

Congress of the United States

Washington, DC 20515

September 1, 2004

Case Control Unit
Surface Transportation Board
1925 K Street NW
Washington, D.C. 20423



Re: Finance Docket No. 34391 – Environmental Comments

We write to comment on the Environmental Assessment pertaining to the request of New England Transrail, LLC, d/b/a Wilmington and Woburn Terminal Railroad Company (W&WTR) for a construction, acquisition and operation exemption for a rail reload facility in Wilmington and Woburn, Massachusetts. We have twice previously voiced our concerns regarding this proposed project and we enclose copies of our letters dated July 11, 2003 to Mr. Vernon Williams and October 29, 2003 to Mr. Neil Sullivan.

We are extremely disappointed that the Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) has concluded that an Environmental Assessment is appropriate and the full Environmental Impact Statement process is unnecessary in this proceeding. We would urge the Board to reject that recommendation and issue a full Environmental Impact Statement for public review and comment.

As we pointed out in our previous correspondence regarding this project, the parcel of land on which the project is proposed has a long and sordid history of environmental degradation and chemical contamination. Concerned citizens from Wilmington and abutting Woburn have exhaustively catalogued the long-standing and pervasive contamination on the site. Indeed, the discovery last year of nitrosodimethylamine (NDMA) on the site has resulted in **the closure of five of the nine drinking water wells in the Town of Wilmington – 60% of the town's public water supply**. The Massachusetts Department of Environmental Protection (MADEP), which has been actively involved at the Olin site since 1986, has long been engaged in negotiations with Olin Corporation on a strategy to aggressively clean up the extensive groundwater contamination at the site and has been unsuccessful in reaching an agreement on either the scope or the rate of the necessary cleanup. Accordingly, MADEP has notified the U.S. Environmental Protection Agency (EPA) of its desire to initiate the process of listing the Olin Chemical Site in Wilmington, Massachusetts as a National Priorities List (NPL) site. According to MADEP Section Chief Stephen M. Johnson's August 23, 2004 letter to EPA (copy attached), "DEP believes that the NPL listing is the best way to ensure that the most effective cleanup technologies available are applied in a timely manner to attempt to remediate the Olin site, in light of the complexity, cost and resources that will be necessary to complete the project."

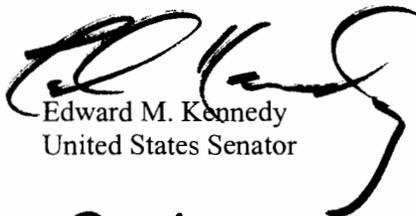
Extensive ongoing monitoring of test wells is underway to determine the content, concentration, location and movement of contaminants at the site, but actual mediation steps, for the most part, have not been established. Conducting a rail reload operation on this site introduces the prospect of additional contamination from unintended spills, complicating efforts to understand the breadth of contaminants already present in the groundwater, how those contaminants are operating independently of each other and how they are interacting. Any redevelopment of the Olin site must be deferred until the full extent of the existing contamination has been determined and a comprehensive and timely remediation plan is in place.

We would also like to comment on one other conclusion in the Environmental Assessment(EA), having to do with the potential addition of four hundred truck trips daily to the proposed reload facility. According to the EA, a combination of 30-foot trucks and 18-wheel semi-tractors would undertake these trips. The Section of Environmental Analysis concluded that “the addition of up to 400 trucks per day would not degrade the current and forecast Level of Service (LOS) at the affected intersections near the Olin property.” The logic of that analysis escapes us. The intersection at Eames Street and Woburn Street in Wilmington is currently operating at a LOS F, characterized by congestion and extensive delay. Current truck traffic traveling north on Woburn Street and making a left onto Eames Street to reach Route 38, or truck traffic traveling north on Eames Street to make a right turn onto Woburn Street south must negotiate a hairpin turn. Large trucks, including the 18-wheel semi-tractors referred to in the EA, must cross the centerline of both streets (and be temporarily in the lane of oncoming traffic) in order to make the turn. **How can one possibly conclude that an additional four hundred trucks per day would not further degrade the level of service on these streets?**

