

BEFORE THE SURFACE TRANSPORTATION BOARD
Finance Docket No. FD 36911

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Office of Chief Counsel
March 11, 2026
Part of
Public Record

PETITION TO DENY (OR, IN THE ALTERNATIVE, TO REVOKE) EXEMPTION

Submitted by:

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I. INTRODUCTION

Pursuant to 49 U.S.C. §10502(d) and applicable Surface Transportation Board regulations, I respectfully submit this Petition to Deny, or alternatively to Revoke, the requested exemption in Finance Docket No. FD 36911 concerning the proposed rail-served transload facility associated with Noble Environmental Specialty Recycling, LLC.

I am a directly affected resident whose family home, 2256 Bond Street Extension, Brockway, is located within a few hundred feet of the proposed facility site. My property, inherited from my father, lies within the immediate impact zone of the proposed operation. The exemption should be denied because the proposed use constitutes a solid waste transfer operation incompatible with the surrounding residential community and presents substantial safety, environmental, and public-interest concerns.

II. NATURE OF THE PROPOSED OPERATION

The proposed facility functions as a trash or waste transfer/transload operation involving the receipt, staging, and shipment of solid waste materials by truck and rail. Despite being framed as a rail transportation activity, the primary impacts arise from non-rail activities, including heavy truck traffic, waste handling, storage, and transfer operations.

These activities fundamentally alter the character of the surrounding residential area and extend beyond what Congress intended to shield under rail transportation exemptions.

III. PRIOR STATE PERMIT DENIAL

The Pennsylvania Department of Environmental Protection (DEP) previously denied permitting for substantially similar operations at this same location due to incompatibility with nearby residential uses.

The applicant now seeks federal preemption through an exemption proceeding after failing to obtain state approval. Granting the exemption would effectively circumvent legitimate state environmental and land-use determinations intended to protect public health and safety.

The Board has previously recognized that exemptions should not be used to avoid environmental safeguards or local protections where impacts are substantial and primarily non-rail in nature.

IV. INCOMPATIBILITY WITH RESIDENTIAL LAND USE

The proposed facility is located within an established residential community containing:

- Occupied family homes located within close proximity to the site;
- A historic cemetery;
- Historic residential structures;
- Children's recreational and sports fields; and
- A neighborhood environment not designed for industrial waste operations.

The introduction of a high-volume waste transfer facility would significantly disrupt the residential character of the area and impose industrial impacts on a community not zoned or designed for such use.

V. PUBLIC SAFETY AND TRAFFIC HAZARDS

The proposed operation will substantially increase heavy truck traffic along local roads used daily by families and schoolchildren.

At least thirty (30) school-age students regularly board school buses along these routes. Increased truck traffic presents foreseeable risks including:

- Reduced roadway safety for children and pedestrians;
- Increased accident risk at bus stops;
- Noise and diesel emissions affecting nearby residences; and
- Roadway wear incompatible with residential infrastructure.

These impacts arise primarily from trucking activities rather than rail transportation and therefore weigh strongly against exemption.

VI. HISTORIC AND COMMUNITY IMPACTS

The proximity of a historic cemetery and historic homes raises additional concerns under federal environmental and historic preservation considerations. The Board must evaluate whether granting the exemption would result in adverse impacts to historic and cultural resources.

The surrounding community includes family residences and youth recreational areas whose continued safe use may be impaired by industrial waste operations.

VII. PUBLIC INTEREST CONSIDERATIONS

Under 49 U.S.C. §10502, an exemption may only be granted where regulation is unnecessary to protect shippers and where the exemption is consistent with the public interest.

Here, the exemption would:

- Override prior state environmental determinations;
- Introduce industrial waste handling into a residential area;
- Create documented safety risks to children and residents; and
- Produce impacts largely unrelated to rail transportation.

Accordingly, continued regulatory oversight is necessary and the statutory standard for exemption is not satisfied.

VIII. REQUEST FOR RELIEF

For the foregoing reasons, I respectfully request that the Surface Transportation Board:

1. **Deny the requested exemption** in Finance Docket No. FD 36911; or
 2. In the alternative, **revoke the exemption** pursuant to 49 U.S.C. §10502(d); and
 3. Require full environmental review and public participation prior to any authorization of operations at this site.
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IX. CONCLUSION

The proposed facility presents substantial safety, environmental, and community impacts inconsistent with the limited purpose of rail transportation exemptions. The Board should protect the public interest by denying or revoking the requested exemption.

Respectfully submitted,

Sandra S. Preston

Date: 3-11-2026

CC: A Noble Cause
Lampwrights, LLC
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