup's verified statement included with this Petition indicates that, on the basis of the known facts, both the BRI facility and Manville Yard are located within the NJSAA. This means that switch service between these points can be provided by Conrail. In particular:

1. According to the application in the Conrail control proceeding, the NJSAA extends to "CP-Port Reading Jct." The CP or Controlled Point at Port Reading Jct. includes everything within the approach circuits for the interlocking for the switch connection between the Lehigh Line and the Trenton Line, and extends west to the westerly approach signal for this interlocking on the Lehigh Line.⁴ The local switch runs that serve the BRI facility from Manville Yard use a siding on the Lehigh Line but do not travel as far west as this approach signal to reach and enter the Royce Spur which is the private rail spur serving the BRI facility. *Id.* at 5-6.
2. Manville Yard is part of the NJSAA, switch crews of all three railroads (NS, CSXT and Conrail) are based at this yard, and requests for switch service from Manville Yard (including requests from BRI/ECDC) are made to Conrail rather than to either CSXT or NS. *Id.* at 7-12.

⁴ See Exhibit 5 to Mr. Reistrup's Verified Statement.

3. BRI's Royce Spur is either located within the NJSAA or abuts property in the NJSAA that is owned by Conrail. *Id.* at 7-8 .
4. The switch connection between the Lehigh Line main track and the Royce Running Track (the Lehigh Line siding to which the Royce Spur connects) is located east of the home signal for the Port Reading Jct. interlocking, and there is no question that this switch is located within the NJSAA. The portion of the Royce Spur east of this home signal occupies property that abuts Conrail property that is clearly within the NJSAA. *Id.* at 7-8.

Even if the Board were to conclude that the BRI facility is not technically located within the NJSAA or cannot presently be reached without traversing NS track that is outside the technical limits of the NJSAA, Mr. Reistrup's testimony demonstrates that Conrail: (1) presently serves Manville Yard; (2) has the ability to serve the BRI facility from trackage that clearly is located within the NJSAA, (3) has in fact occasionally provided switch service between the BRI facility and Manville Yard after the Conrail Split Date; and (4) should be able to provide switching service between these facilities under the NJSAA Operating Agreement between the applicants in the Conrail control proceeding. *See Reistrup V.S.* at 9-12. To deny Conrail the ability to provide switching service between Manville Yard and the BRI facility using the existing trackage at Port Reading Jct. would be to exalt form over substance in this unique situation.

III. The Public Interest Warrants Issuance of a Supplemental Order Authorizing Conrail to Switch the BRI Facility

If the Board concludes that switch service to the BRI facility requires use of NS trackage outside the limits of the NJSAA and that Conrail is not presently authorized

to provide such service, the Board should issue a supplemental order that requires the applicants in the Conrail control proceeding to allow Conrail to provide such service.

Under 49 U.S.C. §11327, the Board may make appropriate supplemental orders to modify decisions in rail merger/consolidation cases when cause exists to do so. This is true even after the conclusion of the formal oversight process. Docket No. 32760 (Sub-No. 21), *Union Pacific Corp., et al. – Control and Merger – Southern Pacific Rail Corp., et al.*, Decision No. 21, STB Served Dec. 20, 2001, at 5 (“*F.D. 32760 Decision No. 21*”). Such supplemental orders may be entered upon request or upon the Board’s own initiative. Finance Docket No. 33556 (Sub-No.4), *Canadian National Railway – Control – Illinois Central Corp.*, Decision No. 3, STB served Nov. 7, 2001. Shippers have a right (regardless of the interests of the carriers) to seek intervention by the Board to ensure that the transaction and related conditions are being implemented in a manner that is fair and preserves competition. *F.D. 32760 Decision No. 21* at 6; Finance Docket No. 32760, *Union Pacific Corp. – Control & Merger – Southern Pacific Rail Corp.*, Decision No. 72, STB served May 23, 1997, at 8 n.1.⁵

In order to issue a supplemental order modifying a rail merger decision, cause must exist to alter the previously-approved transaction. This means the Board must find the modification to be consistent with the public interest. Finance Docket No. 32299

⁵ The Board has previously granted a request for a supplemental order modifying the Conrail control transaction itself, after its original approval. See Finance Docket No. 33388 (Sub-No. 94), *CSX Corp., et al. – Conrail and Operating Leases-Agreements – Conrail Inc, et al.*, Decision No. 2, STB Served Nov. 7, 2003.

(Sub-No. 1), *Norfolk Southern Railway Company – Consolidation of Operations – CSX Transportation, Inc.*, Decision No. 3, STB Served Dec. 2, 2005, at 2 (“*F.D. 32299 Decision No. 3*”). The public interest is determined by balancing the benefits of the proposed modification against any harm to competition or to essential services. *Id.* at 3.

Here, the public interest unquestionably favors a change in the carriers authorized to serve the BRI facility by including Conrail in that authorization. If the BRI facility is found not to be part of the NJSAA and the Board finds that Conrail is not entitled to switch MSW traffic between that facility and Manville Yard for line-haul movement by CSXT, then NS is the only carrier that can perform this service. NS, however, has repeatedly failed to provide adequate service to the BRI facility over the past six months, and it has failed to respond in a timely manner to requests for new rates and service that would have resulted in additional waste transfer business for BRI/ECDC and additional shipments from the BRI facility. These problems are described in the Background and Summary section above and in the accompanying Verified Statement of Paul Reistrup.

Specifically, NS is aware that switch service is needed at least five days per week, but has failed to provide such service on numerous occasions. On several occasions BRI has had to request (and received) switch service by one of the Conrail switch crews based at Manville Yard to keep trash from piling up at the BRI facility and to prevent its

MSW cars from clogging up Manville Yard.⁶ On two recent occasions, when NS's failure to deliver empty cars to the BRI facility on a timely basis resulted in MSW spilling outside the enclosed transfer building, BRI received citations and notices of fines from the New Jersey Department of Transportation. Copies of the citation notices are included as an Appendix to this petition.

The processing and transportation of waste is a matter of considerable public concern in New Jersey because of the fact that high volumes of waste materials from the New York City metropolitan area move through and are processed in New Jersey. New Jersey agencies are understandably zealous in making sure that waste processing and transfer activities are conducted in an environmentally-sound manner. The Board should be well aware of this from the pending proceedings in the *National Solid Waste Management* case, cited in footnote 3 above. The environmental problems caused by NS's deteriorating switch service, and the high probability that the matter can be rectified by having Conrail switch BRI's MSW cars between the BRI facility and Manville Yard, constitute good cause to issue the requested supplemental order.

Not only are the benefits of having Conrail provide certain switching services for BRI/ECDC substantial, but no harm to competition or other essential services would result. First, the requested Conrail switching service is narrowly limited; it involves only cars that move through Manville Yard to and from landfills served by CSXT. NS

⁶ See *Reistrup V.S.* at 10. In this regard, Conrail bases two switch crews at Manville Yard, whereas NS bases only one switch crew there. This enables Conrail to respond more quickly and regularly to requests for service than NS can (or does).

would continue to switch cars destined for NS-served landfills. Second, a modification that would allow Conrail to switch this narrowly-defined traffic between the BRI facility and Manville Yard would improve the efficiency and regularity of rail service to the BRI facility as well as the efficiency of the operations at Manville Yard. This would benefit BRI/ECDC, CSXT and NS.

As described by BRI/ECDC Witness Reistrup, Conrail currently manages all switching services provided to shipper facilities in the vicinity of Port Reading Jct. from Manville Yard. Conrail has two daily switch crews on duty at Manville Yard, compared to only one NS switch crew. The volume of empty MSW cars waiting at Manville Yard for NS to switch them to the BRI facility has caused congestion at that yard, and the backlog of cars waiting for switching service has prompted Conrail switch crews to perform some switching services for the BRI facility at BRI's urgent request.⁷ Allowing Conrail to perform switching service at the BRI facility on a regular basis would improve the level of service at BRI, improve BRI's ability to keep MSW contained within the enclosed transfer building at all times, and prevent the inefficient over-accumulation of empty MSW cars at the Manville Yard. *See F.D. 3229 Decision No. 3*, where the Board held that a change in switching carriers to enable increased efficiency and improved service was in the public interest.

⁷ Notwithstanding BRI's efforts to obtain regular and timely switch service for MSW cars, BRI has twice been cited by the New Jersey Department of Environmental Protection due to the accumulation of trash outside the transfer building.

There will be no harm to competition or essential services as a result of the supplemental order. In fact, competition for waste movements from the BRI facility is presently hampered by NS's refusal to allow Conrail to switch the BRI facility. Permitting switch service from Conrail would enable CSXT to compete with NS for movements of C&D and non-hazardous soils to CSXT-served, as well as NS-served, disposal sites. It is exactly this kind of competition that the creation of the Conrail shared assets areas was supposed to promote. *See Decision No. 89* at 34, 50.

The operational change to allow Conrail to switch certain traffic between the BRI facility and Manville yard is very minor, and would not require switch service to be provided in a different manner than at present from a physical standpoint. No other shippers or rail movements will be affected, and NS will continue to have the opportunity to participate in outbound shipments of waste products from the BRI facility.

Finally, the proposed change should not have a significant adverse effect on employees of the carriers involved. One of the reasons for the poor switching service by NS is that its switch crew based at Manville also serves other industries, in particular industries located on NJ Transit's nearby Raritan Valley line, and at times this crew is too busy to switch the BRI facility. There appears to be plenty of continuing work for this crew if the MSW traffic moving to CSXT-served destinations is switched by Conrail rather than NS. Even if railroad employees could potentially be affected, the Board imposed the *New York Dock* conditions in *Decision No 89*, and can require that they also be adhered to with respect to the supplemental relief requested by BRI/ECDC. *See*

Finance Docket No. 33388 (Sub-No. 94), *supra*, Decision No. 2, STB served November 7, 2003, at 6-7.

For the foregoing reasons, the Board should find that the public interest would be served by authorizing Conrail to switch cars between the BRI facility and Manville Yard upon request by BRI/ECDC, and therefore that good cause exists for granting the supplemental order requested by BRI/ECDC.

IV. Possible Alternative Method of Serving the BRI Facility

The Board should be advised that if neither of the two forms of relief requested in this Petition is granted, it is possible that in the long term service to the BRI facility may be provided in another manner. In particular, New Jersey Transit (“NJ Transit”) owns a former Conrail east-west line known as the Raritan Valley Line extending west from Bound Brook, NJ over which it operates commuter rail service. As Mr. Reistrup testifies at pp. 12-13 of his Verified Statement, NJ Transit is studying the restoration of a former Conrail line known as the Reading Connector as part of a project to institute commuter rail service between Newark/Bound Brook and West Trenton, NJ. This one-mile line, which was abandoned in approximately 1985, extended south from a connection with the Raritan Valley Line at Bound Brook Junction, NJ to Manville, where it connected with CSXT’s Trenton (Reading) Line.

The present Royce Spur that serves the BRI facility was formerly a part of the Reading Connector. NJ Transit has an easement to use the right-of-way for this line, and rebuilding the track between Bound Brook Junction and Manville would involve

either restoration of a crossing of the Conrail/NS Lehigh Line within the NJSAA just west of the mainline switch at Port Reading Jct., or constructing a flyover (grade-separated crossing) of the Lehigh Line at the same location. If this were to occur, NJ Transit would likely engage a short-line operator to provide common carrier freight rail service over the restored line, including service between Manville Yard and the BRI facility.

BRI/ECDC take no position at this time with respect to the NJ Transit project, which is still in the early developmental stage. However, if neither form of relief requested from the Board herein is granted, BRI/ECDC would view the NJ Transit project favorably as BRI/ECDC would no longer require switching service from either NS or Conrail to reach Manville Yard if and when the project is brought to fruition.⁸

⁸ At pp. 13-14 of his Verified Statement Mr. Reistrup also notes another alternative under which Conrail could provide switch service between Manville Yard and the BRI facility without using any portion of the Lehigh Line (including the Royce Running Track) west of the home signal for the Port Reading Jct. interlocking. This alternative requires the construction of a new crossover between the Royce Running Track and BRI's Royce Spur, at the location shown in Mr. Reistrup's Exhibit 7. The crossover would connect with the Royce Running Track east of the home signal – a location that is clearly within the NJSAA. However, the tail room for switching MSW cars on the Royce Spur would be reduced, and additional daily switches would be required to accommodate the present volume of MSW traffic moving via CSXT. This would be less efficient than using the present switch connection between the Royce Running Track and the Royce Spur, and could result in more interference with other operations on the Lehigh and Trenton lines. *Id.* at 14. Nonetheless, if the Board determines that Conrail cannot switch the BRI facility using the present trackage at Port Reading Jct., this is an alternative that BRI/ECDC would have to seriously consider pursuing.

V. Proposed Procedural Schedule

BRI/ECDC request the Board to establish a procedural schedule for this matter in order to process it expeditiously. The proposed schedule provides for the publication of notice of this Petition, discovery, an opportunity for comments by interested parties (including the involved rail carriers), and an opportunity for reply by BRI/ECDC.

Simultaneously with the filing of this Petition, BRI/ECDC are serving discovery requests on NS and Conrail pursuant to 49 C.F.R. §§ 1114.21, 1114.26 and 1114.30. The discovery requests are designed to elicit additional information from these carriers concerning the precise boundaries of the NJSAA in the Manville/Port Reading Junction area and the extent to which Conrail and NS presently provide switching service in that area. As part of their proposed procedural schedule BRI/ECDC submit that they should have an opportunity to supplement their petition as appropriate with additional information obtained in discovery.

BRI/ECDC therefore request that the Board promptly publish notice of this petition in the *Federal Register* and prescribe the following schedule for the submission of a supplement to the petition and public comment:

- | | |
|--------|---|
| Day 0 | Notice of petition for supplemental order published in <i>Federal Register</i> . |
| Day 30 | Supplement to petition (based on additional information provided by NS and Conrail in response to petitioners' discovery requests) due. |
| Day 60 | Comments of interested parties due. |
| Day 90 | Petitioners' reply to comments of interested parties due. |

BRI/ECDC request that the Board issue its decision on the merits of their petition as expeditiously after the completion of the procedural schedule as possible.

CONCLUSION

For the foregoing reasons, BRI/ECDC respectfully request:

1. That the Board adopt the procedural schedule described herein, providing for the publication of notice and an opportunity to supplement the petition and for public comment and a response thereto;
2. That the Board, following the receipt of written comments submitted pursuant to the procedural schedule, issue a clarification order finding that the BRI waste transfer facility in Bridgewater Township, NJ is located within the NJSAA and/or may be switched by Conrail; or, in the alternative;
3. That the Board issue a supplemental order modifying *Decision No. 89* to the extent necessary to enable Conrail to provide switching service between the BRI facility and CSX's Manville Yard.

Respectfully submitted,

BRIDGEWATER RESOURCES, INC.
ECDC ENVIRONMENTAL, L.L.C.

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Dated: January 20, 2006

Their Attorneys

CERTIFICATE OF SERVICE

I hereby certify that I have this 20th day of January, 2006, caused copies of the foregoing Petition and accompanying Verified Statement of Paul H. Reistrup to be served by hand upon Washington counsel for Applicants, and by United States Mail upon all other known parties of interest, as follows:

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Kendra A. Ericson

V.S. Reistrup

VERIFIED STATEMENT OF PAUL H. REISTRUP
Finance Docket. No. 33388 (Sub-No. 100)

I. Background and Qualifications

My name is Paul H. Reistrup. I am a consultant on rail operations and engineering matters. My address is 8614 Brook Road, McLean, VA 22102.

I have over 45 years of experience in railroad operations, engineering, marketing and management. I have occupied engineering, operating and executive positions with CSX Transportation, Inc. ("CSXT") and its predecessors, including positions as Assistant Division Engineer, Trainmaster, General Yardmaster and Superintendent of Car Utilization and Distribution in the late 1950's and 1960's. I have served in several senior executive positions at the Illinois Central Railroad, including Vice President-Passenger Service, Vice President-Intermodal Service, and Senior Vice President-Traffic. I have also served as President of two railroads: Amtrak and the Monongahela Railway (an eastern coal-carrying railroad). In addition, I have consulted for a number of years on rail operations and management matters, including service with R.L. Banks & Associates, Inc., and as Vice President of the rail division of the international engineering firm Parsons Brinckerhoff.

I served as Amtrak's second President and Chief Executive Officer from early 1975 until 1978. During my tenure, Amtrak was transformed from primarily a contracting entity to an operating railroad that had the highest-density mix of freight, commuter and inter-city passenger trains in the nation, in the Northeast Corridor between

Washington and Boston via New York City. Amtrak acquired the Northeast Corridor from Conrail in 1976.

On July 1, 1997, I re-joined CSXT (which I had left in the late 1960's) as Vice President-Passenger Integration, with offices in Washington, D.C. In this position I was responsible for overseeing CSXT's relations with all public and quasi-public rail transportation agencies (including but not limited to Amtrak, NJ Transit, Metro North, Septa, MARC and VRE) that operated passenger and commuter trains on CSXT's lines and vice versa. I was also responsible for negotiating settlements with these entities on behalf of CSXT during the Conrail Control proceeding, and for the successful integration of CSXT's freight and passenger operations on the Northeast Corridor (which was new territory for CSXT) and elsewhere following consummation of Conrail's acquisition by CSXT and Norfolk Southern in 1999. In this position I became familiar with the rail freight operations of CSXT, NS and Conrail in and near the North Jersey Shared Assets Area ("NJSAA") and the South Jersey/Philadelphia Shared Assets Area. This experience supplemented my general knowledge of freight and passenger rail operations on and near the Northeast Corridor from my tenure as President of Amtrak.

I retired from CSXT at the end of February, 2003, and returned to my consulting work. At that time I entered a six-month consulting agreement with CSXT under which I was on call to furnish consulting services relating to passenger and commuter rail issues and provide advice as requested by CSXT's chief executive and senior officers. That agreement terminated on August 31, 2003.

II. Purpose and Scope

I have been requested by Bridgewater Resources, Inc. ("BRI") and ECDC Environmental, L.L.C. ("ECDC") to address the boundaries of the NJSAA in the Port Reading Jct./Manville area of northern New Jersey, and rail freight operations in the area. I have also been asked to advise the Board, on the basis of the information presently available to me, as to whether the BRI waste transfer facility in Bridgewater Township, NJ is located within the NJSAA and/or whether Conrail has the right and ability to provide switching service between the BRI facility and the nearby Manville Yard.

I have visited the Port Reading Jct./Manville area on several occasions. Most recently, on December 21, 2005, in connection with my assignment for BRI/ECDC, I inspected the trackage and facilities in the vicinity of Port Reading Jct. including Manville Yard, the CSXT Trenton Line, the Conrail/NS Lehigh Line, and the private rail spur serving the BRI facility. I also observed the rail operations and procedures at Manville Yard.