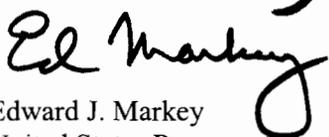
New England Transrail should not be allowed to exacerbate existing traffic safety problems at an intersection that is already characterized as failing. While the applicant has stated that non-local traffic would be required to avoid Route 38, and potentially the Woburn/Eames Street intersection, in practice truck operators unfamiliar with the area will use the intersection. Presumably enforcement of any company imposed “truck exclusion” will be left to the local police department, which cannot be expected to devote limited personnel and resources to monitoring this intersection at all times.

For these reasons, as well as for others that we know will be raised in comments by citizens and local officials in Wilmington and Woburn, we once again strongly urge the Surface Transportation Board to reject the recommendation of the Section of Environmental Analysis and insist that a full Environmental Impact Statement be issued for public review and comment; and that all environmental issues be fully addressed and mitigated before any construction is allowed to begin.

Sincerely,



Edward M. Kennedy
United States Senator



Edward J. Markey
United States Representative



John F. Kerry
United States Senator



John F. Tierney
United States Representative

Congress of the United States
Washington, DC 20515

July 11, 2003

Mr. Vernon Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

Dear Secretary Williams:

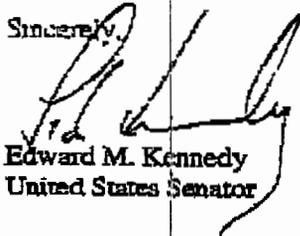
Yesterday, the Surface Transportation Board denied petitions for stay filed by the Town of Wilmington and the City of Woburn, Massachusetts in the matter of New England Transrail, LLC (STB finance Docket No. 34365). The Board's decision noted that "in order for New England Transrail to construct and operate its proposed new rail line, it must seek construction authority from the Board in a separate filing, under 49 U.S.C. 10901 and 49 CFR 1150.1 et seq." and that upon that filing the Board's Section of Environmental Analysis (SEA) will conduct the "appropriate level of environmental review of the proposed new rail line construction and operation pursuant to the National Environmental Policy Act (NEPA) and the Board's rules implementing NEPA at 49 CFR part 1105."

The parcel of land on which this project is proposed has a long and sordid history of environmental degradation and chemical contamination. On July 2, 2003, the Massachusetts Department of Environmental Protection (DEP) requested that the U.S. Environmental Protection Agency (EPA) assist in the technical evaluation of the chemical make-up of contaminants found on the property. Concerned citizens from both communities have exhaustively catalogued the long-standing and pervasive contamination on the site. Officials of both communities, including Wilmington Town Manager Michael Caira and Woburn Mayor John Curran, as well as Massachusetts State Representatives James Miceli and Carol Donovan, have expressed strong opposition to the proposed project based in large part on its potential for exacerbating an already precarious environmental situation.

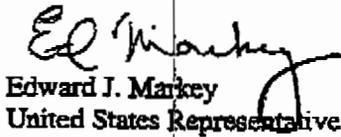
We write to you today in anticipation of New England Transrail's expected filing seeking authority to construct a new half-mile line to link the existing B&M line segments necessary to serve the planned reload facility. We respectfully request that the project be evaluated under the most stringent possible environmental standards; that a full Environmental Impact Statement be issued for public review and comment; and that all environmental issues be fully addressed and mitigated before any construction could begin.

We further request that we be formally notified of any filings with regard to this matter. Thank you for your time and consideration of this matter. If you have any questions, please contact Tom Carahan (Kennedy) 617-565-3170, Marty Walsh (Kennedy) 202-224-4543, Meaghan Hohl (Kerry) 617-565-8519; Joe Dalton (Markey) 781-396-2900; or Gary Barrent (Tierney) 978-531-1669.

