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— LAW OFFICES —
DeCOTIIS, FITZPATRICK,
COLE & WISLER, LLP

GLENPOINTE CENTRE WEST
500 FRANK W. BURR BOULEVARD
TEANECK, NEW JERSEY 07666
TELEPHONE: (201) 928-1100
TELEFAX: (201) 928-0588
http://www.decotiislaw.com

50 WEST STATE STREET
ONE STATE STREET SQUARE
TRENTON, NEW JERSEY 08608
TELEPHONE: (609) 278-1561
TELEFAX: (609) 278-1562

Writer's Direct Dial No. 201-907-5210

EDWARD N. FITZPATRICK (1940-2000)

M. ROBERT DeCOTIIS
ALFRED C. DeCOTIIS
MICHAEL R. COLE
ERIC D. WISLER
JONATHAN L. WILLIAMS
WILLIAM R. MAYER
J.S. LEE COHEN
MICHAEL G. LUCHKIW
JOSEPH M. DeCOTIIS
WILLIAM HARLA
BENJAMIN CLARKE
LOUIS N. RAINONE
JEFFREY D. SMITH
JUDY A. VERRONE
ANTHONY F. LaBUE

THOMAS A. ABBATE
STACEY D. ADAMS
JEREMY C. ADEST
ANTHONY J. ARNONE
JASON D. ATTWOOD
GINA M. BETTS
AVIS BISHOP-THOMPSON
MICHAEL J. CACCAVELLI
VICTORIA A. FLYNN
MATTHEW C. KARRENBERG
ALEX J. KEOSKEY
PETER G. KIELY
CHINA LADNER
LISA M. MASTROGIOVANNI

WILLIAM R. LUNDSTEN
STEPHEN B. PEARLMAN
PAUL S. WERTHER
GREGORY J. BEVELOCK
JERROLD B. BINNEY
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JEFFREY W. CAPPOLA
GINA BILANGI CARLE
PATRICIA A. CELANO
DAVID A. CLARK
KEVIN A. CONTI
DANIEL J. FITZPATRICK
GEORGE G. FRINO
SUSAN FRUCHTMAN
MICHAEL A. GALLO, JR.
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ROBERTO S. MIGLIORELLI
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DAWN O'CONNOR
ROBERT A. ORTIZ, JR.
RUSSELL J. PASSAMANO
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WENDY RUBINSTEIN
PATRICIA J. RYOU
RYAN J. SCERBO
JOSEPH G. STANCATO
IRAMP VALENTIN
DEBORAH S. VERDERAME
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FRANCIS X. REGAN
RICHARD F. X. REGAN
KEITH E. RILEY
GEORGE A. SORIAL
CATHERINE E. TAMASIK
SUSAN E. VOLKERT

Of Counsel
RONALD E. CALISSI
JOSEPH M. JACOBS
NORMAN B. KAUFF
JAMES R. NAPOLITANO
WILLIAM P. SCHUBER

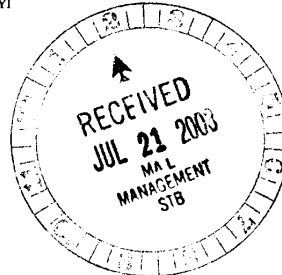
♦ Also Admitted in NY
♦ Also Admitted in PA

July 14, 2003

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Public Record



Vernon A. Williams, Secretary
Office of the Secretary
Surface Transportation Board
Mercury Building, Room 700
1925 K Street, N.W.
Washington, D.C. 20423-0001

Re: Petition for a Declaratory Order by Hi-Tech Trans, LLC
Finance Docket No. FD34192

Dear Secretary Williams:

I am in receipt of Hi Tech's letter of July 10 and NJDEP's letter of July 14, and write on behalf of respondents Hudson County Improvement Authority ("HCIA") and Essex County Utilities Authority ("ECUA") to join in NJDEP's request to strike Hi Tech's July 10 letter.

In addition to the points raised by Mr. Greenberg in his letter, I would also note that Mr. Fletcher's assertion that Hi Tech "has not received any citation or complaint concerning any violation of any such state or local environmental regulation during the more than 20 months that it has been operating its transloading facility" is flatly untrue. HCIA and ECUA have both filed a counterclaim against Hi Tech in the federal court action that it initiated against them, charging it with violations of the Solid Waste Management Act, N.J. Stat. Ann. 13:1E-1 *et seq.*, and the Solid Waste Utility Control Act, N.J. Stat. Ann. 48:13A-1 *et seq.* What is more, the District Court (Hon. Faith S. Hochberg, U.S.D.J.) has twice found HCIA and ECUA to have a probability of success on those claims, and declined, most recently, to issue injunctive relief against Hi Tech only because it found such relief to be mooted by NJDEP's administrative cease and desist order.

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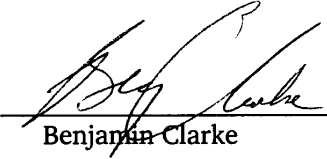
If Hi Tech is going to ignore the Board's rules, which prohibit replies to replies, see 49 C.F.R. §1104.13(c), it would do well to keep its submissions accurate. Hi Tech's transgression of the Board's rules and misstatements of fact should not be countenanced, and its July 10 letter should accordingly be stricken from the official docket for this proceeding.

We have enclosed an original and 11 copies of this letter and request that the extra copy be date-stamped and returned so that our files may properly reflect the filing.

If you have any questions, please let us know.

Respectfully yours,

DeCotiis, FitzPatrick, Cole & Wisler, LLP

By: 

Benjamin Clarke

c: Edward D. Greenberg, Esq.
James Martin, DAG
Thomas J. Litwiler, Esq.