

The Board of Chosen Freeholders of the County of Monmouth

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**MONMOUTH COUNTY
SOLID WASTE ADVISORY COUNCIL**



**Alan Stern, Chairman
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April 25, 2007

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

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

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

Dear Mr. Williams:

The Monmouth County Solid Waste Advisory Council (SWAC) is appointed by our Board of Chosen Freeholders to advise them on waste management issues, and is also charged with reviewing all proposed solid waste and recycling facilities within the County. The SWAC has been closely following the status of the above referenced filings with the Surface Transportation Board, and had asked its staff to review the particular properties proposed for the Ashland transloading facilities. The current housekeeping stay of the effective date of the exemptions is certainly appropriate, given the questions raised by the New Jersey Department of Environmental Protection (NJDEP) and the vague and somewhat conflicting nature of the responses provided on behalf of Ashland Railroad and G. David Crane.

A number of questions have been raised regarding the nature of the operation and ancillary facilities, potential customers and whether Ashland's proposed arrangements qualify as a rail company operation. The Monmouth County SWAC does believe it is important to provide a copy of the referenced lease agreement between Ashland Railroad and Grems-Kirk Railway, as requested by the NJDEP. However, rather than restating questions already submitted, we thought it might be more useful to provide comment on the nature and location of the site and surrounding properties involved in this matter. There are some ownership and site characteristics which lead us to believe that the purpose of this transaction is not so much to become a common carrier, but rather to take advantage of the federal preemption and avoid state and local permitting that would likely render the portion of the subject property along the existing rail spur unavailable for any use.

The 10 acre parcel to be leased to Ashland Railroad is presumably that area closest to the rail line. Grems-Kirk Railway had purchased the entire 50 acre lot from Ralph Clayton & Sons, Inc. in August 2006 for

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the sum of \$1.00. One of the principals of Grems-Kirk Railway is also an owner of Clayton Sand Company. Clayton owns acreage on the other side of the rail line, and has manufacturing facilities located directly on the main rail line approximately one-third mile from the proposed Ashland transloading facility. However, there is no direct access between the two sites. Any traffic between the existing Clayton facility and the proposed Ashland facility would require use of several public roadways. The intervening Clayton property is undeveloped woodlands which includes streams and wetlands.

Most of the property owned by Grems-Kirk is presently used as a sod farm. An inactive rail spur runs along the western and southwestern borders of the property. This rail spur runs atop a berm built to bring the rail line to and into a former glass manufacturing plant located immediately north of this property – now converted to a records storage facility owned by “Iron Mountain”. The rail line was not designed to offer any access to the Grems-Kirk property. There is a steep 15 to 20 foot embankment leading down to a stream more than six feet wide running north to south very close to the rail line. This joins with other streams in the southwestern corner of the site to create a larger, swiftly flowing stream heading east to a culvert under Route 33 about 200 yards east of the main rail line. There is also a small stream with six to eight foot deep banks along the northern border of the property, and an intermittent stream bisecting the Grims-Kirk property. Each of these streams is associated with heavily wooded wetlands. The lowest elevations within the 50 acre property are in the southwestern corner and along the western boundary adjacent to this elevated rail line.

As a result of these findings, we conclude that serious grade elevation and wetlands problems would seem to prevent access to the inactive rail spur from the proposed Ashland lease. Furthermore, the referenced streams represent headwaters for the Manasquan River and Reservoir, a major source of potable water for the area. We must also wonder why Clayton Sand would be the primary shipper from this site, when its has an existing facility located within one-third of a mile along the main rail line, and has no direct access to this spur bordering the subject property (Lot 21 Block 43 in Freehold Township)?

Without further and more specific information, including but not limited to the actual lease agreement and at least preliminary engineering plans for accessing the rail line, it appears this filing seeks to make use of the federal preemption to avoid environmental permitting that would severely restrict or prevent use of this site for industrial development with rail access.

The Monmouth County Solid Waste Advisory Council, for reasons stated, hereby supports the NJDEP request for a continuation of the housekeeping stay pending additional specific information from Ashland Railroad and G. David Crane, and asks to be made a party of interest in these dockets. Thank you for your 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