

Pollution Control Financing Authority



Making It Better, Together.

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215145

November 15, 2005

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings

NOV 16 2005

Part of
Public Record



Re: Formal Comment on Petition for Declaratory Order
National Solid Wastes Management Association, et al
FD-34776

Dear Secretary Williams:

Enclosed please find the comments of The Pollution Control Financing Authority of Camden County on the Petition for Declaratory Order filed by National Solid Wastes Management Association, et al, Finance Docket Number 34776.

Sincerely yours

A handwritten signature in cursive script, reading "Frank E. Giordano".

Frank E. Giordano
Executive Director

Landfill Operations:

9600 River Road, Pennsauken, New Jersey 08110
Phone (856) 663-2772 FAX (856) 663-7701



**BEFORE THE
SURFACE TRANSPORTATION BOARD
FINANCE DOCKET NO. 34776
COMMENTS OF POLLUTION CONTROL FINANCING AUTHORITY OF
CAMDEN COUNTY
ON THE PETITION OF
NATIONAL SOLID WASTES MANAGEMENT ASSOCIATION, ET AL
FOR DECLARATORY ORDER**

**Frank E. Giordano, Executive Director
Pollution Control Financing Authority of Camden County
729 Hylton Road, Pennsauken New Jersey 08110
856-665-8787**

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SURFACE TRANSPORTATION BOARD
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CAMDEN COUNTY
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NATIONAL SOLID WASTES MANAGEMENT ASSOCIATION, ET AL
FOR DECLARATORY ORDER**

INTRODUCTION

The Pollution Control Financing Authority of Camden County (PCFACC) joins in the petition for Declaratory Order submitted by the National Solid Waste Association, et al FD-34776. The PCFACC is a public entity designated in the Solid Waste Management Plan of Camden County, New Jersey to implement a comprehensive and integrated solid waste disposal strategy for Camden County, New Jersey. In order to perform its statutory and regulatory function, the PCFACC entered into an agreement for construction and operation of a resource recovery facility. In addition to further meet its obligations, the PCFACC also purchased a municipal landfill.

Both of these acquisitions were financed by public monies and each was operated under the laws and environmental regulations of the State of New Jersey. If the Surface Transportation Board allows the operation of similar facilities claiming a railroad exemption to proper regulation, it could be disruptive to the local industry and detrimental to environment that is a necessary prime concern to all of our citizens.

COMMENTS

The use of an exemption to the laws of the State of New Jersey concerning the siting of a solid waste transfer station is a fundamental concern that is important to the citizens of Camden County.

To site competitive facilities that will diminish the financial ability of existing facilities while allowing these new facilities to not face the same stringent regulation is wrong for many reasons especially if the activity is not an integral aspect of operating a railroad. The State of New Jersey should be permitted to establish the criteria for proper operation of a solid waste transfer station not some railroad executive. The Surface Transportation Board's previous ruling has the potential to do serious environmental harm to wherever this exemption is utilized.

The transfer of solid waste is not integral to a railroad's activity and should not be its lifeblood. There is a proper method to process waste and we should not encourage anything that reduces environmentally effective operations.

For the foregoing reasons, The Pollution Control Financing Authority of Camden County urges the Surface Transportation Board to grant NSWMA's Petition for Declaratory Order.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Frank E. Giordano", written over a horizontal line.

Frank E. Giordano, Executive Director

I hereby certify that a true copy of the foregoing Comment was served this 15th day of November, 2005, upon the following by first class mail:

Stephen M. Richmond
Beveridge & Diamond, P.C.
45 William Street - Suite 120
Wellesley, MA 02481-4004

New York, Susquehanna & Western Railway Corporation
1 Railroad Avenue
Cooperstown, NY 13326-1110
Attn: Nathan Fenno, Esq., General Counsel

RailTech, LLC
1034 Hudson Avenue
Ridgefield, NJ 07657

A handwritten signature in black ink, reading "Frank E. Giordano". The signature is written in a cursive, flowing style. The first name "Frank" is written as "Frd", and the last name "Giordano" is written in a more formal cursive script.

Frank E. Giordano, Executive Director