

BEFORE THE SURFACE TRANSPORTATION BOARD
Finance Docket No. FD 36911

ENTERED
Office of Chief Counsel
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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 and co-owner of a family home located within a few hundred feet of the proposed facility site. The property was inherited by my wife and me from her father, and I serve as the primary caretaker and steward of the property. Due to its proximity, my home and daily living environment will be directly impacted by the proposed waste transfer operation.

For the reasons described below, granting the requested exemption would be inconsistent with the public interest and would impose significant safety, environmental, and community harms on a residential neighborhood.

II. NATURE OF THE PROPOSED OPERATION

The proposed facility operates in substance as a trash or solid waste transfer/transload facility involving the receipt, staging, handling, and shipment of waste materials by truck and rail.

While presented as rail transportation, the principal impacts arise from non-rail activities, including heavy truck traffic, waste handling operations, storage, and loading activities occurring immediately adjacent to residential properties.

These impacts extend beyond traditional rail operations and should not qualify for exemption from regulatory oversight.

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 the facility's proximity to residences and incompatibility with surrounding land uses.

The present request for federal exemption appears to seek authorization for an operation that state regulators have already determined to be unsuitable for this location. Granting exemption under these circumstances would undermine established environmental protections designed to safeguard nearby residents.

IV. IMPACT ON RESIDENTIAL PROPERTY AND COMMUNITY CHARACTER

As caretaker of an inherited family home located within immediate proximity of the proposed facility, I am responsible for maintaining the property and preserving its long-standing residential character.

The surrounding area includes:

- Occupied family homes;
- A historic cemetery;
- Historic residential structures;
- Children's recreational and sports fields; and
- A quiet residential environment not designed for industrial activity.

The introduction of a high-volume waste transfer operation would fundamentally alter the character and livability of this neighborhood and diminish the residential use of nearby properties.

V. PUBLIC SAFETY AND TRAFFIC CONCERNS

The proposed operation will significantly increase heavy truck traffic along local residential roads.

These roads are routinely used by families and schoolchildren. At least thirty (30) school-age students board school buses along the affected routes. Increased truck traffic presents foreseeable risks including:

- Safety hazards for children waiting at bus stops;
- Increased accident potential in residential traffic patterns;
- Noise and diesel emissions affecting nearby homes; and
- Roadway stress inconsistent with residential infrastructure.

These impacts arise primarily from trucking activity rather than rail transportation and weigh strongly against granting an exemption.

VI. HISTORIC AND COMMUNITY RESOURCES

The presence of a historic cemetery and historic homes near the proposed site raises concerns regarding impacts to cultural and historic resources. Additionally, nearby youth recreational areas and sports fields would be adversely affected by increased industrial traffic and activity.

The Board should consider whether authorization of this facility is compatible with preservation of these community resources.

VII. PUBLIC INTEREST CONSIDERATIONS

Under 49 U.S.C. §10502, an exemption may only be granted when consistent with the public interest and when regulatory oversight is unnecessary.

Here, continued oversight is necessary because the proposed operation would:

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

Accordingly, the statutory criteria for exemption are 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 authorization of operations at this site.
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IX. CONCLUSION

Because the proposed facility presents substantial safety, environmental, and residential impacts inconsistent with the limited purpose of rail transportation exemptions, the Board should deny or revoke the requested exemption in order to protect the public interest.

Respectfully submitted,

Stephen C. Preston
Date: 3-11-2026

CC: A Noble Cause
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