Sincerely,


Edward M. Kennedy
United States Senator


John F. Kerry
United States Senator


Edward J. Markey
United States Representative


John F. Tierney
United States Representative

Cc: Wilmington Town Manager Michael Caira
Woburn Mayor John Curran
Representative James Miceli (Wilmington)
Representative Carol Donovan (Woburn)
Ronald A. Klemmner, Managing Principal, New England Transrail
Paul Jacobi, Esq., Jacobi & Case, P.C.

Congress of the United States
Washington, DC 20515

October 29, 2003

Neil Sullivan
ICF, Incorporated
9300 Lee Highway
Fairfax, VA 22031
Attention: Finance Docket No. 32391 – Environmental Comments

Dear Mr. Sullivan:

We are writing to offer our comments on New England Transrail's (NET) proposal to the Surface Transportation Board (STB) for authority to construct and operate rail lines and a multi-commodity truck-rail reload facility at the former Olin Corporation (Olin) property located at 51 Eames Street in Wilmington, Massachusetts. We have been informed that the STB's Section of Environmental Analysis (SEA) is initiating an environmental review of the project under the National Environmental Policy Act (NEPA). Our comments are focused on specific environmental issues pertaining to this particular site.

As we wrote to the STB regarding previous filings by NET with regard to this project (See Finance Docket No. 34365 – our letter of July 11, 2003), the parcel of land on which this project is proposed has a long and sordid history of environmental degradation and chemical contamination. On July 2, 2003, the Massachusetts Department of Environmental Protection (MADEP) requested that the U.S. Environmental Protection Agency (EPA) assist in the technical evaluation of the chemical make-up of contaminants found on the property. Concerned citizens from Wilmington and abutting Woburn, Massachusetts, have exhaustively catalogued the long-standing and pervasive contamination on the site. Officials of both communities, as well as Massachusetts State Senators Robert Havern and Bruce Tarr and Representatives James Miceli and Carol Donovan, remain strongly opposed to the proposed project based in large part on its potential for exacerbating an already precarious environmental situation.

Since we last communicated our concerns to the STB in July, the town of Wilmington has received a report from GeoInsight, Inc., a multi-disciplinary environmental consulting and engineering firm engaged by the town to conduct an independent evaluation of environmental issues associated with the NET project. (We understand that the GeoInsight report is included in a package of comments submitted by the town of Wilmington.) We commend this report in its entirety to your careful review. We point out, however, that the "recent discovery of previously unknown impacts associated with the Olin site has caused MADEP to suspend its review of certain elements of the Phase III Remedial Action Plan pending completion of additional site investigation and source identification." Specifically, a contaminant related to former operations at the Olin site, N-nitrosodimethylamine (NDMA), was detected in ground water affected by site conditions and in downgradient town water supply wells. Investigation of the extent of

the NDMA impacts and source(s) is currently in progress. The presence of NDMA and the discontinued use of certain municipal wells will require reevaluation of the currently selected remedial alternative for the site; this reevaluation is currently in its early stages.

GeoInsight's evaluation also concluded that the documentation presently provided by NET does not provide sufficient detail for a thorough review of the proposed uses that is necessary to ensure protection of the public health of the community. According to GeoInsight's report, insufficient detail is available, for example, on:

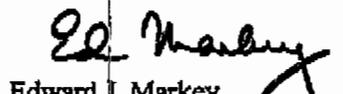
- the nature and location of new facilities to be constructed with regard to ground water flow systems at the site;
- the nature of materials to be handled, re-packaged, re-loaded and transshipped and, particularly, a definitive statement as to whether hazardous materials will be handled or stored or otherwise transit environmentally sensitive areas of the site; the construction, operation and maintenance of spill containment structures and systems; and
- plans and training for spill prevention and response.

For these reasons, we respectfully request that the proposed project be evaluated under the most stringent possible environmental standards; that a full Environmental Impact Statement be issued for public review and comment; and that all environmental issues be fully addressed and mitigated before any construction is allowed to proceed.

