

# The Board of Chosen Freeholders of the County of Monmouth

**MONMOUTH COUNTY  
SOLID WASTE ADVISORY COUNCIL**

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



**HALL OF RECORDS ANNEX  
ONE EAST MAIN STREET  
FREEHOLD, NEW JERSEY 07728**  
Telephone (732) 431-7460  
Telefax (732) 431-7795

June 27, 2007

JUL 2 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

219671

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

219673

Dear Mr. Williams:

This filing will supplement our June 26, 2007 letter (attached) to certify transmittal of yesterday's letter to each of the parties of record, as listed on the Surface Transportation Board's website for the referenced dockets.

The Monmouth County Solid Waste Advisory Council believes it important for the applicant Ashland Railroad and G. David Crane, as well as Grims-Kirk Railway, to respond to the issues raised in both our April 25, 2007 letter and our June 26, 2007 letter, only some of which have been addressed.

This transmittal letter, as well as the attached June 26 letter is being sent to each of the parties on the Service List attached.

Thank you.

ENTERED  
Office of Proceedings

Sincerely,

JUL 1 2007

Part of  
Public Record

A handwritten signature in black ink, appearing to read "Lawrence J. Zaayenga".

Lawrence J. Zaayenga, Secretary  
Monmouth County SWAC

c: (with attachments) STB Service List

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G. David Crane - Continuance in Control - Ashland Railway, Inc.**

**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



# Surface Transportation Board



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**Docket #: FD\_34986\_0**

**Case Title: ASHLAND RAILROAD, INC. -LEASE AND OPERATION EXEMPTION-RAIL LINE IN MONMOUTH COUNTY, NJ**  
**8 Service List entries found.**

**Party Of Record:** Fiorilla, John K.  
 Capehart & Scratchard, Pa  
 Laurel Corporate Center 8000 Midlantic Drive Suite 300  
 Mount Laurel, NJ 08054

**Party Of Record:** Broder, Jonathan M  
 Consolidated Rail Corporation  
 2001 Market Street  
 Philadelphia, PA 19103-7044

**Party Of Record:** Auerbacher, Kevin P.  
 New Jersey Department Of Environmental Protection  
 25 Market Street Po 093  
 Trenton, NJ 08625

**Party Of Record:** Agrawal, D. C.  
 New Jersey Transit Corporation  
 One Penn Plaza East  
 Newark, NJ 07105-2246

**Party Of Record:** Scheib, John M.  
 Norfolk Southern Corporation  
 Three Commercial Place  
 Norfolk, VA 23510-9241

**Party Of Record:** Richmond, Stephen M.  
 Beveridge & Diamond, P.C.  
 45 William Street, Suite 120  
 Wellsley, MA 02481

**Party Of Record:** Brown, James H.  
 6 Cottage Place  
 Freehold, NJ 07728

**Party Of Record:** Zaayenga, Lawrence J.  
 Monmouth County Swac  
 One East Main Street  
 Freehold, NJ 07728



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