III. Description of the NJSAA in the Port Reading Jct. Area

Like the other shared asset areas resulting from the Conrail Control proceedings, the NJSAA was created as part of the agreement between CSXT and NS to divide and acquire Conrail's assets as a means of facilitating competitive rail service (including switching) to industries located in the New Jersey portion of the New York City metropolitan area. The particulars of the NJSAA and the operating and other rights

of the railroads involved are spelled out in the Shared Assets Area Operating Agreement for North Jersey (“NJSAA Operating Agreement”) which was included in Volume 8C of the Conrail Control Application in STB Finance Docket No. 33388. A map showing the general limits of the NJSAA in relation to other post-transaction railroad lines in the area is attached hereto as Exhibit 1.¹

As relevant here, the NJSAA extends southwest to “CP-Port Reading Jct.”² Port Reading Jct. is the location where the former Conrail (now CSXT) Trenton Line and the former Conrail (now NS) Lehigh Line come together and form Conrail’s shared-assets line extending eastward to Bound Brook and beyond to Oak Island Yard and other points.

Several maps, aerial photographs and schematics of the Port Reading Jct. area are included as exhibits to my Verified Statement. These exhibits assist in orienting the reader to the area and in understanding my testimony. As indicated earlier, Exhibit 1 is a map of the NJSAA. Exhibit 2 contains two maps. The first shows various rail lines in the general area as well as the location of the BRI waste transfer facility, and the second shows the trackage in the immediate vicinity of Port Reading Jct. as well as the location of the private rail spur (the “Royce Spur”) that serves the BRI facility. Exhibit 3 contains two aerial photographs of the Port Reading Jct. area on which the various CSXT,

¹ This map is a reproduction of a map appearing at page 185 of Volume 3B of the Conrail Control Application.

² See Attachment 1 to the Transaction Agreement (“CRC Retained Assets - North Jersey/New York Shared Assets Area”) at page 102 of Volume 8B of the Application.

NS and Conrail rail lines are denoted, as is BRI's Royce Spur. Exhibit 4 contains relevant pages from Conrail's Operating Timetable for the North Jersey District. Exhibit 5 is a hand-drawn schematic of the track and signals at and west of the mainline switch at Port Reading Jct., which is based on my recent field trip observations.

It is important to understand that "CP-Port Reading Jct." does not refer just to the switch connection at the junction where the CSXT Trenton Line and the NS Lehigh Line converge. (See Exhibit 2, page 2.) CP-Port Reading Jct. includes track and facilities that extend beyond the switch connection, and the limits of the NJSAA also extend beyond this point. The NJSAA includes everything denoted by the CP at Port Reading Jct. The term "CP" or Controlled Point includes everything within the approach circuits for the interlocking(s) at the location involved. Normally, this includes all track, signals, turnouts and electronic circuitry between the approach signals for the interlocking.

The first Conrail operating timetable for the North Jersey District effective after the June 1, 1999 Conrail Split Date (my Exhibit 4) confirms that CP-Port Reading Jct. extends west along the Lehigh Line and south along the Trenton Line beyond the junction of these two lines. Pages 18-19 of the timetable show the Conrail-owned and operated westerly portion of the Lehigh Line. On page 19 "CP-Port Reading Jct." (the shaded area) is depicted as including portions of the Lehigh Line west of the junction, the Trenton Line south of the junction, the Royce Running Track or "R.T.," and Manville

Yard. The Royce Running Track is a siding used by switch runs to reach the turnout for BRI's Royce Spur. It is shown on page 2 of Exhibit 2, and on Exhibit 5.

The precise boundaries of the NJSA at Port Reading Jct. are shown on maps and other documents in the possession of the Applicants in the Conrail Control proceeding, and I understand that BRI/ECDC are seeking copies of these documents in discovery. However, based on my experience, the CP at Port Reading Jct. should extend west along the Lehigh Line to the approach signal and related circuits for the interlocking for the junction where the Trenton Line and the Lehigh Line converge.

During my field trip on December 21, 2005, I observed that this approach signal is at least two miles west of the mainline switch connection (turnout) between the Lehigh Line main track and the Trenton Line main track. The home signal for this interlocking, which is an absolute signal that governs train movements through the mainline turnout at the interlocking, is located at Milepost 36 on the Lehigh Line which is about 250 yards west of the mainline turnout. The home signal is also located about 100 yards west of the switch connection between the Lehigh Line main track and the Royce Running Track – but east of the switch connection between the Royce Running Track and BRI's Royce Spur. The locations of these signals and switch connections are shown on Exhibit 5, which is my hand-drawn schematic of the tracks, signals and turnouts on the Lehigh Line in the westerly portion of the CP at Port Reading Jct.

The Manville Yard, which is managed by CSXT, also appears to be part of the NJSAA. As previously indicated, it is shown in the Conrail operating timetable for the portion of the Lehigh Line located within the NJSAA. In addition, Section 1(ss) of the NJSAA Operating Agreement defines the “shared assets” as including:

. . .all tracks, lands, easements, rights of way, structures, facilities, appurtenances and rights related thereto, which CRC owns, leases or otherwise has the right to operate over (including those segments over which CRC or an Operator possesses operating rights pursuant to *Section 3(c)*), and which are used for railway purposes in the Shared Assets Area. . . [emphasis in original].

Section 3(c)(iii) of the NJSAA Operating Agreement further provides:

CSXT hereby grants to CRC and NSR the right to use Manville Yard for the purpose of basing local trains, classifying and assembling trains and switching Railcars, but not for the purpose of serving local industries located at such yard.

Manville Yard thus is part of the NJSAA for all practical purposes, and the yard is regarded as such by local Conrail and CSXT operating personnel. In addition, part of the Trenton Line itself is within CP-Port Reading Jct. and thus part of the NJSAA.

At least a portion (if not all) of the Royce Spur that serves the BRI facility is also located within the NJSAA, and the right-of-way for the spur abuts Conrail property in the NJSAA located to the east of the home signal for the Port Reading Jct. interlocking at Milepost 36 on the Lehigh Line. To reach the Royce Spur, switch runs from Manville Yard have to use a portion of the Royce Running Track located west of the home signal

(but east of the approach signal for the interlocking). *See* Exhibit 5. Depending on the precise location of the westerly “cut point” for the NJSAA at Port Reading Jct. established by NS and CSXT, it is possible that these switch runs must presently use NS-owned track for a short distance outside the NJSAA even though most of the Royce Spur is within (or adjacent to Conrail property that is clearly within) the NJSAA.³

It should be noted that, prior to approximately 1985, what is now the CSXT Trenton Line (a/k/a the Reading Line) extended northward from a point near the northerly end of Manville Yard, across the Lehigh Line by means of a crossing diamond, to a connection with the then-Conrail (now NJ Transit) Raritan Valley Line at Bound Brook Jct. After this one-mile-long line (known as the Reading Connector or the Raritan Valley Connecting Track) was abandoned by Conrail, the crossing diamond was removed, as were the switch connections and several hundred feet of track at both the south and north ends of the line. The remaining portion of the Reading Connector was transferred to BRI's predecessor and became the Royce Spur (now owned by BRI), and a connection to the Royce Running Track was constructed. Part of the right-of-way for this line

³ As discussed in Part V of my testimony, a new crossover could be constructed between the Royce Running Track and the Royce Spur that would enable switch runs to operate between Manville Yard and the BRI facility without having to traverse any portion of the Royce Running Track west of the home signal for the Port Reading Jct. interlocking. The crossover, which is shown on my Exhibit 7, would connect with the Royce Running Track east of the home signal, and thus at a point that unquestionably is located within the NJSAA. However, use of such a crossover would render the switching operations for the BRI facility considerably less efficient than they are at present.

(including the right-of-way for what is now the Royce Spur) abutted what is presently Conrail property located within the NJSAA.

IV. Rail Operations/Service to the BRI Facility

BRI/ECDC ship some waste traffic generated at the BRI facility (principally construction/demolition debris) via NS. However, most of the rail traffic that moves from the BRI facility is municipal solid waste ("MSW") that is transported to a CSXT-served landfill near Florence, SC. The MSW traffic, which began to move in volume in late 2003 and presently amounts to about 8-10 cars per day, moves in sealed containers that are loaded onto private flatcars at the BRI facility. NS switches these cars between the BRI facility and Manville Yard, and CSXT performs the line haul between Manville Yard and South Carolina.

The switching operation is performed by a NS crew using a NS, Conrail or CSXT locomotive based at Manville Yard. The NS crew goes on duty at Manville Yard. The switch locomotive usually pulls the empty cars northeastward onto the Conrail (shared assets) portion of the Lehigh Line, then shoves the cars west past the mainline switch for the Trenton Line to the switch connection for the Royce Running Track, and thence onto the Royce Runner. As shown on Exhibit 5, the switch between the main line and the Royce Running Track is located east of both the approach signal and the home signal for the Port Reading Jct. interlocking and thus is clearly within the NJSAA.

The locomotive continues to shove the empty cars westward on the Royce Running Track a maximum of about 1,600 feet (which provides tail room for up to 20 empty cars at a time) to clear the switch for the Royce Spur, which serves the BRI facility. The cars are not shoved past the approach signal for the Port Reading Jct. interlocking (which defines the westerly limit of the CP at Port Reading Jct.). The locomotive then pulls east onto the Royce Spur to deliver the empty cars to the BRI receiving/loading tracks. Loaded MSW cars and containers are moved in the reverse direction back to Manville Yard.

I have been informed by BRI personnel that NS has normally provided switching service between Manville Yard and the BRI facility at least five and often six days per week since late 2003. However, NS service has become increasingly sporadic and it has become common for NS to provide no switching service at all on some days when it is supposed to. BRI also advises that on several occasions since 2003, when no NS crew was available but BRI badly needed service to keep trash from piling up at the transfer facility (and to keep empty cars from piling up in Manville Yard), BRI requested and received switching service between Manville Yard and the BRI facility from a Conrail crew based at Manville yard.

There is no operational reason why Conrail could not provide switching service on a regular basis between Manville Yard and the BRI facility, rather than NS. A Conrail switch crew would simply replace the NS crew and deliver and pull cars at the

BRI facility in exactly the same manner as NS does now. Most if not all of the operation takes place within the NJSAA, and it involves local service based at Manville Yard that Conrail can provide under the NJSAA Operating Agreement. This should result in improved service because two daily Conrail switch assignments are based at Manville yard compared with only one NS switch assignment (which is often annulled due to a lack of available NS crew personnel).

Since at least a portion of the Royce Spur and the Manville Yard are located within the NJSAA, and the portion of the Royce Running Track used by the BRI switch runs also appears to be within the NJSAA, switching service by Conrail between Manville Yard and the BRI facility appears to be authorized under the NJSAA Operating Agreement. Section 3(a) of that Agreement grants CSXT and NS the right to operate their own trains (if staffed by road crews) within the NJSAA and between points outside the NJSAA and points inside the NJSAA. However, this applies only to complete trains. Conrail is supposed to switch cars (as opposed to complete trains) to and from industries in the NJSAA unless local switching by CSXT or NS is provided for in the Local Movement Guidelines that are referred to in Section 3(a)(iv) of the NJSAA Operating Agreement.

ECDC/BRI cars do not move from and to the BRI facility as complete trains. Rather, CSXT trains containing these cars originate and terminate at Oak Island Yard (which is located in the NJSAA) and the cars are delivered to and picked up from

Manville Yard by CSXT transfer runs. The cars are then switched to and from the BRI facility by switch crews. Thus, Conrail appears to be authorized to provide this switching service.

The yardmaster at Manville Yard is a CSXT employee. However, Conrail manages the actual switching services that are based at Manville Yard, regardless of who performs them and who is the line-haul carrier for movements to and from Manville Yard. This is confirmed by my Exhibit 6, which contains copies of two notices that Conrail sent to BRI in March of 2004, when the CSXT MSW movements from the BRI facility were ramping up. These notices instructed BRI to send all requests for switching service to Conrail – not to either NS or CSXT.

V. Other Possible Alternatives to Present Method of Switching Cars between the BRI Facility and Manville Yard

Although ECDC/BRI desire and appear to be entitled to switching service from Conrail using the present trackage at Port Reading Jct., at some point in the future freight service to the BRI facility could be provided using a different track configuration.

One alternative involves restoring and using the Reading Connector. I understand that NJ Transit retained an easement over the right-of-way for the Reading Connector, and desires to use it to inaugurate rail commuter passenger service between Newark/Bound Brook and West Trenton, NJ. NJ Transit is presently studying the possible restoration of the entire Reading Connector, including a crossing of the Lehigh

Line by means of either an at-grade crossing diamond or a flyover.⁴ As I have previously noted, the point where the restored Reading Connector would cross the Lehigh Line is clearly within the NJSAA and thus would cross property owned by Conrail.

It is by no means certain that the Reading Connector restoration project will be brought to fruition, or when this might occur. However, BRI has discussed this project conceptually with NJ Transit and it appears that if the project is indeed undertaken, waste traffic could be transported between the BRI facility and Manville Yard by a short-line operator (or Conrail) using the Reading Connector – and without using any part of the Lehigh Line. Restoration of the Reading Connector, if it occurs, could be a good long-term solution for BRI/ECDC in terms of obtaining alternative rail service at the BRI facility. In the meantime, there is every reason why the BRI facility can and should be switched by Conrail rather than NS pursuant to the agreements and arrangements approved by the Board in the Conrail Control proceeding.

A second alternative would be to construct a crossover between the Royce Running Track and BRI's Royce Spur at the location shown in my Exhibit 7. The east end of this crossover would be east of the westerly home signal on the Lehigh Line for the Port Reading Jct. interlocking, and thus certainly within the NJSAA. Conrail switch

⁴ The project to restore the Reading Connector and institute commuter rail service over it is described in a Project Initiation Letter for the NJ Transit West Trenton Line Passenger Service Restoration Study and Environmental Assessment, which NJ Transit issued on July 14, 2005. I understand that copies of this document are available from NJ Transit.

runs based at Manville Yard would shove BRI/ECDC cars through this crossover onto the westerly portion of the Royce Spur, and then pull into the BRI receiving tracks as at present. The switching could be done without using any portion of the Royce Running Track west of the home signal. However, the switch runs could handle only three MSW cars at a time without having to use the present switch at the west end of the Royce Spur. This would require multiple daily switch runs to handle the present volume of MSW traffic rather than a single daily switch run, as at present, because up to 20 empty MSW cars are available for daily delivery to the BRI facility. This would be inefficient and would tie up the Port Reading Jct. interlocking (thus preventing the movement of through trains on both the Lehigh Line and the Trenton Line) more frequently than if the existing switch connection to the Royce Spur is used.

It should not be necessary to construct such a crossover to enable Conrail to switch the BRI facility, as this would exalt the form of the present arrangements over their substance. However, it is an alternative that BRI/ECDC should consider pursuing with Conrail under Section 6 of the NJSAA Operating Agreement⁵ if the Board denies their petition in this proceeding for Conrail access using the existing trackage at Port Reading Jct.

⁵ Under Section 6(b) the Conrail Board, which includes representatives of CSXT and NS, must approve any such capital improvement by majority vote.

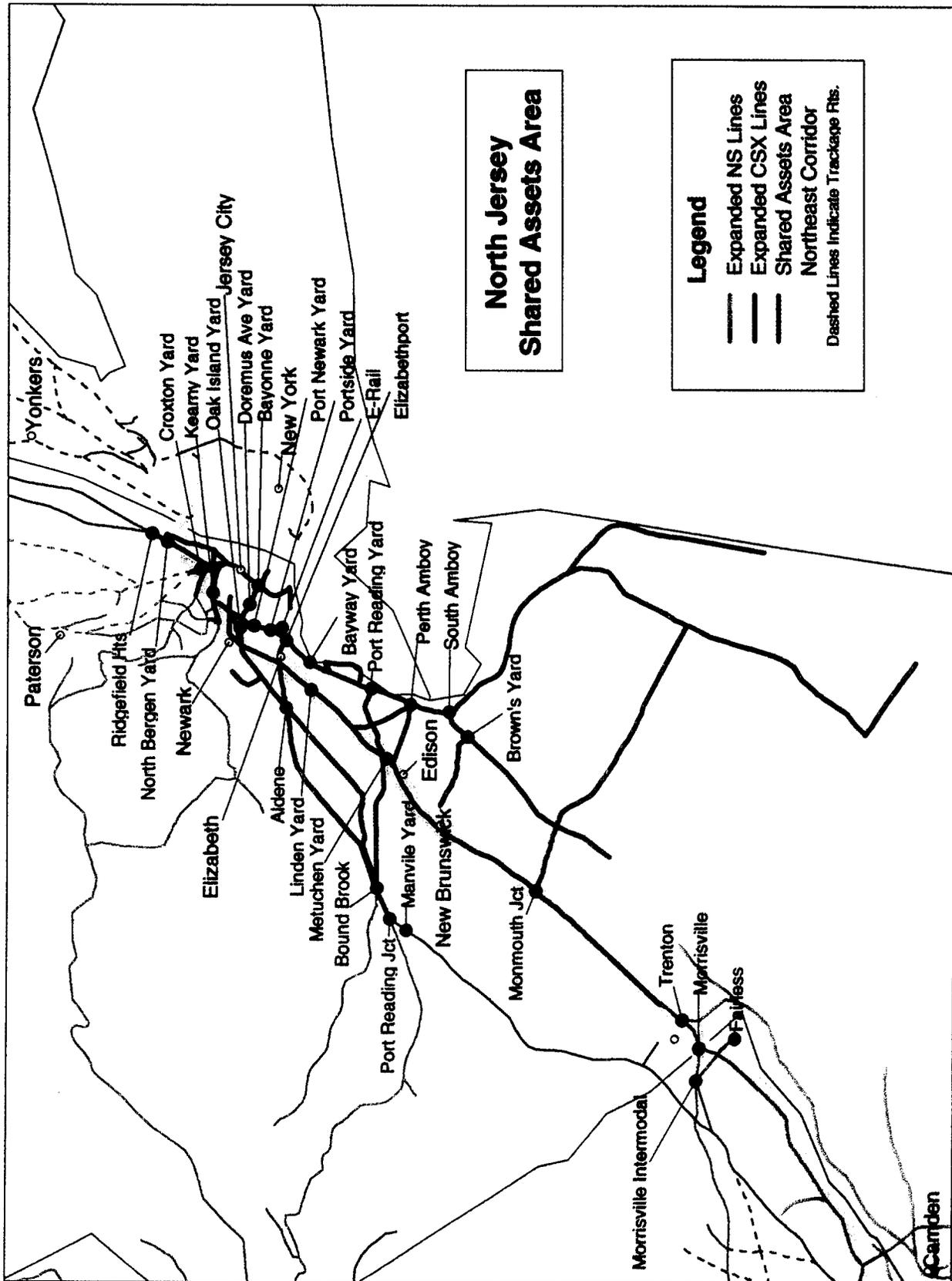
VERIFICATION

I, Paul H. Reistrup, verify under penalty of perjury that I have read the foregoing Verified Statement and the exhibits referenced therein, that I know the contents thereof, and that the same are true and correct except as to those matters stated on information and belief, and as to those, that I believe them to be true. Further, I certify that I am qualified and authorized to file this statement.


Paul H. Reistrup

Executed on: January 9, 2006.

