



Woburn Neighborhood Association, Inc.

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

Office of the Secretary
U.S. Department of Transportation
February 3, 2006
Part of
Public Record



Re: Finance Docket No. 34797

New England Transrail, LLC d/b/a Wilmington & Woburn Terminal Railway
Construction, Acquisition and Operation Exemption in Wilmington and Woburn MA

Dear Honorable Secretary Williams:

We have reviewed the December 5, 2005 above petition Finance Docket Number 34797 and would like to offer the following comments:

1) **In your May 3, 2005 decision** regarding the New England Transrail, LLC d/b/a/ Wilmington & Woburn Terminal Railway Construction Acquisition and Operation Exemption in Wilmington and Woburn MA you stated the petition was dismissed. The December 5, 2005 revised petition Finance Docket Number 34797 cited an environmental assessment dated August 4, 2004 and a post-environmental assessment issued on December 22, 2004. Our question/comment is: **Is a new environmental assessment and post-environmental assessment required for the revised plan?**

It is evident from reading these reports that both New England Transrail, LLC and the Surface Transportation Board has not taken seriously into consideration the human environment of the surrounding neighborhoods of the Olin Site, 51 Eames Street, Wilmington, MA.

2) **Verified Statement of Robert W. Jones, III Finance Docket No. 34797**

Page 3 - Paragraph 6. "The Town of Woburn's former municipal landfill, a portion of which is now used for composting activities, is located directly south of the Property."

We researched this statement by contacting the City of Woburn's Board of Health Director, John (Jack) Fralick. On December 12, 2005 Mr. Fralick stated to the Woburn Neighborhood Association that Woburn's former municipal landfill does not have any

composting activities on the site. Therefore, we believe that the Verified Statement of Robert W. Jones, III on page 10, Executed on November 30, 2005 is not true or correct.

3) The Surface Transportation Board should also take into account the past environmental studies of New England Transrail, LLC of which the following should be addressed:

a) Diesel Exhaust

It is a basic fact that diesel exhaust is offensive to smell, and from health documentation can cause such health problems as, irritation of the eyes, and irritation of the respiratory tract. Diesel exhaust is also listed as a human carcinogen by the U.S. Environmental Protection Agency. This alone will contribute to contamination of the air we breath not taking into account the great possibility of spills into the air, ground and water. Many residents live within a ¼ mile of the Olin Site.

b) Commodities

New England Transrail, LLC changes the description of commodities in every report that has been published to date. Finance Docket No. 34391 Pages ES-4, ES.3.1.3. **A variety of commodities, including..... This opens the door to whatever New England Transrail, LLC chooses to handle.** The key to the kingdom so to speak. New England Transrail, LLC has now added propane. What next ?

c) Community Relations Page ES-15

New England Transrail, LLC stated in Finance Docket No. 34391 that they will establish a Community Liasion with local agencies and officials. Here again is proof that New England Transrail, LLC is leaving out the surrounding residents. It is the residents that live and breath, drink the water, and hear the noise that New England Transrail, LLC will be polluting. And it is the residents to whom this **Environmental Injustice** will be affecting.

d) Environmental Justice – Page 3-17

In the description in Finance Docket No. 34391 quoting the U.S. Environmental Protection Agency (USEPA) New England Transrail LLC left out an important description on Environmental Justice as stated by the USEPA on their website: **Fair Treatment means that NO group of people, including a racial, ethnic, or a socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.**

e) Impact of Implementation of the Proposed Action on Human Health and The Environment. Page 4-16 4.8.2 Finance Docket No. 34391

“Conclusions regarding the risks to human health and the environment, based on Olin’s previous characterization and assessment of the conditions at the proposed

project site" It is very troublesome to read that based on the Olin Corporation (New England Transrail, LLC is intending to purchase from) New England Transrail, LLC is allowed to rely on the sellers Risk Assessment? Ever hear of the saying those who test, control the results? No faith, No trust. An independent party is needed here before any further decisions are to be made.

f) East Ditch

One of our primary concerns that are not mentioned in the report is the East Ditch of the Olin Site. The proposed New England Transrail, LLC railroad track expansion to accommodate the development will have a significant impact on the toxic chemicals that are present in the East Ditch. What impact will this have on the residents of Woburn? As stated by the DEP in their Phase II Report there are chemicals of concern that are entering Halls Brook that flows into the Aberjona River. New England Transrail, LLC will possibly add contamination to this site.

g) Regulation

The Surface Transportation Board is known for regulation of moving material and not what is moved. If this is in fact true, then who will be responsible for the regulation for what New England Transrail, LLC intends to move into our neighborhoods that has a great possibility to contaminate the soils, water and air that we breathe. These are precious commodities that cannot be substituted nor replaced. The quality of life is in jeopardy here for many.

There is also a very good possibility in the near future that the Olin property, 51 Eames Street, Wilmington MA will be added to EPA's Superfund List. This will make the THIRD Superfund Site within a two-mile radius that will have contributed to the contamination of the Aberjona River.

The Woburn Neighborhood Association, Inc. who is represented by over 350 residents is stating for the record that we are opposed to New England Transrail, LLC operation at the Olin property on 51 Eames Street, Wilmington, MA.

For the health, safety and welfare of the residents in the communities of Woburn as well as Wilmington, take into affect the Human Environment! The quality of life of the residents surrounding this site will be altered forever. New England Transrail, LLC will be adding insult to injury. And by the approval of the Surface Transportation Board they will be to blame as well. This will be another environmental disaster to both communities.

Sincerely,



Linda Raymond
Chairman

Woburn Neighborhood Association, Inc.

Cc:

U.S. Senator, John F. Kerry

U.S. Senator, Edward Kennedy

Congressman, John Tierney

Congressman, Edward Markey

State Senator, Jarrett T. Barrios

State Senator Bruce E. Tarr

State Senator Robert Havern

State Senator Charles Murphy

State Representative, Patrick Natale

State Representative, James Miceli

State Representative, Jay Kaufman

EOEA Secretary, Ellen Roy Herzfelder

EPA Regional Administrator, Robert W. Varney

Honorable Woburn Mayor, Thomas L. McLaughlin

Woburn City Council President, Charles Doherty

Wilmington Board of Selectman

Wilmington Town Manager, Michael Caira

President Kathleen Barry, Woburn-Wilmington Collaborative

Woburn Daily Times Chronicle