

# The Board of Chosen Freeholders of the County of Monmouth

**MONMOUTH COUNTY  
SOLID WASTE ADVISORY COUNCIL**



**HALL OF RECORDS ANNEX  
ONE EAST MAIN STREET  
FREEHOLD, NEW JERSEY 07728**

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**Alan Stern, Chairman  
Wm. McMahon, Vice-Chairman**

June 26, 2007

ENTERED  
Office of Proceedings

Mr. Vernon A. Williams  
Office of the Secretary  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20423-0001

Part of  
Public Record

JUL 2 2007

RE: STB Finance Docket No. 34986 - Verified Notice of Exemption  
Ashland Railroad, Inc. - Notice of Lease and Operation of Rail Line  
Freehold, Monmouth County, New Jersey

219669

STB Finance Docket No. 34987 - Verified Notice of Exemption  
G. David Crane - Continuance in Control - Ashland Railway, Inc.

219672

Dear Mr. Williams:

The Monmouth County Solid Waste Advisory Council (SWAC) has reviewed the May 30 filing submitted by Ashland Railroad, Inc. (ASRR), which had included a letter from Grims-Kirk Railway, the owner of the property. The applicant states they do not intend to handle Municipal Solid Waste or Construction and Demolition Debris at a transfer site where the material is placed on the ground, sorted and then placed into railcars, and they will not build or operate a building for the sorting of waste. Furthermore, they state they would be willing to have restrictions placed upon its right to operate which prohibit such waste operations. A map of the property was included, which presented a concept plan showing an extension of the rail spur which would place transloading operations away from the stream and wetlands present on the western portion of the site. It is significant that Grims-Kirk has now indicated it would be leasing 47 acres of the property, rather than the 10 acres initially identified.

There remains some concern that Ashland might still handle solid waste in a fashion which meets the literal interpretation of their statement, yet violates its spirit (e.g. dumping waste directly into railcars). The existing state regulations require any waste to be handled inside a building, even if it is not sorted. However, these concerns could be addressed by a clearly and simply stated operating restriction that the exemption does not include any handling of waste materials for sorting, recycling, transfer and/or disposal.

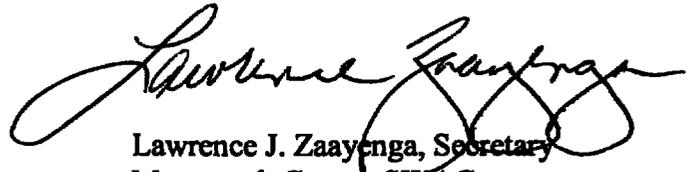
Another aspect of this particular site is its environmental sensitivity. The substantial wetlands and waterways on the western portion of the proposed lease feed the Manasquan River and Reservoir, a major source of potable water for Monmouth County's growing population. While the increased size of the

proposed lease and the map of the property suggest the transloading facilities would be developed on the upland portions of the site, there is no information on how these sensitive water resources and wetlands would be protected. Such an intensive use would commonly require several federal and state environmental permits to control and monitor surface and groundwater discharges, as well as air emission impacts from the facility's operations and associated traffic. Approval of this exemption would prohibit any state or local environmental controls, while eliminating any federal review or permits. Given the physical size and setting for the potential construction and operating impacts, we believe it would be important to at least have the Board's Section of Environmental Analysis perform an environmental assessment, including visit to the site and consultation with local environmental agencies.

While Ashland Railroad has addressed some of the primary concerns raised by the Monmouth SWAC, our group still believes it would be appropriate to review the actual lease agreement between Grims-Kirk Railway and Ashland Railroad, and continues to wonder why Clayton Sand would be the primary shipper from this site, when it has an existing facility with direct access to the main rail line.

At this time, we believe the Board should continue its housekeeping stay, as there is still some additional information that needs to be submitted to better understand the extent and intent of the proposed Ashland Railroad transloading facility. Thank you again for the attention to these important matters.

Sincerely,



Lawrence J. Zaayenga, Secretary  
Monmouth County SWAC

c: Monmouth County Congressional Delegation  
Monmouth County Legislative Delegation  
Monmouth County Board of Chosen Freeholders  
NJDEP Commissioner Lisa Jackson  
Monmouth County Planning Board  
Monmouth County Environmental Council  
Freehold Township & Freehold Borough