Exhibit 1

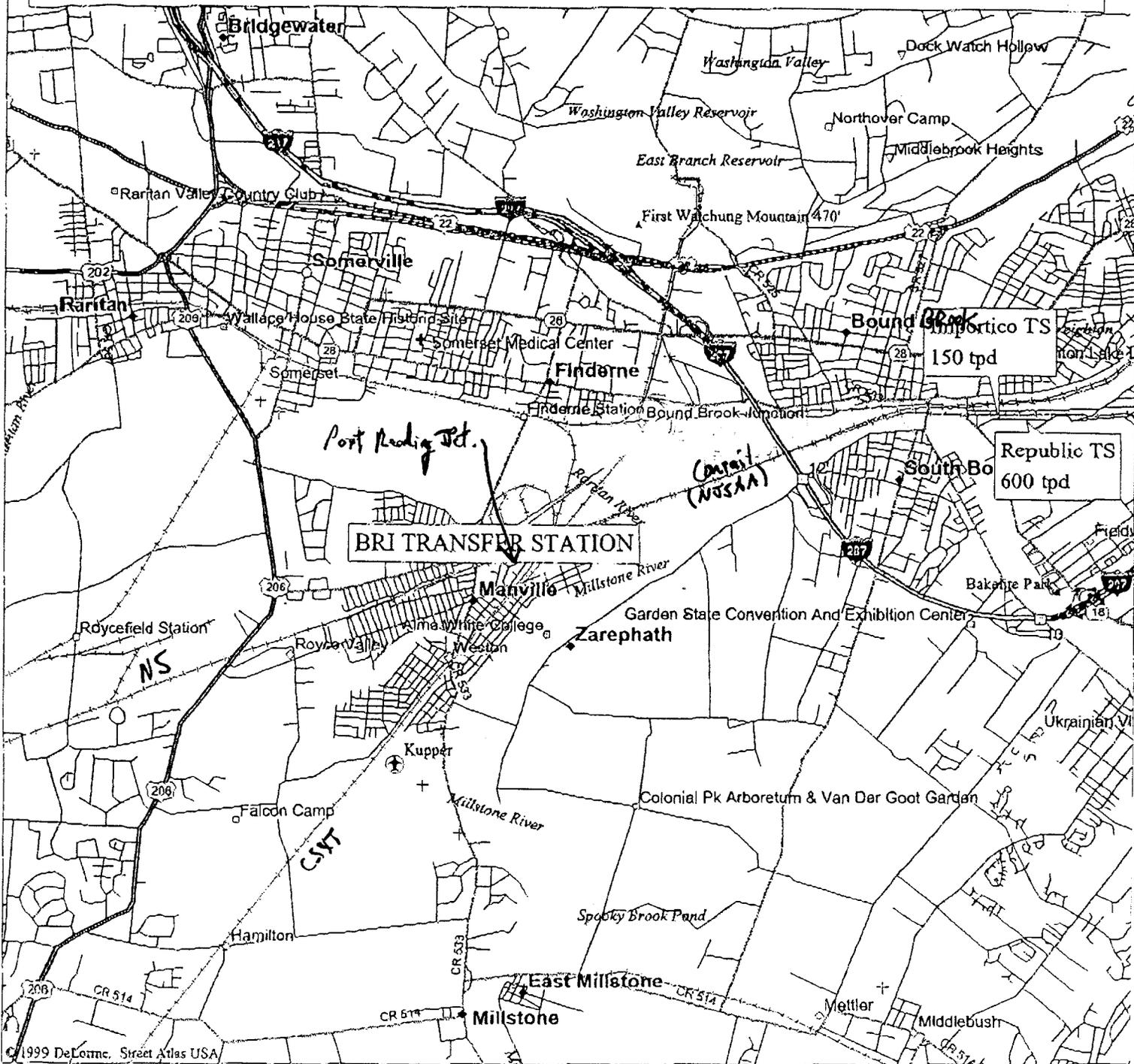


**North Jersey
Shared Assets Area**

Legend

- Expanded NS Lines
- Expanded CSX Lines
- Shared Assets Area
- Northeast Corridor
- Dashed Lines Indicate Trackage Rts.

Vicinity Map

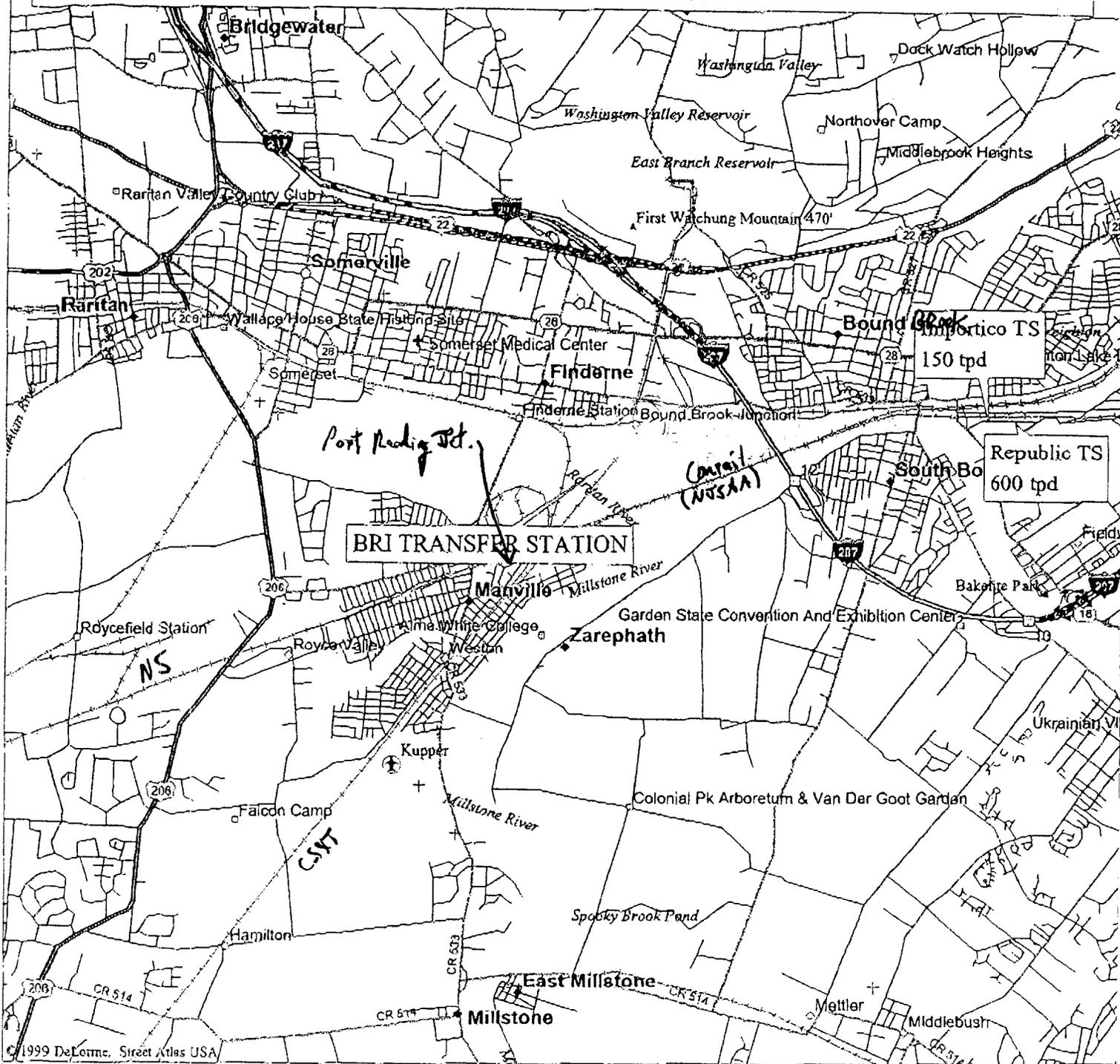


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| | US Highway | | Small Town |
| | Interstate/Limited Access | | Summit |
| | Major Connector | | Geographic Feature |
| | State Route | | Hospital |
| | Exit | | Park/Reservation |
| | Railroad | | Locale |
| | Point of Interest | | Public Airport |

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Vicinity Map



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| | Railroad | | Locale |
| | Point of Interest | | Public Airport |

Royce (BRI) Spur

BRI Loading Tracks



Image © 2005 State of New Jersey

Google

Pointer 40°33'10.95" N 74°34'20.54" W Elev 25 ft Streaming ||| 100% Eye alt 2638 ft

Lehigh Line

Manville Yard

**RAIL FACILITIES AT
PORT READING JCT., NJ**

**EXHIBIT 3
Page 1 of 2**

Royce (BRI) Spur



Lehigh Line (NS)

Trenton Line (CSX)

Manville Yard

**RAIL FACILITIES AT
PORT READING JCT., NJ**

**EXHIBIT 3
Page 2 of 2**

Royce (BRI) Spur

BRI Loading Tracks

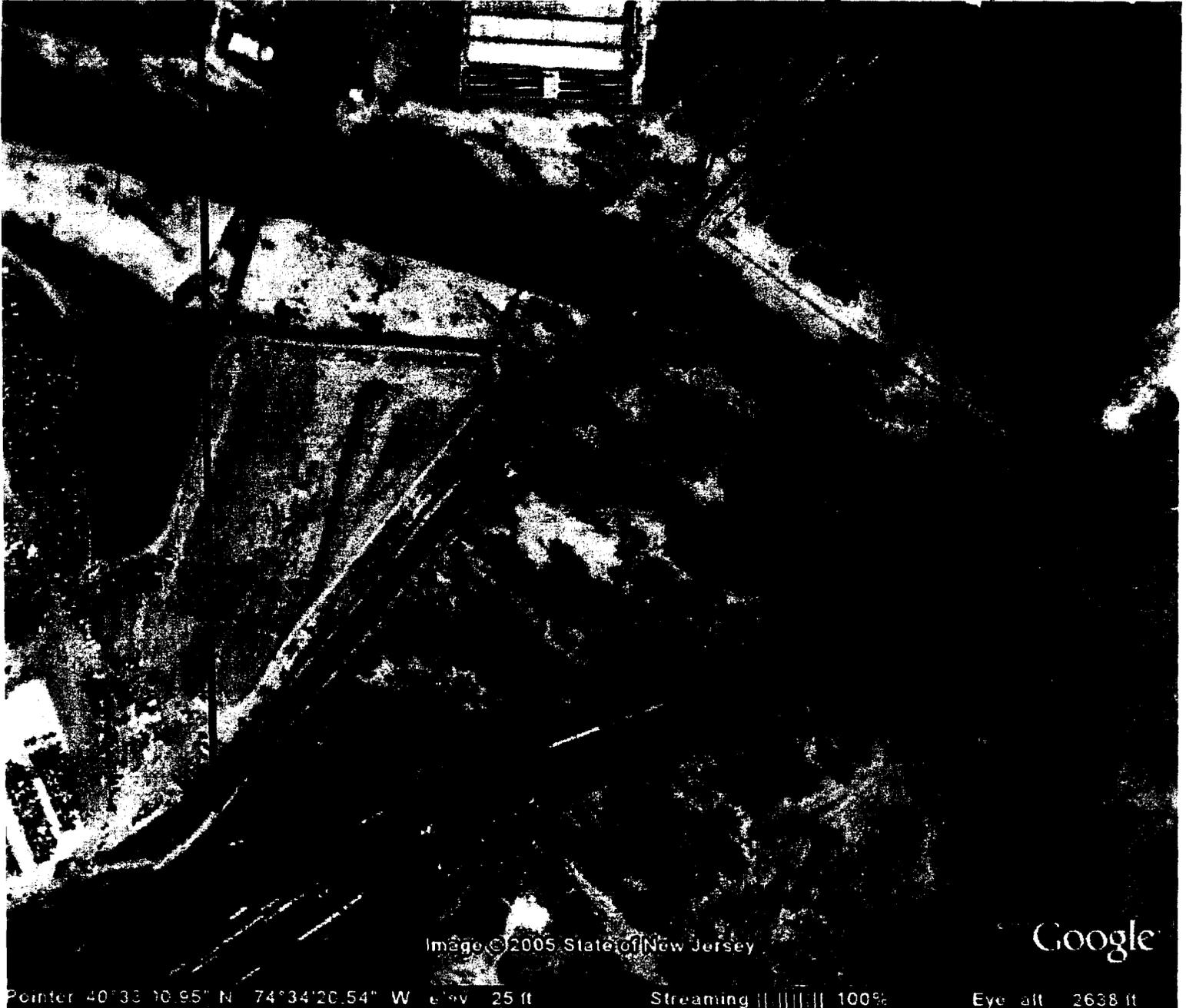


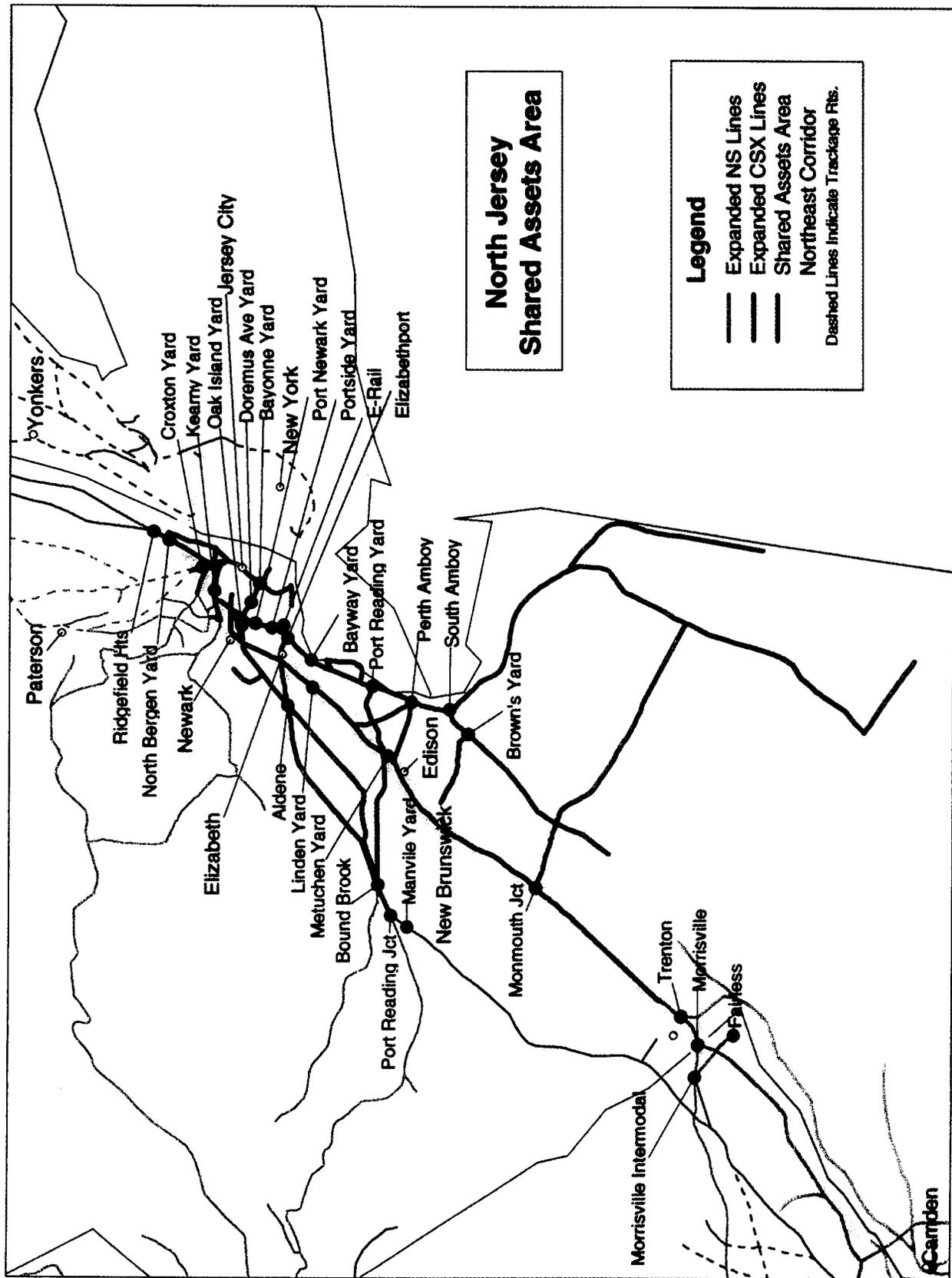
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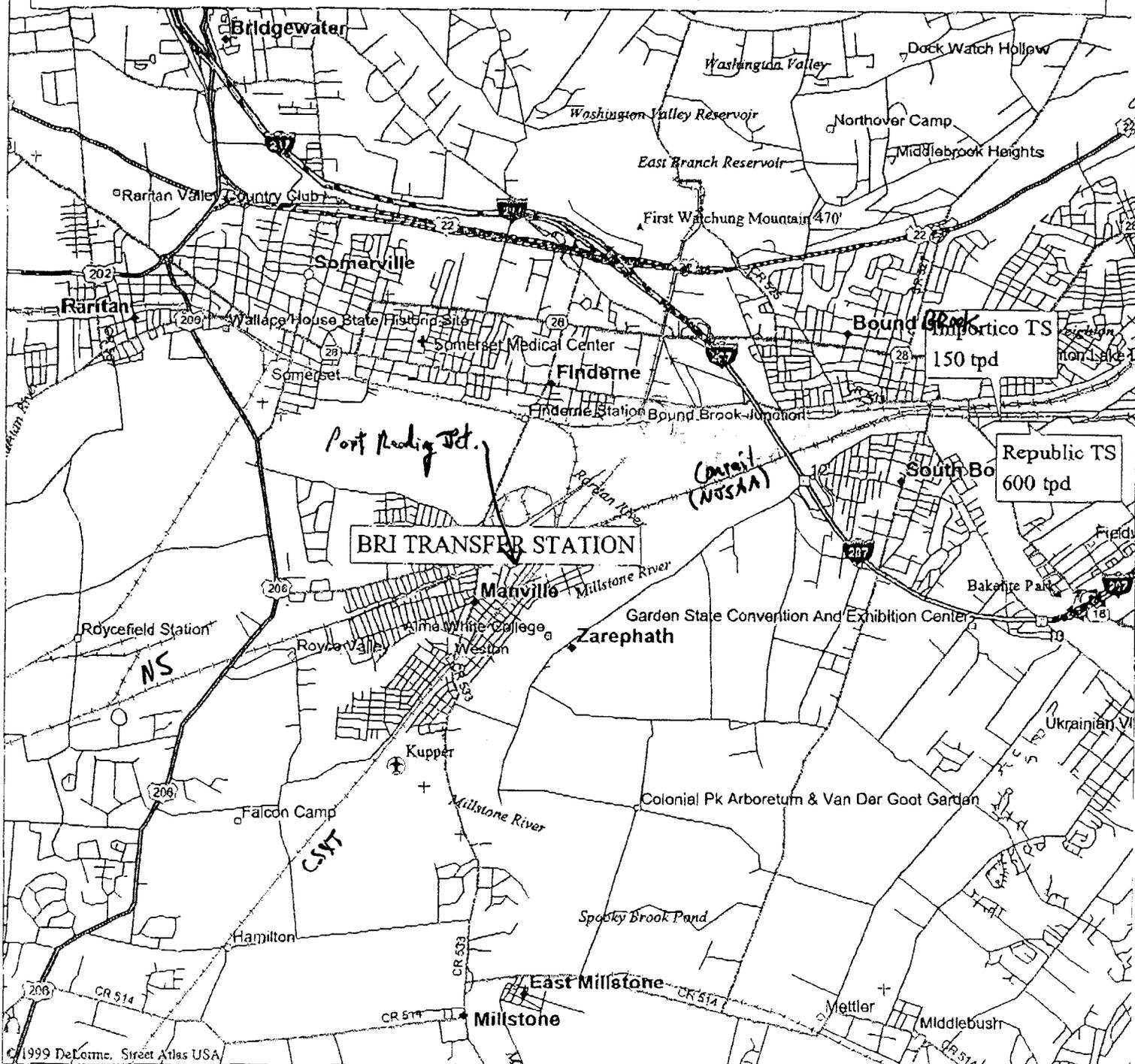
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Lehigh Line

