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New Jersey Meadowlands Commission

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April 4, 2007

Nathan R. Fenno, Esq.
The New York Susquehanna & Western Railway Corporation
1 Railroad Avenue
Cooperstown, New York 13326

Re: NYS&W/83rd Street Facility

Dear Mr. Fenno:

This letter is to inform you that the New Jersey Meadowlands Commission (NJMC) is both concerned and disturbed by the recent conditions at the 83rd Street/Cardella solid waste facility (Facility) in North Bergen, New Jersey. It is also a follow up to several letters sent to The New York Susquehanna & Western Railway Company (NYS&W) by the NJMC and its counsel with respect to the Facility. Those letters were sent pursuant to the March 2001 Stipulation of Settlement and Agreement (Stipulation) on August 30, 2006, October 3, 2006, January 26, 2007 and March 5, 2007.

First, by this letter NJMC is in no way conceding that this Facility is a bona fide rail carrier facility. Next, as NJMC has repeatedly indicated, NYS&W has failed to comply with the Stipulation. Most importantly, the building that has been erected by NYS&W without proper review under the Stipulation, does not meet international building code standards and is receiving such excessive amounts of waste that the waste has recently been observed coming out of the building itself. Some of the deplorable conditions at the Facility are depicted on the photographs attached to this correspondence. Therefore, while the NJMC is troubled by the NYS&W's failure to meet its legal obligations under the Stipulation, it is also highly concerned about the health and safety issues presented by the current conditions. One of the most problematic deficiencies of the building that we are aware of is the lack of a fire suppression system. This dangerous condition poses a threat to workers, neighbors, firefighters and other emergency responders.

Other issues that remain to be resolved include, but are not limited to, the lack of a proper air pollution control system, traffic study, or information regarding drainage. NYS&W's failure to respond to NJMC's repeated requests for information sufficient to ascertain compliance under the Stipulation must be promptly resolved, or as NJMC has previously advised, it will be forced to take appropriate action.

Sincerely,



Susan Bass Levin
Chairman

Cc: John A. McKinney, Esq.
Christine Petruzell, Esq.
Christine A. Sanz, Dir. of Legal Affairs/Chief Counsel
Kevin P. Auerbacher, Deputy Attorney General
Lisa Jackson, Commissioner, Department of Environmental Protection

Attachments