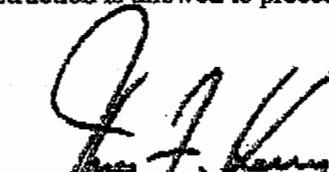
Sincerely,



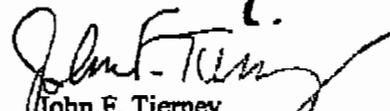
Edward M. Kennedy
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John F. Kerry
United States Senator



John F. Tierney
United States Representative



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

MICHAEL ROMNEY
Governor

ROBERT HEALEY
Lieutenant Governor

ELLEN ROY HERZFELDER
Secretary

ROBERT W. GOLLEDGE, Jr.
Commissioner

August 23, 2004

U.S. Environmental Protection Agency
Region 1 -- New England
1 Congress Street
Boston, MA 02114-2023

RE: Wilmington
Olin Chemical
51 Eames Street
RTN 3-0471

Initiation of National Priorities Listing Process

ATTN: Nancy Smith

Dear Ms. Smith:

The Massachusetts Department of Environmental Protection (DEP) wishes to initiate the process of listing the Olin Chemical Site in Wilmington, MA as a National Priorities List (NPL) site. DEP feels that the NPL listing is necessary and appropriate at this time because DEP has been unable to reach an agreement with Olin Corporation on a strategy to aggressively clean up the extensive groundwater contamination at the site, which has resulted in the closure of 5 public water supply wells in the Town of Wilmington's Maple Meadow Brook Aquifer. DEP believes that the NPL listing is the best way to ensure that the most effective cleanup technologies available are applied in a timely manner to attempt to remediate the Olin site, in light of the complexity, cost, and resources that will be necessary to complete this project.

If you have any questions regarding this letter, or there any ways that DEP can help to facilitate this process, please contact Christopher Pyott at (617) 654-6654 or at the letterhead address.

Very truly yours,

Stephen M. Johnson
Section Chief
Site Management

cc via e-mail:

Wilmington, Chairman of the Community Advisory Panel, Attn: Jeff Hull
Wilmington Conservation Commission, Attn: Robert J. Douglas
Wilmington Board of Health, Attn: Greg Erickson
Wilmington Water Department, Attn: Mike Woods
GeoInsight, Inc., 319 Littleton Road, Suite 100, Westford, MA 01886, Attn: Michael Webster
Jack Fralick, Board of Health, City Hall, 10 Common Street, Woburn, MA 01801
DEP/NERO/Water Supply, Attn: Jim Persky

This information is available in alternate format by calling our ADA Coordinator at (617) 574-6872.

DEP on the World Wide Web: <http://www.state.ma.us/dep>

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**Wilmington - Olin Chemical
Initiation of National Priorities Listing Process**

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DEP/Boston/Legislative Liaison: Marc LaPlante

Olin Corporation, P.O. Box 248, Charleston, TN 37310

Attn: Stephen Morrow

Sleeman, Hanley & DeNitto, 50 Congress Street, Boston, MA 02109

Attn: Margret Hanley

MACTEC Engineering and Consulting, 107 Audubon Road, Wakefield, MA 01880

Attn: Michael Murphy

Foley, Hoag & Eliot LLP, 155 Seaport Boulevard, Boston, MA 02210

Attn: Laurie Burt

Kathleen & Winifred Barry, 14 Powder House Circle, Wilmington, MA 01887

Senator Bruce Farr, Room 507, State House, Boston, MA 02133

Rep. James Miceli, Room 167, State House, Boston, MA 02133

Rep. Charles Murphy, Room 166, State House, Boston, MA 02133

Rep. Carol Donovan, Room 473-B, State House, Boston, MA 02133

cc via mail:

DEP/Data Management: C&E/INTLET

Chairman, Board of Selectmen, 121 Glen Road, Wilmington, MA 01887

Mayor John Curran, City Hall, 10 Common Street, Woburn, MA 01801

Public Library, 175 Middlesex Avenue, Wilmington, MA 01887

Attn: Olin Site Repository