Manville Yard



Vicinity Map



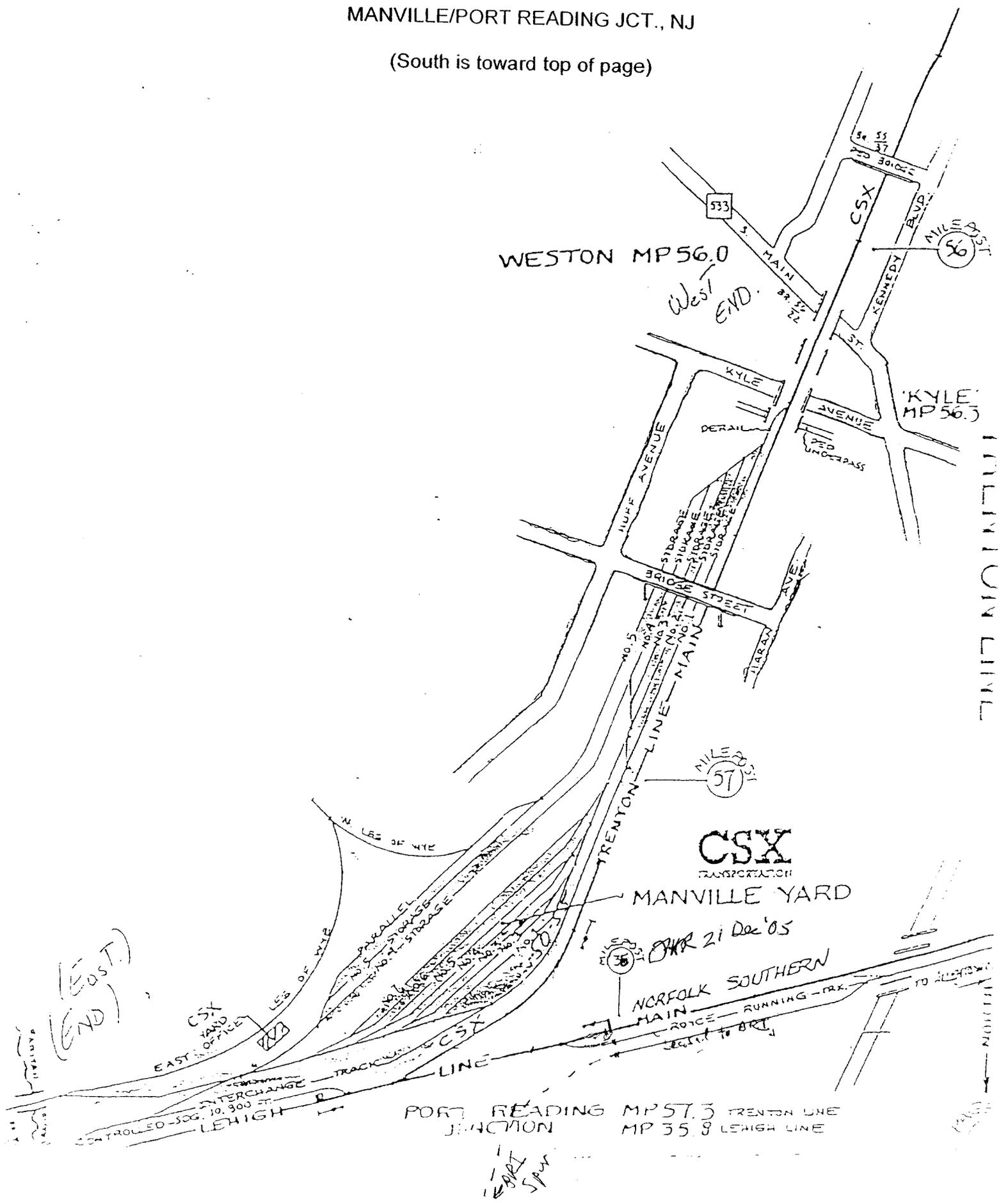
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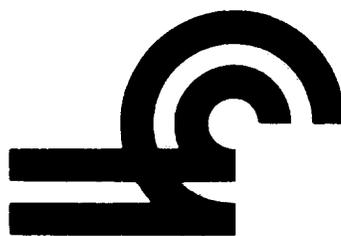
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| | US Highway | | Small Town |
| | Interstate/Limited Access | | Summit |
| | Major Connector | | Geographic Feature |
| | State Route | | Hospital |
| | Exit | | Park/Reservation |
| | Railroad | | Locale |
| | Point of Interest | | Public Airport |

MANVILLE/PORT READING JCT., NJ

(South is toward top of page)



CONRAIL®



***BEGINNING A
NEW TRADITION
SAFELY***

STATION PAGES AND SPECIAL INSTRUCTIONS
FOR
TIMETABLE NO. 1
EFFECTIVE 12:01 A.M., EASTERN STANDARD TIME
TUESDAY, JUNE 1, 1999

D.N. NELSON
SR. V.P. Operations

R.L. BATORY
V.P. Operations

R.N. DAWSON
Superintendent, S. Jersey

P.J. McWILLIAMS
Director, Train Operations

C.R. GREY
Superintendent, Detroit

A.C. FISHER
Director, Operating Rules

J.J. GAROFALO
Superintendent, N. Jersey

**RAIL FACILITIES AT
PORT READING JCT., NJ**

**EXHIBIT 3
Page 1 of 2**

Royce (BRI) Spur



Lehigh Line (NS)

Trenton Line (CSX)

Manville Yard

Royce (BRI) Spur

BRI Loading Tracks



Image © 2005 State of New Jersey

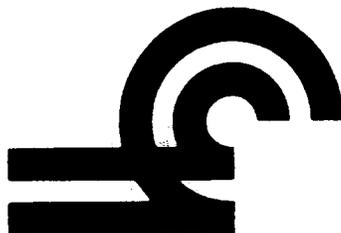
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Lehigh Line

Manville Yard

CONRAIL®

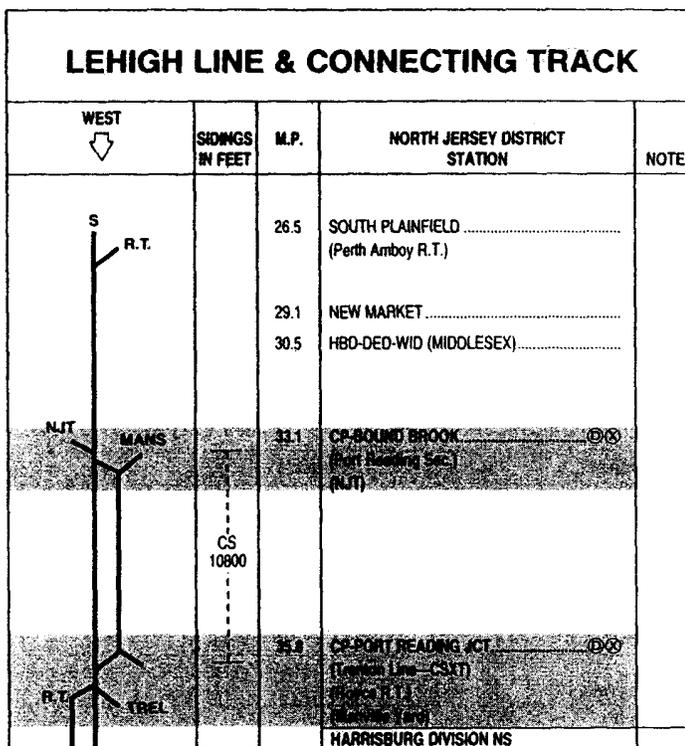


**NORTH JERSEY
DISTRICT**

J. J. GAROFALO
Superintendent

W. A. EASTMAN
Asst. Superintendent

LEHIGH LINE & CONNECTING TRACK				
WEST ↓	SIDINGS IN FEET	M.P.	NORTH JERSEY DISTRICT STATION	NOTE
			NORTH JERSEY DS.....	8
1 2 LCT				
		10.5	CP-VALLEY...R-NK (Oak Island Yard) (Lehigh Connecting Track)	1
HUNTER CONN.		11.1	HCD-W 20'4" (Newark).....	
		11.4	NK.....	2
		12.7	HILLSIDE..... (Irvington I.T.)	
I.T.				
1 2		14.5	CP-TOWNLEY...R-NK.....	2
		14.9	HBD-OED (TOWNLEY, N.J.).....	2
		16.0	CP-ROSELLE PARK...R-NK.....	2
		16.9	CP-ALDENE...R-NK..... (Raritan Valley Line NJT)	2,3
		17.9	CRANFORD..... (SIRT)	
NJT		19.4	CLARK..... (Bloodgood I.T.)	
1 2		23.2	CP-POTTER.....	3
S				



STATION PAGE INFORMATION

- NOTE 1:** The Operator at NK will route eastward trains at CP-Valley to tracks designated by the Yardmaster at the Oak Island Hump. Eastward trains entering Receiving Yard must stop before reaching first switch and a member of crew must line switches for proper track. Permission must be obtained from Yardmaster at Hump Yard Office before entering ladder track at east end of yard.
- NOTE 2:** TV and Freight Trains operating between NK and CP-Aldene receiving an Approach Medium indication must proceed approaching the next signal not exceeding 20 MPH. This speed must not be exceeded until a more favorable indication is received.
- NOTE 3: CP-ALDENE-CP-POTTER—WESTWARD LAY-BACK POINT**
When the westward distant signal to CP-Potter indicates Approach (Rule 285) or Stop and Proceed (Rule 291), trains must stop at MP 22.5 if they do not have a proceed indication at CP-Potter. This is to prevent the noise and fumes of idling engines from disturbing the residents of the housing development adjacent to CP-Potter.

MAXIMUM SPEEDS

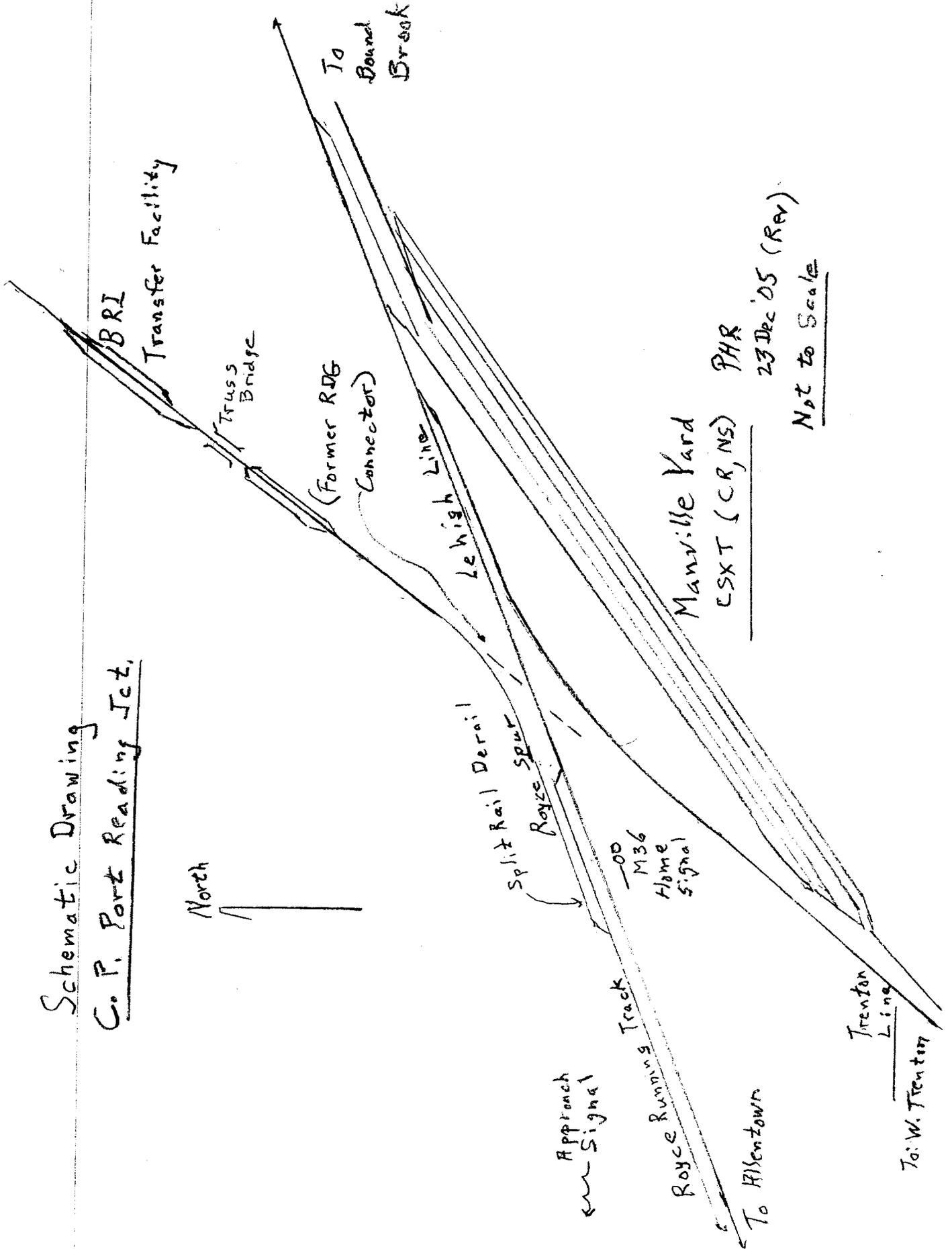
Between	Single Track	No. 1 Track		No. 2 Track	
CP-Stock and CP-Valley	30				
Movements within CP-Valley	30	30		30	
CP-Valley and NK		30		30	
NK Interlocking		Psg. 45	TV-Frt. 30	Psg. 45	TV-Frt. 30
NK and CP-Aldene		60	40	60	40
CP-Aldene—Movement to or from NJT Raritan Valley Line		30		30	
CP-Aldene and CP-Potter		50		50	
CP-Potter and CP-Port Reading Jct.	50				
Controlled Siding—CP-Bound Brook and CP-Port Reading Jct.	30				

LEHIGH LINE & CONNECTING TRACK					
STATION PAGE INFORMATION					
RULES IN EFFECT					
Between	Single Track	CS	No. 1 Track	No. 2 Track	
CP-Stock and CP-Valley	261				
CP-Valley and CP-Potter			261	261	
CP-Potter and CP-Bound Brook	261				
CP-Bound Brook and CP-Port Reading Junction	261	261			
Tracks are numbered north to south.					
LOCATIONS OF BULLETIN BOARDS					
Location	Posting				
Oak Island—Hump Yard Office	Albany Div.—CSXT Amtrak—Metropolitan Div. Amtrak—Mid-Atlantic Div. N.J.T.—Hoboken & Newark Div.				
Manville Yard Office	N.J.T.—Newark Div.				
LOCATIONS OF RADIO BASE STATIONS					
Base Station	Channel		Thumb Wheel Setting	Touch Tone Access	Click System Access
Elizabeth	3	50	01	1#	5
Potter	3	50	04	4#	6
Manville	3	50	08	8#	5
LOCATIONS OF RUNNING TRACKS					
Unless otherwise indicated, maximum speeds on Running Tracks is Restricted Speed not exceeding the speed indicated below.					
Track	Between	and	Employee in Charge	Speed MPH	
Royce	CP-Port Reading Jct.	Royce	North Jersey Dispatcher	10	
WEIGHT RESTRICTIONS					
Timetable Instruction page vii applies.					
EXCEPTION:					
286,000 lbs. authorized.					
LOCATIONS OF HEIGHT RESTRICTIONS					
Cars, doublestacks, loads or other equipment which do not exceed 20'2" high are permitted to operate between the following locations: Between CP-Valley and CP-Port Reading Junction.					

PORT READING SECONDARY				
EAST ↓	SIDINGS IN FEET	M.P.	NORTH JERSEY DISTRICT STATION	NOTE
			NORTH JERSEY DS..... 9	
LEHL				
		0.4	CP-BOUND BROOK..... 9	
			(Lehigh Line) (Manville Yard)	
		0.4	HCD-E-18'0" (Bound Brook)	
		1.6	BAKELITE.....	
		6.9	HELEN..... 9	
	2800	7.0	DURHAM.....	
		9.3	METUCHEN.....	
		12.0	CENTER..... 9	
		14.8	DX..... 9	
		15.6	HCD-DED-18'0"..... (Port Reading).....	
COAS		15.9	CP-PD..... 9	
			(Chemical Coast Sec.)	
		16.0	PORT READING YARD.....	
STATION PAGE INFORMATION				
RULES IN EFFECT—MAXIMUM SPEEDS				
Single Track Rules	Between			Single Track MPH
DCS	CP-Bound Brook (Westward trains, head end only)			10
	CP-Bound Brook and CP-PD			30
	CP-PD within Interlocking Limits			15
	YARD LIMITS			
93	CP-PD and MP 14.8			
LOCATIONS OF BULLETIN BOARDS				
Location		Posting		
Manville Yard		N.J.T.—Newark Div.		

PORT READING SECONDARY					
STATION PAGE INFORMATION					
LOCATIONS OF RADIO BASE STATIONS					
Base Station	Channel		Thumb Wheel Setting	Touch Tone Access	Click System Access
Elizabeth	3	50	01	1#	5
Manville	3	50	08	8#	5
WEIGHT RESTRICTIONS					
<p>Timetable Instruction page vii applies.</p> <p>EXCEPTION: 273,000 lbs. authorized.</p>					
POSITION OF MAIN TRACKS SWITCHES					
<p>Hand-operated switches providing access to the main track at MP 15.8, may be left in reverse position when authorized by Form D, line 13.</p> <p>Refer to System Instruction 104-3 for procedure.</p>					

Schematic Drawing
Co. P. Port Reading Jct.



North

Manville Yard
CSXT (CR, NS) PHR

23 Dec '05 (REV)

Not to Scale

Approach Signal

Royce Running Track

To Allentown

Trenton Line

To W. Trenton

To Bound Brook

BRI Transfer Facility

Truss Bridge

(Former RDG Connector)

Lehigh Line

Split Rail Derrail

Royce Spur

M36

Home Signal

MAR 06 '04 05:25PM NCSC MT LAUREL

P. 1/1

March 6, 2004

ATTENTION ECDC ENVIRONMENTAL
BRIDGEWATER, N.J.

WHEN FAXING PLANT SWITCHES / DRILLS TO CONRAIL
PLEASE USE THE NUMBER LISTED BELOW :

1-877-231-1016

** ALL SHIPPING INSTRUCTIONS /BILLS OF LADING
PLEASE FAX OR EDI TO THE NORFOLK SOUTHERN OR
CSX RAILROADS.

THANKS
CONRAIL SAA
CUSTOMER SERVICE CENTER
MT. LAUREL, N.J.

MAR 26 '04 04:49PM NCSC MT LAUREL

P.1 EXHIBIT 6
Page 2 of 2

MARCH 26, 2004

ATTENTION ATTENTION ATTENTION

BRIDGEWATER RESOURCES

PLEASE BE ADVISED : WHEN FAXING
YOUR PLANT SWITCHS AND DRILLS TO
CONRAIL CUSTOMER SERVICE CENTER,
IN MT. LAUREL, N.J. USE THE TOLL FREE
NUMBER LISTED BELOW. THIS IS THE
ONLY VALID NUMBER FOR PROCESSING
YOUR REQUEST FOR SERVICE.

1-877-231-1016

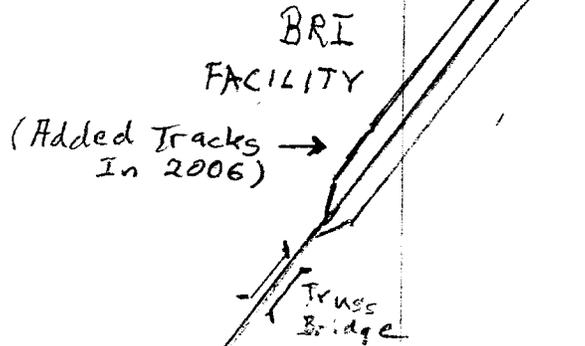
*** ALL SHIPPING INSTRUCTIONS / BILLS OF LADING
PLEASE FAX OR EDI TO THE NORFOLK SOUTHERN OR
CSX RAILROADS.

THANK YOU
CONRAIL SAA
MT. LAUREL, N.J.

Possible Improvements -
C.P. Port Reading Jet



NOT TO SCALE
PHR 28 Dec '05 (Rev)



(Between Royce Spur and Royce Runner)
East END -
POSSIBLE ADD

NEW Hand Thrown
Electric Lock
Crossover

ROYCE
SPUR

Existing
Power
Turnout
to
Royce
Runner

LEHIGH LINE

Retain
Switch Point
Derail
and
Turnout

[Runner
Derail
SPT]

Home
Signal
MP36

LOCATION OF
MANVILLE YARD

MAIN
TRACK

Note: New Crossover Lined and
Locked 'Normal' protects
Royce Runner and Main.

TRENTON
LINE

APPENDIX

**Citation/Fine Notices Issued to BRI
by
New Jersey Department of Environmental Protection**



Bridgewater Resources, Inc.

A Subsidiary of Waste Solutions Group of Somerset 

December 20, 2005

Mr. Brian Petitt
Supervisor - Central
Bureau of Solid Waste Compliance and Enforcement
New Jersey Department of Environmental Protection
300 Horizon Center
Trenton, NJ 08625
via overnight mail

RE: Administrative Order and Notice of Civil Administrative Penalty Assessment
EA ID#: PEA050005-132640 (SW)

Dear Mr. Petitt:

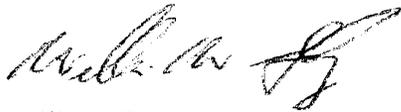
We received the attached AONOCAPA on December 2, 2005. We wish to formally request an administrative hearing, per our rights under the Solid Waste Management Act. We do request an informal meeting prior to the scheduling of any formal administrative hearing.

The Administrative Hearing Request Checklist and Tracking Form is attached.

We believe the proposed fines are excessive and not warranted given a) BRI's history (under current management) of compliance with regulations, b) the alleged violations were in fact corrected immediately during the DEP inspectors' visits, and c) the alleged violations were caused by the failure of Norfolk Southern Railroad to service our facility; whose service had been particularly bad in the post-Hurricane Katrina environment.

We look forward to promptly resolving this issue.

Sincerely,



William W. Gay
President



Michael Mastrangelo
General Manager

Attachments

Administrative Hearing Request Checklist and Tracking Form

Section III

- A. Date(s) Alleged Violator Received Enforcement Document
December 2, 2005
- B. Copy of Enforcement Document and List of Issues Being Appealed
Please see attached.
- C. Admission or Denial of Each Finding
First Finding (September 30, 2005 - 11AM) - BRI acknowledges that some material was outside the transfer floor, due to the failure of Norfolk Southern to deliver railcars to the facility. The situation was corrected within 20 minutes, while Inspector Hanf was on-site. BRI also followed with a written response to Inspector Hanf on October 15, 2005 (copy of letter attached).
Second Finding (October 20, 2005) - BRI acknowledges receiving a copy of the alleged NOV. BRI did not formally respond as we were awaiting additional communication from Inspector Hanf. While still at BRI Mr. Hanf indicated he would check with his office and respond back to us on the ultimate status of the alleged NOV. We had not received any additional correspondence from Mr. Hanf (and therefore had not responded) prior to the receipt of the AONOCAPA on December 2nd.
- D. The Defenses to Each Finding
The AONOCAPA indicates under the "Seriousness" section that the violations alleged are MINOR. We agree that the alleged violations are minor. We also point out that the alleged violations were caused by another party (i.e. Norfolk Southern Railroad's failure to deliver rail containers) and we had been working to correct the problem before the DEP even conducted its inspection (see some correspondences to Norfolk Southern - attached). The ANOCAPA indicates under the "Conduct" section that BRI failed to "take corrective measures to bring the site into compliance after the Notice of Violation issued on September 30, 2005", and that makes the conduct MODERATE. This allegation is incorrect, as the September 30th violation was corrected within 20 minutes of BRI being made aware of it. As indicated above, BRI followed up with a written response to the violation on October 15th, so any implication that BRI did not take the first violation seriously is incorrect. BRI takes its regulatory responsibilities seriously and corrects any shortcomings as soon as it practically can upon its discovery.
- E. Information Supporting the Request
Please see attached.
- F. Estimate of Time Required For Hearing
One to two hours.
- G. Request, if Necessary, For Barrier-Free Location
None required

H. Indication of Willingness to Negotiate Settlement Prior to Hearing
BRI is prepared to negotiate a settlement prior with the Department prior to the hearing, and would welcome an informal hearing.

I. Forms Signed?
Yes.



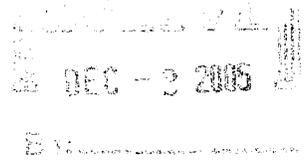
State of New Jersey

Richard J. Codey
Acting Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
COUNTY ENVIRONMENTAL AND WASTE ENFORCEMENT PROGRAMS
BUREAU OF SOLID WASTE COMPLIANCE AND ENFORCEMENT
300 HORIZON CENTER
P.O. BOX 407
TRENTON NJ 08625-0407
Tel. (609) 584-4180
Fax. (609) 588-2444

Bradley M. Campbell
Commissioner

CERTIFIED MAIL/RRR
7003 2260 0001 3064 4525



November 18, 2005

Mr. William W. Gay, President
BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY
15 Polhemus Lane
Bridgewater, New Jersey 08807

**RE: ADMINISTRATIVE ORDER AND NOTICE OF CIVIL ADMINISTRATIVE
PENALTY ASSESSMENT
BRIDGEWATER RESOURCES TS/MRF
15 Polhemus Lane
Bridgewater Township, New Jersey 08807
EA ID #: PEA050005 - 132640(SW)**

Dear Mr. Gay:

Enclosed for service upon you is an Administrative Order and Notice of Civil Administrative Penalty Assessment issued by the Department pursuant to the provisions of the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and/or the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq.

The Department may be available to meet informally with the principals of the case to discuss the enclosed enforcement action. Should such a meeting be requested and granted, be advised this does not affect the time frame within which you may request an administrative hearing under the **NOTICE OF RIGHT TO A HEARING** provision in the enclosed Administrative Order and Notice of Civil Administrative Penalty Assessment.

Should you have any questions concerning the enclosed Administrative Order and Notice of Civil Administrative Penalty Assessment or wish to request an informal meeting, please contact Mr. John J. Hanf Jr. at 609-584-4180.

Sincerely,

Brian Petitt, Supervisor - Central
Bureau of Solid Waste Compliance & Enforcement

Enclosure

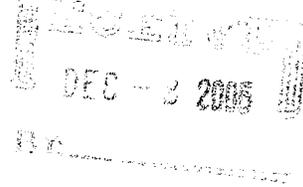


State of New Jersey

Richard J. Codey
Acting Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
COUNTY ENVIRONMENTAL AND WASTE ENFORCEMENT PROGRAMS
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300 HORIZON CENTER
P.O. BOX 407
TRENTON NJ 08625-0407
Tel. (609) 584-4180
Fax. (609) 588-2444

Bradley M. Campbell
Commissioner



IN THE MATTER OF

Mr. William W. Gay -- Individually :
& :
BRIDGEWATER RESOURCES SOLID :
WASTE TRANSFER FACILITY :
15 Polhemus Lane :
Bridgewater Township, New Jersey 08807 :

ADMINISTRATIVE ORDER
AND
NOTICE OF CIVIL ADMINISTRATIVE
PENALTY ASSESSMENT

EA ID # PEA050005 – 132640(SW)

This Administrative Order and Notice of Civil Administrative Penalty Assessment (hereinafter "AONOCAPA") is issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter "NJDEP" or the "Department") by N.J.S.A. 13:1D-1 et seq., and the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and/or the Solid Waste Utility Control Act N.J.S.A. 48:13A-1 et seq., and duly delegated to the Chief, Bureau of Solid Waste Compliance and Enforcement, Division of County Environmental and Waste Enforcement Programs, pursuant to N.J.S.A. 13:1B-4.

FINDINGS

1. BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY is an approved solid waste transfer facility which operates the facility at 15 Polhemus Lane, Block(s): 6101 & 6103 and Lots: 3.2 & 1, Bridgewater Township, Somerset County, New Jersey (ID# 132640).
2. Pursuant to N.J.A.C. 7:26-1.4, a "solid waste facility" means any system, site, equipment or building which is utilized for the storage, collection, processing, transfer, transportation, separation, recycling, recovering or disposal of solid waste...

BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY
FACILITY ID No.: 132640

3. As the result of compliance evaluation(s) conducted on 09/30/2005 and 10/20/2005, the Department has determined that BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY AND MR. WILLIAM W. GAY -INDIVIDUALLY failed to comply with applicable requirements as follows:

Requirement: Pursuant to N.J.A.C. 7:26-2.11(b)3 facility property surrounding the actual disposal area shall be maintained free of litter, debris, and accumulations of unprocessed waste, process residues and effluents. Methods of effectively controlling windblown papers and other lightweight materials such as fencing shall be implemented at all facilities. [N.J.A.C. 7:26-2.11(b)3]

✓ Description of Noncompliance: Facility failed to control litter, debris, unprocessed waste, process residues and effluents.

Requirement: Pursuant to N.J.A.C. 7:26-2B.9(b) the facility shall comply with the additional operational, maintenance, inspection and monitoring requirements for transfer stations and material recovery facilities as provided at N.J.A.C. 7:26-2B.9. [N.J.A.C. 7:26-2B.9]

✓ Description of Noncompliance: All facility processing, tipping, sorting, loading, storage and compaction of materials (that is, solid waste and mixtures of solid waste and recyclable materials) shall occur within the confines of an enclosed building.

Action: On 09/30/05, the Department issued a Notice of Violation to BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY for this violation. The Department afforded BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY a period of time to correct the violation before a penalty would be assessed. The Department conducted a follow-up compliance evaluation on 10/20/2005 and determined that this violation had not been corrected.

4. Based on the facts set forth in these FINDINGS, the Department has determined that BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY AND MR. WILLIAM W. GAY -INDIVIDUALLY has violated the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and/or the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq., and the regulations promulgated pursuant thereto, specifically, N.J.A.C. 7:26-2.11(b)3, N.J.A.C. 7:26-2B.9(b).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

5. BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY AND MR. WILLIAM W. GAY -INDIVIDUALLY shall comply with the following:

BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY
FACILITY ID No.: 132640

- a. Facility property surrounding the actual disposal area shall be maintained free of litter, debris and accumulations of unprocessed waste, process residues and effluents. [N.J.A.C. 7:26-2.11(b)3] ✓
- b. All facility processing, tipping, sorting, loading, storage and compaction of materials (that is, solid waste and mixtures of solid waste and recyclable materials) shall occur within the confines of an enclosed building. [N.J.A.C. 7:26-2B.9(b)] ✓

This Order shall be effective upon receipt by BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY AND MR. WILLIAM W. GAY -INDIVIDUALLY or someone on the violator's behalf authorized to accept service.

NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT
AND
NOTICE OF RIGHT TO A HEARING

6. Pursuant to N.J.S.A. 13:1E-9e and/or N.J.S.A. 14:13A-12(b), and based upon the above FINDINGS, the Department has determined that a civil administrative penalty is hereby assessed against BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY AND MR. WILLIAM W. GAY -INDIVIDUALLY in the amount of **\$12,000.00**. The Department's rationale for the civil administrative penalty is set forth in the enclosed Penalty Assessment Worksheets, and incorporated herein.
7. Pursuant to N.J.S.A. 13:1E-1 et seq. the Department may, in addition to any other civil administrative penalty assessed, include as a civil administrative penalty the economic benefit (in dollars) which a violator has realized as a result of not complying with, or by delaying compliance with, the requirements of the Act.
8. Pursuant to N.J.S.A. 48:13-A-1 et seq., should the Department determine a solid waste collector has charged excessive rates, the Department can order the collector to pay a refund to all affected customers.
9. Pursuant to N.J.S.A. 52:14B-1 et seq., and N.J.S.A. 13:1E-9(e), BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY AND MR. WILLIAM W. GAY -INDIVIDUALLY is entitled to request a hearing. BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY AND MR. WILLIAM W. GAY -INDIVIDUALLY shall, in its request for a hearing, complete and submit the enclosed **ADMINISTRATIVE HEARING REQUEST AND CHECKLIST TRACKING FORM** along with all required information. Submittal or granting of a hearing request does not stay the terms or effect of this AONOCAPA.
10. If no request for a hearing is received within twenty (20) calendar days from receipt of this AONOCAPA, it shall become a Final Order upon the twenty-first (21st) calendar day following its receipt, and the penalty shall be due and payable.

BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY
FACILITY ID No.: 132640

11. If a timely request for a hearing is received, payment of the penalty is due when BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY AND MR. WILLIAM W. GAY -INDIVIDUALLY receives a notice of the denial of the request, or, if the hearing request is granted, when BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY AND MR. WILLIAM W. GAY -INDIVIDUALLY withdraws the request or abandons the hearing, or, if the hearing is conducted, when BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY AND MR. WILLIAM W. GAY -INDIVIDUALLY receives a final decision from the Commissioner in this matter.
12. Payment shall be made by check payable to Treasurer, State of New Jersey and shall be submitted along with the enclosed Enforcement Invoice to:

Department of Treasury
Division of Revenue
P.O. Box 417
Trenton, NJ 08646-0417

GENERAL PROVISIONS

13. This AONOCAPA is binding on BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY AND MR. WILLIAM W. GAY -INDIVIDUALLY their principals, directors, officers, agents, successors, assigns, employees, tenants, any trustee in bankruptcy or other trustee, and any receiver appointed pursuant to a proceeding in law or equity.
14. No obligations imposed by this AONOCAPA are intended to constitute a debt which should be limited or discharged in a bankruptcy proceeding. All obligations are imposed pursuant to the police powers of the State of New Jersey, intended to protect the public health, safety, welfare and the environment.
15. This AONOCAPA is issued only for the violation(s) identified in the FINDINGS hereinabove and that violations of any statutes, rules or permits other than those herein cited may be cause for additional enforcement actions, either administrative or judicial, being instituted. By issuing this AONOCAPA, NJDEP does not waive its rights to initiate additional enforcement actions.
16. Neither the issuance of this AONOCAPA nor anything contained herein shall relieve BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY AND MR WILLIAM W. GAY -INDIVIDUALLY of the obligation to comply with all applicable laws, including but not limited to the statutes and regulations cited herein.
17. Pursuant to N.J.S.A. 13:1E-9e, NJDEP is authorized to assess a civil administrative penalty of not more than \$50,000 for each violation, and each day during which the violation continues shall constitute an additional, separate and distinct offense.

BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY
FACILITY ID No.: 132640

18. Pursuant to N.J.S.A. 13:1E-9f, any person who violates the provisions of N.J.S.A. 13:1E-1 et seq. or any code, rule, or regulation promulgated pursuant thereto shall be liable to a penalty of not more than \$50,000 per day to be collected in a civil action, and any person who violates an administrative order issued pursuant to N.J.S.A. 13:1E-9c, including this Administrative Order, or a court order issued pursuant to N.J.S.A. 13:1E-9d, or who fails to pay a civil administrative penalty assessed pursuant to N.J.S.A. 13:1E-9e in full after it is due is subject upon order of a court to a civil penalty not to exceed \$100,000 per day of such violations. Each day during which the violation continues constitutes an additional, separate and distinct offense.
19. Pursuant to N.J.S.A. 13:1E-12, the Department, after hearing may revoke or suspend the registration issued to any person engaged in solid waste collection or solid waste disposal, including hazardous waste collection or disposal, upon a finding that such a person has violated any provision of the Solid Waste Management Act, or any rule, regulation, or administrative order, or has violated any provision of the laws related to pollution of the waters, air or land surfaces of the State; or has refused or failed to comply with any lawful order of the Department.
20. Pursuant to N.J.S.A. 13:1E-134(a) and N.J.S.A. 52:14B-1 et seq., the Department may revoke a solid or hazardous waste license based upon an accumulation of refusals or failures to comply with the Solid Waste Management Act, or any code, rule, regulation or Administrative Order which may constitute "unreliability".
21. Pursuant to N.J.S.A. 48:13A-12(b), any person who shall violate any provisions of the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq., or the Solid Waste Collection Regulatory Reform Act, N.J.S.A. 48:13A-7 et seq., or any rule, regulation or administrative order adopted or issued pursuant thereto, including an interdistrict, intradistrict or interstate waste flow order, or who shall engage in the solid waste collection or solid waste disposal business without having been issued a certificate of public convenience and necessity, shall be liable to a penalty of not more than \$10,000 for a first offense, not more than \$25,000 for a second offense and not more than \$50,000 for a third and every subsequent offense. Each day during which the violation continues constitutes an additional, separate and distinct offense.
22. Notice is further given that, pursuant to N.J.S.A. 48:13A-12(c), whenever it shall appear to the Department, a municipality, local board of health, or county health department, as the case may be, that any person has violated, intends to violate, or will violate any provision of the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq., or the Solid Waste Collection Regulatory Reform Act, N.J.S.A. 48:13A-7.1 et seq., or any rule, regulation or administrative order adopted or issued pursuant thereto, the Department, the municipality, local board of health or county health department may institute a civil action in the Superior Court for injunctive relief and for such order relief as may be appropriate in the circumstances and the court may proceed in any action in a summary manner.
23. Notice is further given that, pursuant to the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq., specifically N.J.S.A. 48:13A-12(a), any person or officer or agent thereof who shall knowingly violate any of the provisions of this Act or aid or advise in such violation, or who, as

BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY
FACILITY ID No.: 132640

principal, manager, director, agent, servant, or employee knowingly does any act compromising a part of such violation, is guilty of a crime of the fourth degree and shall be punished by imprisonment for not more than 18 months or by a fine of not more than \$50,000, or both; and if a corporation by a fine of not more than \$100,000. Each day during which the violation continues constitutes an additional, separate and distinct offense.

24. Notice is further given that, pursuant to N.J.S.A. 48:13A-9, the Department shall revoke or suspend the certificate of public convenience and necessity issued to any person engaged in the solid waste collection or disposal business upon a finding that such person has violated any provision of the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq., or the Solid Waste Collection Regulatory Reform Act, N.J.S.A. 48:13A-7.1 et seq., or any rule, regulation or administrative order adopted or issued pursuant thereto; or has violated any provision of any laws related to pollution of the air, water or lands of this State; or has refused or failed to comply with any lawful order of the Department; or has had its registration revoked by the Department; or has been denied approval of a license under the provisions of N.J.S.A. 13:1E-126 et seq., or has had its license revoked by the Department as the case may be.

DATE: NOV 18 2005



A. Raimund Belonzi, Chief
Bureau of Solid Waste Compliance and Enforcement

DEC - 8 2005

SOLID WASTE MANAGEMENT ACT
MATRIX PENALTY ASSESSMENT WORK SHEET

Respondent(s): BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY
 AND MR. WILLIAM W. GAY -INDIVIDUALLY

Date of Violation: 09/30/2005 & 10/20/2005

Rule violated as listed in N.J.A.C. 7:26-5.5(a): N.J.A.C. 7:26-2.11(b)3 & N.J.A.C. 7:26-2B9(b).

		<u>SERIOUSNESS</u>		
		<u>Major</u>	Moderate	Minor
<u>CONDUCT</u>	Major	\$40,000 - \$50,000	\$30,000 - \$40,000	\$15,000 - \$25,000
	Moderate	\$30,000 - \$40,000	\$10,000 - \$20,000	\$3,000 - \$6,000
	Minor	\$15,000 - \$25,000	\$3,000 - \$6,000	\$1,000 - \$2,500

1. Degree of Seriousness MINOR
2. Degree of Conduct: MODERATE
3. Matrix Cell Range: \$ 3,000.00 - \$ 6,000.00
4. Midpoint of Range: \$4,500.00
5. Primary Penalty Assessment: \$ 4,500.00 x 2 = \$9,000.00
6. Discretionary Adjustment: +\$1,500.00/day
7. Total Penalty Assessment: \$12,000.00

Justification for Assessment

Although the above inspections and resultant Notices of Violation addressed multiple violations of the facility's Solid Waste Facility Permit/Approval, the Department is using its discretion to consolidate violations into one penalty assessment for each date on which a violation occurred. For this reason, however, the Department is opting to use the upper range (\$6,000.00) for its

BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY
FACILITY ID No.: 132640

daily penalty calculation. Due to the failure of the respondents to bring the facility into compliance after the first Notice of Violation and the seriousness of the violations, penalties are being assessed under N.J.A.C. 7:26-5.5 as a deterrent to continued violations of the facility's permit.

Seriousness: The violations described herein have the potential to cause harm to health and/or the environment and, as such represent deviation from the intent of the Solid Waste Facility Permit/Approval. The Department makes this assessment based primarily on continuous violation notices issued to the facility and how it deviates from the promulgated rules. Based on the above, the seriousness is determined to be **MINOR**.

Conduct: Under N.J.A.C 7:26-2.11(b)9 the operator shall at all times comply with the conditions of the Solid Waste Facility Permit as well as all other permits or certificates required and issued by the Department. The respondents mentioned above, the holders of a Solid Waste Facility Permit are certainly aware of the requirements to comply with the conditions of the approval and additional operational requirements for transfer stations listed under N.J.A.C. 7:26-2B.9. Failing to comply with the conditions of the Solid Waste Facility Permit or take corrective measures to bring the site into compliance after the Notice of Violation issued on September 30, 2005, must be considered at very least an unintentional but foreseeable act and as such the conduct is **MODERATE**.

Discretionary Adjustment: The Department has exercised its authority to use a discretionary adjustment as identified in the justification paragraph above.



New Jersey Department of Environmental Protection
 Bureau of Solid Waste Compliance and Enforcement
 PO Box 407, Trenton, NJ 08625-0407
 Tel: (609) 584-4180 Fax: (609) 588-2444

NOTICE OF VIOLATION

Facility/Prog. Interest Name: Bridgewater Services, Inc DEP ID No.: 132640

Location: 15 Palmetto Lane, Bridgewater, New Jersey 08807

Responsible Party: Mrs. Michael Marzoccolo Title: General Manager

You are hereby **NOTIFIED** that during a compliance evaluation on 10/20/15, the following violation(s) of the Solid Waste Management Act, (N.J.S.A. 13:1E-1 et seq.) and/or the Solid Waste Utility Control Act, (N.J.S.A. 48:13A-1 et seq.) And the regulation(s) (N.J.A.C. 7:26-1, 7:26A-1 and 7:26H et seq.) promulgated thereunder were observed. This violation(s) has been recorded as part of the permanent enforcement history for the above.

VIOLATION(S):

Citation: N.J.A.C. 7:26-2.11(b)3

Description of Noncompliance: Facility property surrounding the actual disposal area shall be maintained free of litter, debris and accumulations of unprocessed waste, process residues and effluents.

Citation: N.J.A.C. 7:26-2.39(b)

Description of Noncompliance: All facility processing, tipping, sorting, loading, storage and collection of materials (that is solid waste and mixtures of solid waste and recyclable materials) shall occur within the confines of an enclosed building.

YOU MUST TAKE THE FOLLOWING CORRECTIVE ACTION(S):

Submittal or Action: Immediately comply with citation! All litter & debris must be processed, cleaned up outside of transfer station doors and all processed areas!
 by _____ (date)

Submittal or Action: Immediately comply with citation! All trucks must tip all solid waste within the confines of an enclosed building. Not outside of the transfer station doors!
 by _____ (date)

Within fifteen (15) calendar days of receipt of this Notice of Violation, you shall submit in writing, to the individual issuing this Notice, and explanation of the corrective measures you have taken to achieve compliance.

Issuance of this Notice of Violation serves as notice to you that the Department has determined that a violation(s) has occurred and does not preclude the State of New Jersey or any of its agencies from initiating administrative or judicial enforcement action, or from assessing penalties or from modifying this Notice of Violation, with respect to this or other violations. Pursuant to N.J.S.A. 13:1E-1 et seq. and/or N.J.S.A. 48:13A et seq., a violation of this regulation is subject to penalties of up to \$50,000 per day/offense.

Issued by: [Signature] Signature: [Signature] Date: 10/20/15

Received by: [Signature] Signature: [Signature] Date: 10/20/15



Bridgewater Resources, Inc.

A Subsidiary of Waste Solutions Group of Somerset 

October 15, 2005

Mr. John J. Hanf, Jr.
Inspector
New Jersey Department of Environmental Protection
Bureau of Solid Waste Compliance & Enforcement
P.O. Box 407
Trenton, NJ 08625-2444

RE: September 30, 2005 - Notice of Violation

Dear Mr. Hanf:

We are in receipt of the above mentioned Notice of Violation, in which you have cited our facility for possible violation of N.J.A.C. 7:26-2.11(b)3 and 7:26-2B.9(b). We want to address the issues you have raised promptly, and also request copies of the photos you took for our files.

As you are aware, BRI ships out approximately 85% of its waste by rail. And in doing so, BRI has been successful with taking approximately 890 long haul trucks per month or 10,680 long haul trucks per year off the road. This incident occurred for the following reasons: Over the past few weeks, Norfolk Southern, who services us has been changing its routing pattern and have not had the proper personnel to provide us our usual service. We were aware of the problem and had been working to correct it. See attached an email William Gay sent to NS prior to your arrival at BRI. We have been unable to get additional trailers because they are headed south to Louisiana for the Katrina and Rita cleanups.

On the particular day you inspected the facility, NS missed our early morning service. BRI received service at the same time you arrived at the facility. As you will note, within a short period of time the facility was back to normal, with all materials inside the building. Please be advised that in the future BRI will close its doors and notify the NJDEP of its action, if the risk of exceeding building capacity exists.

Please let me know if you need any further information on the actions BRI has and will take to reduce the potential of these issues in the future.

Sincerely,


Michael Mastrangelo

7004 2890 0004 6542 0713

From: Bill1959@aol.com [mailto:Bill1959@aol.com]
Sent: Friday, September 30, 2005 8:20 AM
To: Francis.Hennessy@nscorp.com; fhenness@nscorp.com
Cc: Chuck.Travis@awin.com
Subject: Royce Service

September 30, 2005

TO: Fran Hennessy (Norfolk Southern Railroad)
FROM: Bill Gay (Bridgewater Resources, Inc)
CC: Chuck Travis (ECDC Environmental)
SUBJECT: NS Service Lapses - Royce

Fran, I need to request your help to address a critical problem we are facing with current NS service to our facility in Royce. Although we have suffered service lapses occasionally the past two years, these past three weeks have been particularly bad.

As you know, we are supposed to receive service at BRI at least 5 days per week, and of course we are releasing 8-10 railcars per day those same 5 days per week.

For the three week period beginning Monday, September 12th, the local NS crew has not serviced us 5 out of the 15 days*, or a 33% failure rate. And we did have empty railcars available in the Manville Yard to bring in on all of those evenings.

Because of these service failures we have waste in our transfer station building and could face fines and/or be shutdown if service is not immediately restored.

Please get back to me ASAP with a plan to assist us right now, plus ideas on how we can eliminate these problems going forward.

Thank you.



New Jersey Department of Environmental Protection
 Bureau of Solid Waste Compliance and Enforcement
 PO Box 407, Trenton, NJ 08625-0407
 Tel: (609) 584-4180 Fax: (609) 588-2444

NOTICE OF VIOLATION

Facility/Prog. Interest Name: Bridgewater Resources, Inc DEP ID No.: 132-6410
 Location: 15 Polhemus Lane, Bridgewater, New Jersey 08307
 Responsible Party: Mr. Michael Mastaglio Title: General Manager

You are hereby **NOTIFIED** that during a compliance evaluation on 9/30/05, the following violation(s) of the Solid Waste Management Act, (N.J.S.A. 13:1E-1 et seq.) and/or the Solid Waste Utility Control Act, (N.J.S.A. 48:13A-1 et seq.) And the regulation(s) (N.J.A.C. 7:26-1, 7:26A-1 and 7:26H et seq.) promulgated thereunder were observed. This violation(s) has been recorded as part of the permanent enforcement history for the above.

VIOLATION(S):

Citation: N.J.A.C. 7:26-2.11(b)3
 Description of Noncompliance: Facility property surrounding the actual disposal area shall be maintained free of litter, debris and accumulations of unprocessed waste, process residues and effluents.

Citation: N.J.S.A. 7:26-2.8(a)
 Description of Noncompliance: All facility processing, tipping, sorting, loading, storage and compacting of materials (that is, solid waste and mixtures of solid waste and recyclable materials) shall occur within the confines of an enclosed building.

YOU MUST TAKE THE FOLLOWING CORRECTIVE ACTION(S):

Submittal or Action: Immediately comply with citation. All litter & debris must be processed / cleaned up outside of transfer station doors.
 _____ by _____ (date)

Submittal or Action: Immediately comply with citation. All trucks must tip all solid waste within the confines of an enclosed building.
 _____ by _____ (date)

Within fifteen (15) calendar days of receipt of this Notice of Violation, you shall submit in writing, to the individual issuing this Notice, and explanation of the corrective measures you have taken to achieve compliance.

Issuance of this Notice of Violation serves as notice to you that the Department has determined that a violation(s) has occurred and does not preclude the State of New Jersey or any of its agencies from initiating administrative or judicial enforcement action, or from assessing penalties or from modifying this Notice of Violation, with respect to this or other violations. Pursuant to N.J.S.A. 13:1E-1 et seq. and/or N.J.S.A. 48:13A et seq., a violation of this regulation is subject to penalties of up to \$50,000 per day/offense.

Issued by: [Signature] Signature: [Signature] Date: 9/30/05
 Received by: [Signature] Signature: [Signature] Date: 7/5/05

CONRAIL®



***BEGINNING A
NEW TRADITION
SAFELY***

STATION PAGES AND SPECIAL INSTRUCTIONS
FOR
TIMETABLE NO. 1
EFFECTIVE 12:01 A.M., EASTERN STANDARD TIME
TUESDAY, JUNE 1, 1999

D.N. NELSON
SR. V.P. Operations

R.L. BATORY
V.P. Operations

R.N. DAWSON
Superintendent, S. Jersey

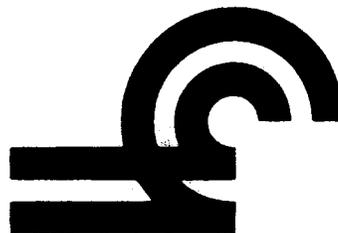
P.J. McWILLIAMS
Director, Train Operations

C.R. GREY
Superintendent, Detroit

A.C. FISHER
Director, Operating Rules

J.J. GAROFALO
Superintendent, N. Jersey

CONRAIL®



**NORTH JERSEY
DISTRICT**

J. J. GAROFALO
Superintendent

W. A. EASTMAN
Asst. Superintendent

LEHIGH LINE & CONNECTING TRACK				
WEST ↓	SIDINGS IN FEET	M.P.	NORTH JERSEY DISTRICT STATION	NOTE
			NORTH JERSEY DS.....	
1 2				
LCT				
		10.5	CP VALLEY...R-NK (Oak Island Yard) (Lehigh Connecting Track)	1
HUNTER CONN.		11.1	HCD-W 20'4" (Newark).....	
		11.4	NK.....	2
		12.7	HILLSIDE..... (Irvington I.T.)	
I.T.				
1 2				
		14.5	CP TOWNLEY...R-NK.....	
		14.9	HBD-DED (TOWNLEY, N.J.).....	
		16.0	CP ROSELLE PARK...R-NK.....	
		16.9	CP ALDENE...R-NK..... (Raritan Valley Line NJT)	2,3
		17.9	CRANFORD..... (SIRT)	
		19.4	CLARK..... (Bloodgood I.T.)	
NJT		23.2	CP POTTER.....	3
1 2				
S				

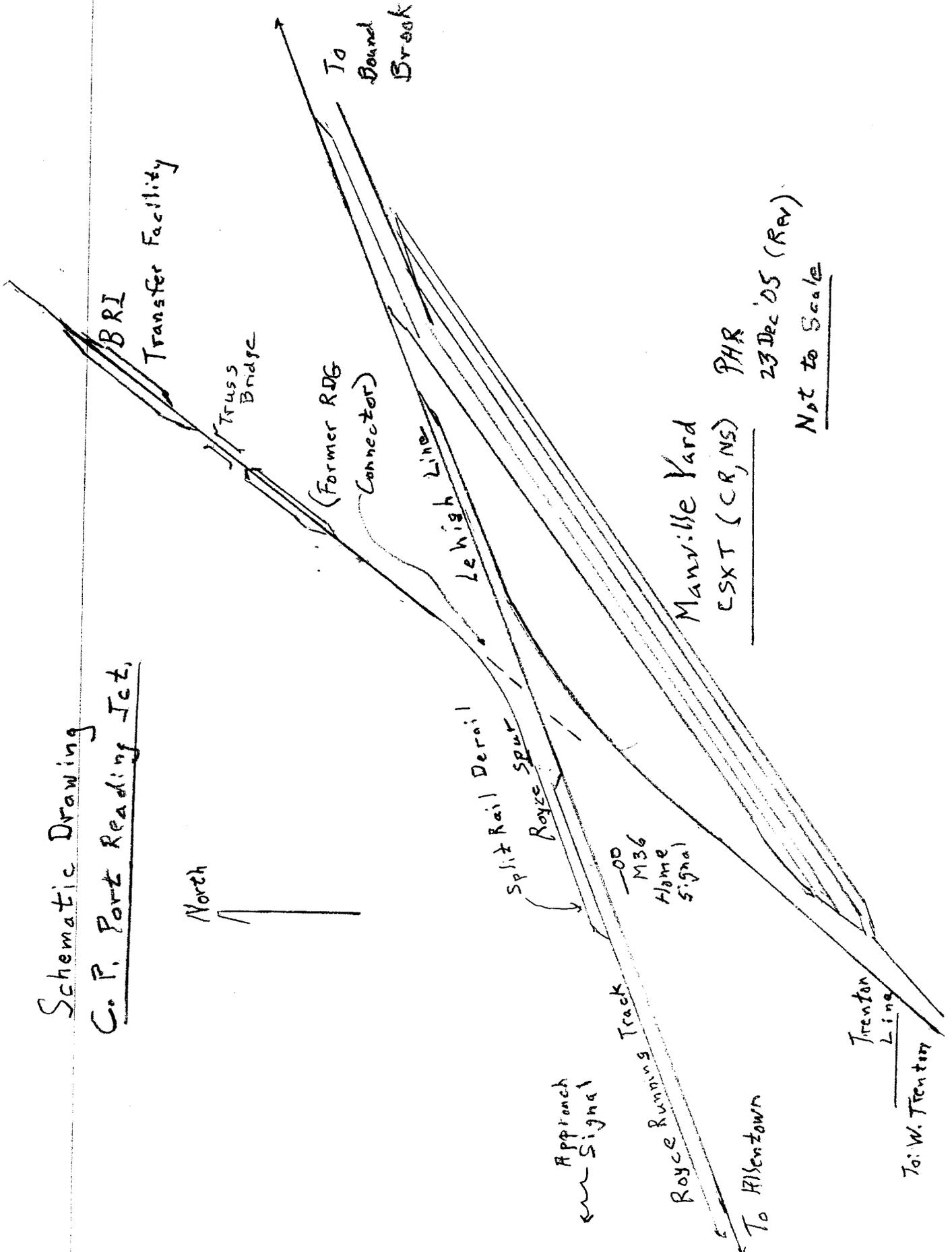
LEHIGH LINE & CONNECTING TRACK					
WEST ↓	SIDINGS IN FEET	M.P.	NORTH JERSEY DISTRICT STATION	NOTE	
S R.T.		26.5	SOUTH PLAINFIELD		
			(Perth Amboy R.T.)		
		29.1	NEW MARKET		
		30.5	HBD-DED-WID (MIDDLESEX)		
NJT MANS		33.1	CP-BOUND BROOK	⊙ ⊗	
			(Perth Amboy R.T.)		
			(NJT)		
	CS 10800				
R.T. TBEL		35.1	CP-PORT READING JCT	⊙ ⊗	
			(Raritan Line—CS&T)		
			(Perth Amboy R.T.)		
			(Middlsex Jct.)		
			HARRISBURG DIVISION NS		
STATION PAGE INFORMATION					
<p>NOTE 1: The Operator at NK will route eastward trains at CP-Valley to tracks designated by the Yardmaster at the Oak Island Hump. Eastward trains entering Receiving Yard must stop before reaching first switch and a member of crew must line switches for proper track. Permission must be obtained from Yardmaster at Hump Yard Office before entering ladder track at east end of yard.</p> <p>NOTE 2: TV and Freight Trains operating between NK and CP-Aldene receiving an Approach Medium indication must proceed approaching the next signal not exceeding 20 MPH. This speed must not be exceeded until a more favorable indication is received.</p> <p>NOTE 3: CP-ALDENE-CP-POTTER—WESTWARD LAY-BACK POINT When the westward distant signal to CP-Potter indicates Approach (Rule 285) or Stop and Proceed (Rule 291), trains must stop at MP 22.5 if they do not have a proceed indication at CP-Potter. This is to prevent the noise and fumes of idling engines from disturbing the residents of the housing development adjacent to CP-Potter.</p>					
MAXIMUM SPEEDS					
Between	Single Track	No. 1 Track		No. 2 Track	
CP-Stock and CP-Valley	30				
Movements within CP-Valley	30	30		30	
CP-Valley and NK		30		30	
		Psgr.	TV-Frt.	Psgr.	TV-Frt.
NK Interlocking		45	30	45	30
NK and CP-Aldene		60	40	60	40
CP-Aldene—Movement to or from NJT Raritan Valley Line		30		30	
CP-Aldene and CP-Potter		50		50	
CP-Potter and CP-Port Reading Jct.	50				
Controlled Siding—CP-Bound Brook and CP-Port Reading Jct.	30				

LEHIGH LINE & CONNECTING TRACK					
STATION PAGE INFORMATION					
RULES IN EFFECT					
Between	Single Track	CS	No. 1 Track	No. 2 Track	
CP-Stock and CP-Valley	261				
CP-Valley and CP-Potter			261	261	
CP-Potter and CP-Bound Brook	261				
CP-Bound Brook and CP-Port Reading Junction	261	261			
Tracks are numbered north to south.					
LOCATIONS OF BULLETIN BOARDS					
Location	Posting				
Oak Island—Hump Yard Office	Albany Div.—CSXT Amtrak—Metropolitan Div. Amtrak—Mid-Atlantic Div. N.J.T.—Hoboken & Newark Div.				
Manville Yard Office	N.J.T.—Newark Div.				
LOCATIONS OF RADIO BASE STATIONS					
Base Station	Channel		Thumb Wheel Setting	Touch Tone Access	Click System Access
Elizabeth	3	50	01	1#	5
Potter	3	50	04	4#	6
Manville	3	50	08	8#	5
LOCATIONS OF RUNNING TRACKS					
Unless otherwise indicated, maximum speeds on Running Tracks is Restricted Speed not exceeding the speed indicated below.					
Track	Between	and	Employee in Charge	Speed MPH	
Royce	CP-Port Reading Jct.	Royce	North Jersey Dispatcher	10	
WEIGHT RESTRICTIONS					
Timetable Instruction page vii applies.					
EXCEPTION: 286,000 lbs. authorized.					
LOCATIONS OF HEIGHT RESTRICTIONS					
Cars, doublestacks, loads or other equipment which do not exceed 20'2" high are permitted to operate between the following locations: Between CP-Valley and CP-Port Reading Junction.					

PORT READING SECONDARY				
EAST ↓	SIDINGS IN FEET	M.P.	NORTH JERSEY DISTRICT STATION	NOTE
			NORTH JERSEY DS.....	①
LEHL				
		0.0	CP-BOUND BROOK (Lehigh Line) (Manville Yard)	⊗⊗
		0.4	HCD-E-18'0" (Bound Brook)	
		1.6	BAKELITE	
		6.9	HELEN	⑥
	2800	7.0	DURHAM	
		9.3	METUCHEN	
		12.0	CENTER	⑥
		14.8	DX	⑥
		15.6	HCD-DED-18'0"	
			(Port Reading)	
COAS		15.9	CP-PD	⊗⊗
			(Chemical Coast Sec.)	
		16.0	PORT READING YARD	
STATION PAGE INFORMATION				
RULES IN EFFECT—MAXIMUM SPEEDS				
Single Track Rules	Between			Single Track MPH
DCS	CP-Bound Brook (Westward trains, head end only)			10
	CP-Bound Brook and CP-PD			30
	CP-PD within Interlocking Limits			15
	YARD LIMITS			
93	CP-PD and MP 14.8			
LOCATIONS OF BULLETIN BOARDS				
Location		Posting		
Manville Yard		N.J.T.—Newark Div.		

PORT READING SECONDARY					
STATION PAGE INFORMATION					
LOCATIONS OF RADIO BASE STATIONS					
Base Station	Channel		Thumb Wheel Setting	Touch Tone Access	Click System Access
Elizabeth	3	50	01	1#	5
Marville	3	50	08	8#	5
WEIGHT RESTRICTIONS					
<p>Timetable Instruction page vii applies.</p> <p>EXCEPTION: 273,000 lbs. authorized.</p>					
POSITION OF MAIN TRACKS SWITCHES					
<p>Hand-operated switches providing access to the main track at MP 15.8, may be left in reverse position when authorized by Form D, line 13.</p> <p>Refer to System Instruction 104-3 for procedure.</p>					

Schematic Drawing
Co. P. Port Reading Jct.



North ↑

PHR
23 Dec '05 (Rev)
Not to Scale

Manville Yard
CSXT (CR, NS)

Approach Signal

M36 Home Signal

To Allentown

Trenton Line

To W. Trenton

To Bound Brook

Lehigh Line

(Former RDG Connector)

BRI Transfer Facility

Truss Bridge

MAR 06 '04 05:25PM NCSC MT LAUREL

P. 1/1

March 6, 2004

ATTENTION ECDC ENVIRONMENTAL
BRIDGEWATER, N.J.

WHEN FAXING PLANT SWITCHES / DRILLS TO CONRAIL
PLEASE USE THE NUMBER LISTED BELOW :

1-877-231-1016

** ALL SHIPPING INSTRUCTIONS /BILLS OF LADING
PLEASE FAX OR EDI TO THE NORFOLK SOUTHERN OR
CSX RAILROADS.

THANKS
CONRAIL SAA
CUSTOMER SERVICE CENTER
MT. LAUREL, N.J.

MAR 26 '04 04:49PM NCSC MT LAUREL

P.1 EXHIBIT 6
Page 2 of 2

MARCH 26, 2004

ATTENTION ATTENTION ATTENTION

BRIDGEWATER RESOURCES

PLEASE BE ADVISED : WHEN FAXING
YOUR PLANT SWITCHS AND DRILLS TO
CONRAIL CUSTOMER SERVICE CENTER,
IN MT. LAUREL, N.J. USE THE TOLL FREE
NUMBER LISTED BELOW. THIS IS THE
ONLY VALID NUMBER FOR PROCESSING
YOUR REQUEST FOR SERVICE.

1-877-231-1016

*** ALL SHIPPING INSTRUCTIONS / BILLS OF LADING
PLEASE FAX OR EDI TO THE NORFOLK SOUTHERN OR
CSX RAILROADS.

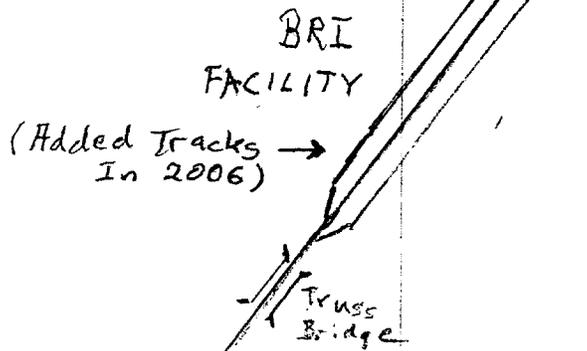
THANK YOU
CONRAIL SAA
MT. LAUREL, N.J.

Exhibit 7

Possible Improvements -
C. P. Port Reading Jet



NOT TO SCALE
PHR 28 Dec '05 (Rev)



(Between Royce Spur and Royce Runner)
East END -
POSSIBLE ADD

NEW Hand Throw
Electric Lock
Crossover

ROYCE
SPUR

Existing
Power
Turnout
to

ROYCE
Runner

LEHIGH LINE

Retain
Switch Point
Derail
and
Turnout

[Runner
Dwarf
sig?]

Home
Signal
MP36

LOCATION OF
MANVILLE YARD

MAIN
TRACK

Note: New Crossover Lined and
Locked 'Normal' protects
Royce Runner and Main.

TRENTON
LINE

Appendix

APPENDIX

**Citation/Fine Notices Issued to BRI
by
New Jersey Department of Environmental Protection**



Bridgewater Resources, Inc.

A Subsidiary of Waste Solutions Group of Somerset 

December 20, 2005

Mr. Brian Petitt
Supervisor - Central
Bureau of Solid Waste Compliance and Enforcement
New Jersey Department of Environmental Protection
300 Horizon Center
Trenton, NJ 08625
via overnight mail

RE: Administrative Order and Notice of Civil Administrative Penalty Assessment
EA ID#: PEA050005-132640 (SW)

Dear Mr. Petitt:

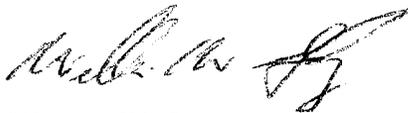
We received the attached AONOCAPA on December 2, 2005. We wish to formally request an administrative hearing, per our rights under the Solid Waste Management Act. We do request an informal meeting prior to the scheduling of any formal administrative hearing.

The Administrative Hearing Request Checklist and Tracking Form is attached.

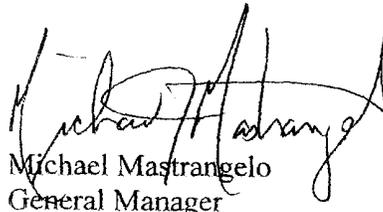
We believe the proposed fines are excessive and not warranted given a) BRI's history (under current management) of compliance with regulations, b) the alleged violations were in fact corrected immediately during the DEP inspectors' visits, and c) the alleged violations were caused by the failure of Norfolk Southern Railroad to service our facility; whose service had been particularly bad in the post-Hurricane Katrina environment.

We look forward to promptly resolving this issue.

Sincerely,



William W. Gay
President



Michael Mastrangelo
General Manager

Attachments

**Administrative Hearing Request Checklist
and Tracking Form**

I. Document Being Appealed: EA ID # PEA050005 - 132640(SW)

Date Document Issued

II. Person Requesting Hearing:

William W Gay
Name/Company
Bridgewater Resources, Inc

Name of Attorney (if applicable)

15 Palhamus Lane, Bridgewater
Address
732-271-2800

Address

Telephone #

Telephone #

III. Please Include the Following Information As Part of Your Request:

~~SEE~~ SEE ATTACHED

- A. The date the alleged violator received the Enforcement Document.
- B. A copy of the Enforcement Document and a list of all issues being appealed.
- C. An admission or denial of each of the findings of fact, or a statement of insufficient knowledge;
- D. The defenses to each of the findings of fact in the enforcement document;
- E. Information supporting the request;
- F. An estimate of the time required for the hearing;
- G. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
- H. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of your hearing request to the Office of Administrative Law; and
- I. This form, completed, signed and dated with all of the information listed above, including attachment, to:

- 1. New Jersey Department of Environmental Protection
Office of Legal Affairs
Attention: Adjudicatory Hearing Requests
401 E. State Street, P.O. Box 402
Trenton, New Jersey 08625
- 2. A. Raimund Belonzi, Chief
Bureau of Solid Waste Compliance and Enforcement
P.O. Box 407
Trenton, New Jersey 080625-0407
- 3. All co-permittees (w/attachments)

IV. Signature: William W Gay

Date: 12/20/05

Job No: 35660000 Billing Code: _____ Case Manager: _____

Administrative Hearing Request Checklist and Tracking Form

Section III

- A. Date(s) Alleged Violator Received Enforcement Document
December 2, 2005
- B. Copy of Enforcement Document and List of Issues Being Appealed
Please see attached.
- C. Admission or Denial of Each Finding
First Finding (September 30, 2005 - 11AM) - BRI acknowledges that some material was outside the transfer floor, due to the failure of Norfolk Southern to deliver railcars to the facility. The situation was corrected within 20 minutes, while Inspector Hanf was on-site. BRI also followed with a written response to Inspector Hanf on October 15, 2005 (copy of letter attached).
Second Finding (October 20, 2005) - BRI acknowledges receiving a copy of the alleged NOV. BRI did not formally respond as we were awaiting additional communication from Inspector Hanf. While still at BRI Mr. Hanf indicated he would check with his office and respond back to us on the ultimate status of the alleged NOV. We had not received any additional correspondence from Mr. Hanf (and therefore had not responded) prior to the receipt of the AONOCAPA on December 2nd.
- D. The Defenses to Each Finding
The AONOCAPA indicates under the "Seriousness" section that the violations alleged are MINOR. We agree that the alleged violations are minor. We also point out that the alleged violations were caused by another party (i.e. Norfolk Southern Railroad's failure to deliver rail containers) and we had been working to correct the problem before the DEP even conducted its inspection (see some correspondences to Norfolk Southern - attached). The ANOCAPA indicates under the "Conduct" section that BRI failed to "take corrective measures to bring the site into compliance after the Notice of Violation issued on September 30, 2005", and that makes the conduct MODERATE. This allegation is incorrect, as the September 30th violation was corrected within 20 minutes of BRI being made aware of it. As indicated above, BRI followed up with a written response to the violation on October 15th, so any implication that BRI did not take the first violation seriously is incorrect. BRI takes its regulatory responsibilities seriously and corrects any shortcomings as soon as it practically can upon its discovery.
- E. Information Supporting the Request
Please see attached.
- F. Estimate of Time Required For Hearing
One to two hours.
- G. Request, if Necessary, For Barrier-Free Location
None required

H. Indication of Willingness to Negotiate Settlement Prior to Hearing
BRI is prepared to negotiate a settlement prior with the Department prior to the hearing, and would welcome an informal hearing.

I. Forms Signed?
Yes.



State of New Jersey

Richard J. Codey
Acting Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
COUNTY ENVIRONMENTAL AND WASTE ENFORCEMENT PROGRAMS
BUREAU OF SOLID WASTE COMPLIANCE AND ENFORCEMENT
300 HORIZON CENTER
P.O. BOX 407
TRENTON NJ 08625-0407
Tel. (609) 584-4180
Fax. (609) 588-2444

Bradley M. Campbell
Commissioner

CERTIFIED MAIL/RRR
7003 2260 0001 3064 4525

DEC - 3 2005
ENVIRONMENTAL PROTECTION

November 18, 2005

Mr. William W. Gay, President
BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY
15 Polhemus Lane
Bridgewater, New Jersey 08807

**RE: ADMINISTRATIVE ORDER AND NOTICE OF CIVIL ADMINISTRATIVE
PENALTY ASSESSMENT**
BRIDGEWATER RESOURCES TS/MRF
15 Polhemus Lane
Bridgewater Township, New Jersey 08807
EA ID #: PEA050005 - 132640(SW)

Dear Mr. Gay:

Enclosed for service upon you is an Administrative Order and Notice of Civil Administrative Penalty Assessment issued by the Department pursuant to the provisions of the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and/or the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq.

The Department may be available to meet informally with the principals of the case to discuss the enclosed enforcement action. Should such a meeting be requested and granted, be advised this does not affect the time frame within which you may request an administrative hearing under the **NOTICE OF RIGHT TO A HEARING** provision in the enclosed Administrative Order and Notice of Civil Administrative Penalty Assessment.

Should you have any questions concerning the enclosed Administrative Order and Notice of Civil Administrative Penalty Assessment or wish to request an informal meeting, please contact Mr. John J. Hanf Jr. at 609-584-4180.

Sincerely,

Brian Petitt, Supervisor - Central
Bureau of Solid Waste Compliance & Enforcement

Enclosure



State of New Jersey

Richard J. Codey
Acting Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
COUNTY ENVIRONMENTAL AND WASTE ENFORCEMENT PROGRAMS
BUREAU OF SOLID WASTE COMPLIANCE AND ENFORCEMENT
300 HORIZON CENTER
P.O. BOX 407
TRENTON NJ 08625-0407
Tel. (609) 584-4180
Fax. 609) 588-2444

Bradley M. Campbell
Commissioner

RECEIVED
DEC - 2 2005

IN THE MATTER OF

Mr. William W. Gay – Individually :
& :
BRIDGEWATER RESOURCES SOLID :
WASTE TRANSFER FACILITY :
15 Polhemus Lane :
Bridgewater Township, New Jersey 08807 :

ADMINISTRATIVE ORDER
AND
NOTICE OF CIVIL ADMINISTRATIVE
PENALTY ASSESSMENT

EA ID # PEA050005 – 132640(SW)

This Administrative Order and Notice of Civil Administrative Penalty Assessment (hereinafter "AONOCAPA") is issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter "NJDEP" or the "Department") by N.J.S.A. 13:1D-1 et seq., and the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and/or the Solid Waste Utility Control Act N.J.S.A. 48:13A-1 et seq., and duly delegated to the Chief, Bureau of Solid Waste Compliance and Enforcement, Division of County Environmental and Waste Enforcement Programs, pursuant to N.J.S.A. 13:1B-4.

FINDINGS

1. BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY is an approved solid waste transfer facility which operates the facility at 15 Polhemus Lane, Block(s): 6101 & 6103 and Lots: 3.2 & 1, Bridgewater Township, Somerset County, New Jersey (ID# 132640).
2. Pursuant to N.J.A.C. 7:26-1.4, a "solid waste facility" means any system, site, equipment or building which is utilized for the storage, collection, processing, transfer, transportation, separation, recycling, recovering or disposal of solid waste...

BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY
FACILITY ID No.: 132640

3. As the result of compliance evaluation(s) conducted on 09/30/2005 and 10/20/2005, the Department has determined that BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY AND MR. WILLIAM W. GAY -INDIVIDUALLY failed to comply with applicable requirements as follows:

Requirement: Pursuant to N.J.A.C. 7:26-2.11(b)3 facility property surrounding the actual disposal area shall be maintained free of litter, debris, and accumulations of unprocessed waste, process residues and effluents. Methods of effectively controlling windblown papers and other lightweight materials such as fencing shall be implemented at all facilities. [N.J.A.C. 7:26-2.11(b)3]

✓ Description of Noncompliance: Facility failed to control litter, debris, unprocessed waste, process residues and effluents.

Requirement: Pursuant to N.J.A.C. 7:26-2B.9(b) the facility shall comply with the additional operational, maintenance, inspection and monitoring requirements for transfer stations and material recovery facilities as provided at N.J.A.C. 7:26-2B.9. [N.J.A.C. 7:26-2B.9]

✓ Description of Noncompliance: All facility processing, tipping, sorting, loading, storage and compaction of materials (that is, solid waste and mixtures of solid waste and recyclable materials) shall occur within the confines of an enclosed building.

Action: On 09/30/05, the Department issued a Notice of Violation to BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY for this violation. The Department afforded BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY a period of time to correct the violation before a penalty would be assessed. The Department conducted a follow-up compliance evaluation on 10/20/2005 and determined that this violation had not been corrected.

4. Based on the facts set forth in these FINDINGS, the Department has determined that BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY AND MR. WILLIAM W. GAY -INDIVIDUALLY has violated the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and/or the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq., and the regulations promulgated pursuant thereto, specifically, N.J.A.C. 7:26-2.11(b)3, N.J.A.C. 7:26-2B.9(b).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

5. BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY AND MR. WILLIAM W. GAY -INDIVIDUALLY shall comply with the following:

BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY
FACILITY ID No.: 132640

- a. Facility property surrounding the actual disposal area shall be maintained free of litter, debris and accumulations of unprocessed waste, process residues and effluents. [N.J.A.C. 7:26-2.11(b)3] ✓
- b. All facility processing, tipping, sorting, loading, storage and compaction of materials (that is, solid waste and mixtures of solid waste and recyclable materials) shall occur within the confines of an enclosed building. [N.J.A.C. 7:26-2B.9(b)] ✓

This Order shall be effective upon receipt by BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY AND MR. WILLIAM W. GAY -INDIVIDUALLY or someone on the violator's behalf authorized to accept service.

NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT
AND
NOTICE OF RIGHT TO A HEARING

6. Pursuant to N.J.S.A. 13:1E-9e and/or N.J.S.A. 14:13A-12(b), and based upon the above FINDINGS, the Department has determined that a civil administrative penalty is hereby assessed against BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY AND MR. WILLIAM W. GAY -INDIVIDUALLY in the amount of **\$12,000.00**. The Department's rationale for the civil administrative penalty is set forth in the enclosed Penalty Assessment Worksheets, and incorporated herein.
7. Pursuant to N.J.S.A. 13:1E-1 et seq., the Department may, in addition to any other civil administrative penalty assessed, include as a civil administrative penalty the economic benefit (in dollars) which a violator has realized as a result of not complying with, or by delaying compliance with, the requirements of the Act.
8. Pursuant to N.J.S.A. 48:13-A-1 et seq., should the Department determine a solid waste collector has charged excessive rates, the Department can order the collector to pay a refund to all affected customers.
9. Pursuant to N.J.S.A. 52:14B-1 et seq., and N.J.S.A. 13:1E-9(e), BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY AND MR. WILLIAM W. GAY -INDIVIDUALLY is entitled to request a hearing. BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY AND MR. WILLIAM W. GAY -INDIVIDUALLY shall, in its request for a hearing, complete and submit the enclosed **ADMINISTRATIVE HEARING REQUEST AND CHECKLIST TRACKING FORM** along with all required information. Submittal or granting of a hearing request does not stay the terms or effect of this AONOCAPA.
10. If no request for a hearing is received within twenty (20) calendar days from receipt of this AONOCAPA, it shall become a Final Order upon the twenty-first (21st) calendar day following its receipt, and the penalty shall be due and payable.

BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY
FACILITY ID No.: 132640

11. If a timely request for a hearing is received, payment of the penalty is due when BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY AND MR. WILLIAM W. GAY -INDIVIDUALLY receives a notice of the denial of the request, or, if the hearing request is granted, when BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY AND MR. WILLIAM W. GAY -INDIVIDUALLY withdraws the request or abandons the hearing, or, if the hearing is conducted, when BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY AND MR. WILLIAM W. GAY -INDIVIDUALLY receives a final decision from the Commissioner in this matter.
12. Payment shall be made by check payable to Treasurer, State of New Jersey and shall be submitted along with the enclosed Enforcement Invoice to:

Department of Treasury
Division of Revenue
P.O. Box 417
Trenton, NJ 08646-0417

GENERAL PROVISIONS

13. This AONOCAPA is binding on BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY AND MR. WILLIAM W. GAY -INDIVIDUALLY their principals, directors, officers, agents, successors, assigns, employees, tenants, any trustee in bankruptcy or other trustee, and any receiver appointed pursuant to a proceeding in law or equity.
14. No obligations imposed by this AONOCAPA are intended to constitute a debt which should be limited or discharged in a bankruptcy proceeding. All obligations are imposed pursuant to the police powers of the State of New Jersey, intended to protect the public health, safety, welfare and the environment.
15. This AONOCAPA is issued only for the violation(s) identified in the FINDINGS hereinabove and that violations of any statutes, rules or permits other than those herein cited may be cause for additional enforcement actions, either administrative or judicial, being instituted. By issuing this AONOCAPA, NJDEP does not waive its rights to initiate additional enforcement actions.
16. Neither the issuance of this AONOCAPA nor anything contained herein shall relieve BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY AND MR WILLIAM W. GAY -INDIVIDUALLY of the obligation to comply with all applicable laws, including but not limited to the statutes and regulations cited herein.
17. Pursuant to N.J.S.A. 13:1E-9e, NJDEP is authorized to assess a civil administrative penalty of not more than \$50,000 for each violation, and each day during which the violation continues shall constitute an additional, separate and distinct offense.

BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY
FACILITY ID No.: 132640

18. Pursuant to N.J.S.A. 13:1E-9f, any person who violates the provisions of N.J.S.A. 13:1E-1 et seq. or any code, rule, or regulation promulgated pursuant thereto shall be liable to a penalty of not more than \$50,000 per day to be collected in a civil action, and any person who violates an administrative order issued pursuant to N.J.S.A. 13:1E-9c, including this Administrative Order, or a court order issued pursuant to N.J.S.A. 13:1E-9d, or who fails to pay a civil administrative penalty assessed pursuant to N.J.S.A. 13:1E-9e in full after it is due is subject upon order of a court to a civil penalty not to exceed \$100,000 per day of such violations. Each day during which the violation continues constitutes an additional, separate and distinct offense.
19. Pursuant to N.J.S.A. 13:1E-12, the Department, after hearing may revoke or suspend the registration issued to any person engaged in solid waste collection or solid waste disposal, including hazardous waste collection or disposal, upon a finding that such a person has violated any provision of the Solid Waste Management Act, or any rule, regulation, or administrative order, or has violated any provision of the laws related to pollution of the waters, air or land surfaces of the State; or has refused or failed to comply with any lawful order of the Department.
20. Pursuant to N.J.S.A. 13:1E-134(a) and N.J.S.A. 52:14B-1 et seq., the Department may revoke a solid or hazardous waste license based upon an accumulation of refusals or failures to comply with the Solid Waste Management Act, or any code, rule, regulation or Administrative Order which may constitute "unreliability".
21. Pursuant to N.J.S.A. 48:13A-12(b), any person who shall violate any provisions of the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq., or the Solid Waste Collection Regulatory Reform Act, N.J.S.A. 48:13A-7 et seq., or any rule, regulation or administrative order adopted or issued pursuant thereto, including an interdistrict, intradistrict or interstate waste flow order, or who shall engage in the solid waste collection or solid waste disposal business without having been issued a certificate of public convenience and necessity, shall be liable to a penalty of not more than \$10,000 for a first offense, not more than \$25,000 for a second offense and not more than \$50,000 for a third and every subsequent offense. Each day during which the violation continues constitutes an additional, separate and distinct offense.
22. Notice is further given that, pursuant to N.J.S.A. 48:13A-12(c), whenever it shall appear to the Department, a municipality, local board of health, or county health department, as the case may be, that any person has violated, intends to violate, or will violate any provision of the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq., or the Solid Waste Collection Regulatory Reform Act, N.J.S.A. 48:13A-7.1 et seq., or any rule, regulation or administrative order adopted or issued pursuant thereto, the Department, the municipality, local board of health or county health department may institute a civil action in the Superior Court for injunctive relief and for such order relief as may be appropriate in the circumstances and the court may proceed in any action in a summary manner.
23. Notice is further given that, pursuant to the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq., specifically N.J.S.A. 48:13A-12(a), any person or officer or agent thereof who shall knowingly violate any of the provisions of this Act or aid or advise in such violation, or who, as

BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY
FACILITY ID No.: 132640

principal, manager, director, agent, servant, or employee knowingly does any act compromising a part of such violation, is guilty of a crime of the fourth degree and shall be punished by imprisonment for not more than 18 months or by a fine of not more than \$50,000, or both; and if a corporation by a fine of not more than \$100,000. Each day during which the violation continues constitutes an additional, separate and distinct offense.

24. Notice is further given that, pursuant to N.J.S.A. 48:13A-9, the Department shall revoke or suspend the certificate of public convenience and necessity issued to any person engaged in the solid waste collection or disposal business upon a finding that such person has violated any provision of the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq., or the Solid Waste Collection Regulatory Reform Act, N.J.S.A. 48:13A-7.1 et seq., or any rule, regulation or administrative order adopted or issued pursuant thereto; or has violated any provision of any laws related to pollution of the air, water or lands of this State; or has refused or failed to comply with any lawful order of the Department; or has had its registration revoked by the Department; or has been denied approval of a license under the provisions of N.J.S.A. 13:1E-126 et seq., or has had its license revoked by the Department as the case may be.

DATE: NOV 18 2005



A. Raimund Belonzi, Chief
Bureau of Solid Waste Compliance and Enforcement

DEC - 2 2005

SOLID WASTE MANAGEMENT ACT
MATRIX PENALTY ASSESSMENT WORK SHEET

Respondent(s): BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY
 AND MR. WILLIAM W. GAY -INDIVIDUALLY

Date of Violation: 09/30/2005 & 10/20/2005

Rule violated as listed in N.J.A.C. 7:26-5.5(a): N.J.A.C. 7:26-2.11(b)3 & N.J.A.C. 7:26-2B9(b).

		<u>SERIOUSNESS</u>		
		<u>Major</u>	Moderate	Minor
<u>CONDUCT</u>	Major	\$40,000 - \$50,000	\$30,000 - \$40,000	\$15,000 - \$25,000
	Moderate	\$30,000 - \$40,000	\$10,000 - \$20,000	\$3,000 - \$6,000
	Minor	\$15,000 - \$25,000	\$3,000 - \$6,000	\$1,000 - \$2,500

1. Degree of Seriousness MINOR
2. Degree of Conduct: MODERATE
3. Matrix Cell Range: \$ 3,000.00 - \$ 6,000.00
4. Midpoint of Range: \$4,500.00
5. Primary Penalty Assessment: \$ 4,500.00 x 2 = \$9,000.00
6. Discretionary Adjustment: +\$1,500.00/day
7. Total Penalty Assessment: \$12,000.00

Justification for Assessment

Although the above inspections and resultant Notices of Violation addressed multiple violations of the facility's Solid Waste Facility Permit/Approval, the Department is using its discretion to consolidate violations into one penalty assessment for each date on which a violation occurred. For this reason, however, the Department is opting to use the upper range (\$6,000.00) for its

BRIDGEWATER RESOURCES SOLID WASTE TRANSFER FACILITY
FACILITY ID No.: 132640

daily penalty calculation. Due to the failure of the respondents to bring the facility into compliance after the first Notice of Violation and the seriousness of the violations, penalties are being assessed under N.J.A.C. 7:26-5.5 as a deterrent to continued violations of the facility's permit.

Seriousness: The violations described herein have the potential to cause harm to health and/or the environment and, as such represent deviation from the intent of the Solid Waste Facility Permit/Approval. The Department makes this assessment based primarily on continuous violation notices issued to the facility and how it deviates from the promulgated rules. Based on the above, the seriousness is determined to be **MINOR**.

Conduct: Under N.J.A.C 7:26-2.11(b)9 the operator shall at all times comply with the conditions of the Solid Waste Facility Permit as well as all other permits or certificates required and issued by the Department. The respondents mentioned above, the holders of a Solid Waste Facility Permit are certainly aware of the requirements to comply with the conditions of the approval and additional operational requirements for transfer stations listed under N.J.A.C. 7:26-2B.9. Failing to comply with the conditions of the Solid Waste Facility Permit or take corrective measures to bring the site into compliance after the Notice of Violation issued on September 30, 2005, must be considered at very least an unintentional but foreseeable act and as such the conduct is **MODERATE**.

Discretionary Adjustment: The Department has exercised its authority to use a discretionary adjustment as identified in the justification paragraph above.



New Jersey Department of Environmental Protection
 Bureau of Solid Waste Compliance and Enforcement
 PO Box 407, Trenton, NJ 08625-0407
 Tel: (609) 584-4180 Fax: (609) 588-2444

NOTICE OF VIOLATION

Facility/Prog. Interest Name: Bridgewater Services, Inc DEP ID No.: 132640
 Location: 15 Palmyra Lane, Bridgewater, New Jersey 08807
 Responsible Party: Mrs. Michael MacFarquhar Title: General Manager

You are hereby **NOTIFIED** that during a compliance evaluation on 10/20/05, the following violation(s) of the Solid Waste Management Act, (N.J.S.A. 13:1E-1 et seq.) and/or the Solid Waste Utility Control Act, (N.J.S.A. 48:13A-1 et seq.) And the regulation(s) (N.J.A.C. 7:26-1, 7:26A-1 and 7:26H et seq.) promulgated thereunder were observed. This violation(s) has been recorded as part of the permanent enforcement history for the above.

VIOLATION(S):

Citation: N.J.A.C. 7:26-2.11(b)
 Description of Noncompliance: Facility property surrounding the actual disposal area is not maintained free of litter, debris and accumulations of unprocessed waste, waste residues and effluents.

Citation: N.J.A.C. 7:26-2.39(b)
 Description of Noncompliance: All facility, processing, tipping, sorting, loading, storage and collection of materials (litter, solid waste and mixtures of solid waste and recyclable materials) shall occur within the confines of an enclosed building.

YOU MUST TAKE THE FOLLOWING CORRECTIVE ACTION(S):

Submittal or Action: Immediately comply with citation! All litter & debris must be processed, cleaned up outside of transfer station doors and on processed areas!
 _____ by _____ (date)

Submittal or Action: Immediately comply with citation! All trucks must tip all solid waste within the confines of an enclosed building. Not outside of the transfer station doors!
 _____ by _____ (date)

Within fifteen (15) calendar days of receipt of this Notice of Violation, you shall submit in writing, to the individual issuing this Notice, and explanation of the corrective measures you have taken to achieve compliance.

Issuance of this Notice of Violation serves as notice to you that the Department has determined that a violation(s) has occurred and does not preclude the State of New Jersey or any of its agencies from initiating administrative or judicial enforcement action, or from assessing penalties or from modifying this Notice of Violation, with respect to this or other violations. Pursuant to N.J.S.A. 13:1E-1 et seq. and/or N.J.S.A. 48:13A et seq., a violation of this regulation is subject to penalties of up to \$50,000 per day/offense.

Issued by: [Signature] Signature: [Signature] Date: 10/20/05
 Received by: [Signature] Signature: [Signature] Date: 10/20/05



Bridgewater Resources, Inc.

A Subsidiary of Waste Solutions Group of Somerset 

October 15, 2005

Mr. John J. Hanf, Jr.
Inspector
New Jersey Department of Environmental Protection
Bureau of Solid Waste Compliance & Enforcement
P.O. Box 407
Trenton, NJ 08625-2444

RE: September 30, 2005 - Notice of Violation

Dear Mr. Hanf:

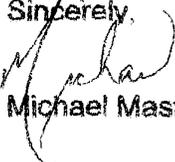
We are in receipt of the above mentioned Notice of Violation, in which you have cited our facility for possible violation of N.J.A.C. 7:26-2.11(b)3 and 7:26-2B.9(b). We want to address the issues you have raised promptly, and also request copies of the photos you took for our files.

As you are aware, BRI ships out approximately 85% of its waste by rail. And in doing so, BRI has been successful with taking approximately 890 long haul trucks per month or 10,680 long haul trucks per year off the road. This incident occurred for the following reasons: Over the past few weeks, Norfolk Southern, who services us has been changing its routing pattern and have not had the proper personnel to provide us our usual service. We were aware of the problem and had been working to correct it. See attached an email William Gay sent to NS prior to your arrival at BRI. We have been unable to get additional trailers because they are headed south to Louisiana for the Katrina and Rita cleanups.

On the particular day you inspected the facility, NS missed our early morning service. BRI received service at the same time you arrived at the facility. As you will note, within a short period of time the facility was back to normal, with all materials inside the building. Please be advised that in the future BRI will close its doors and notify the NJDEP of its action, if the risk of exceeding building capacity exists.

Please let me know if you need any further information on the actions BRI has and will take to reduce the potential of these issues in the future.

Sincerely,


Michael Mastrangelo

7004 2890 0004 6542 0713

From: Bill1959@aol.com [mailto:Bill1959@aol.com]
Sent: Friday, September 30, 2005 8:20 AM
To: Francis.Hennessy@nscorp.com; fhenness@nscorp.com
Cc: Chuck.Travis@awin.com
Subject: Royce Service

September 30, 2005

TO: Fran Hennessy (Norfolk Southern Railroad)
FROM: Bill Gay (Bridgewater Resources, Inc)
CC: Chuck Travis (ECDC Environmental)
SUBJECT: NS Service Lapses - Royce

Fran, I need to request your help to address a critical problem we are facing with current NS service to our facility in Royce. Although we have suffered service lapses occasionally the past two years, these past three weeks have been particularly bad.

As you know, we are supposed to receive service at BRI at least 5 days per week, and of course we are releasing 8-10 railcars per day those same 5 days per week.

For the three week period beginning Monday, September 12th, the local NS crew has not serviced us 5 out of the 15 days*, or a 33% failure rate. And we did have empty railcars available in the Manville Yard to bring in on all of those evenings.

Because of these service failures we have waste in our transfer station building and could face fines and/or be shutdown if service is not immediately restored.

Please get back to me ASAP with a plan to assist us right now, plus ideas on how we can eliminate these problems going forward.

Thank you.



New Jersey Department of Environmental Protection
 Bureau of Solid Waste Compliance and Enforcement
 PO Box 407, Trenton, NJ 08625-0407
 Tel: (609) 584-4180 Fax: (609) 588-2444

NOTICE OF VIOLATION

Facility/Prog. Interest Name: Bainbridge Resources, Inc DEP ID No.: 132-6442
 Location: 15 Palumbo Lane, Bainbridge, New Jersey 08307
 Responsible Party: Mr. Michael Mastaglio Title: General Manager

You are hereby **NOTIFIED** that during a compliance evaluation on 9/20/05, the following violation(s) of the Solid Waste Management Act, (N.J.S.A. 13:1E-1 et seq.) and/or the Solid Waste Utility Control Act, (N.J.S.A. 48:13A-1 et seq.) And the regulation(s) (N.J.A.C. 7:26-1, 7:26A-1 and 7:26H et seq.) promulgated thereunder were observed. This violation(s) has been recorded as part of the permanent enforcement history for the above.

VIOLATION(S):

Citation: N.J.A.C. 7:26-2.11(b)3
 Description of Noncompliance: Facility property surrounding the actual disposal area shall be maintained free of litter, debris and accumulations of unprocessed waste, process residues and effluents.

Citation: N.J.A.C. 7:26-2.6(a)
 Description of Noncompliance: All facility processing, tipping, sorting, loading, storage and compacting of materials (that is, solid waste and residues of solid waste and recyclable materials) shall occur within the confines of an enclosed building.

YOU MUST TAKE THE FOLLOWING CORRECTIVE ACTION(S):

Submittal or Action: Immediately comply with citation. All litter & debris must be processed / cleaned up outside of transfer station books.
 _____ by _____ (date)

Submittal or Action: Immediately comply with citation. All trucks must tip all solid waste within the confines of an enclosed building.
 _____ by _____ (date)

Within fifteen (15) calendar days of receipt of this Notice of Violation, you shall submit in writing, to the individual issuing this Notice, and explanation of the corrective measures you have taken to achieve compliance.

Issuance of this Notice of Violation serves as notice to you that the Department has determined that a violation(s) has occurred and does not preclude the State of New Jersey or any of its agencies from initiating administrative or judicial enforcement action, or from assessing penalties or from modifying this Notice of Violation, with respect to this or other violations. Pursuant to N.J.S.A. 13:1E-1 et seq. and/or N.J.S.A. 48:13A et seq., a violation of this regulation is subject to penalties of up to \$50,000 per day/offense.

Issued by: Paul J. Hart Signature: [Signature] Date: 9/20/05
 Received by: [Signature] Signature: [Signature] Date: 11/2/05