



Board of Directors

September 4, 2015

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Chair

Hon. Andrew Cuomo
Executive Chamber
State Capital
Albany, NY 12224

Sidney Haring
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RE: State Must Reject Proposal to Store Used DOT 111 Oil Tanker Cars in the Adirondack Park

James Long
Secretary

Dear Governor Cuomo,

David Quinn
Treasurer

Last month, Iowa Pacific Railway Company announced to the Warren County Board of Supervisors that it planned to begin marketing operations for longterm storage of used oil tanker DOT-111 railway cars. The Company stated that it saw an immense business opportunity for this activity on the East coast and that it was successfully storing several hundred such cars on railways that it operated in Colorado. The Warren County leaders took no position on this proposal, but referred it to their counsel for research. Iowa Pacific stated that it was informing the County simply as a courtesy and that this activity was exempt from any local or state regulations. At this time it is unclear what action, if any, Warren County will undertake.

Joshua Axelrod
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Iowa Pacific has leased the rail line in question from Saratoga and Warren Counties, while it owns the Sanford Lake Rail Line in Hamilton and Essex Counties. Iowa Pacific's proposal is to transport used oil tanker cars through Saratoga and Warren counties, with long stretches within the Adirondack Park, and then store these cars, perhaps hundreds, along various stretches of the Sanford Lake Rail Line.

Peter Bauer
Executive Director

Protect the Adirondacks is very concerned about this proposal and finds that it contradicts and undermines everything that the Adirondack Park is all about. This proposal threatens the scenic beauty, ecological integrity, and protections for the "forever wild" Forest Preserve. For many reasons we oppose this proposal and we urge your administration to take a stand for a protected Adirondack Park and reject this proposal.

This is a critical moment in the history of the Adirondack Park and for all the reasons below, we urge you to take action.

Protect the Adirondacks

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Storage of Used Oil Cars Violates Longstanding APA Precedent: In the early 1990s, Governor Mario Cuomo stood behind the Adirondack Park Agency (APA) Commissioners when they passed a resolution that the Adirondack Park should be used to handle locally generated garbage and waste, but not used to handle outside waste. This principle was upheld in 1995-1996 by Governor George Pataki who rebuffed an effort by Essex County leaders to sell the Essex County landfill to a company that wanted to make it a major regional landfill – a Fresh Kills north. We urge your administration to stand with long established precedent and not allow Iowa Pacific to import waste into the Adirondack Park.

Storage of Used DOT 111 Oil Tanker Cars Must be Investigated as a Regulated Activity under the APA Act and Environmental Conservation Law: Our initial research raises many questions about the regulatory status of a railroad once it is no longer used for transport, but used for longterm storage of rail cars, whether on a main track or siding. Such a transition appears to constitute a new commercial activity that should be subject to local control. We've seen many many cases over the years where small businesses in the Adirondacks had to secure new commercial use permits from the APA in order to utilize an existing building. We believe that the proposal of Iowa Pacific to utilize the Sanford Lake Rail Line constitutes a new commercial use.

Furthermore, nearly the entire stretch of the Sanford Lake Rail Line is within the classified "Wild" or "Scenic" river corridors of the Boreas or Hudson Rivers. While operating a railroad is a "grandfathered" activity within these protected corridors, the longterm storage of used oil tanker cars does not appear to be as it is a new use and activity. We also believe that other parts of the ECL must be investigated by the Department of Environmental Conservation (DEC) regarding storage of hazardous wastes.

Deterioration of Existing Stored Rail Cars on Sanford Lake Rail Line: On a visit to the Sanford Lake Railway, now owned by Iowa Pacific, on September 2nd, we found old passenger cars being stored on a stretch of siding that sits in a vast wetland system along the Boreas River. These cars are in disrepair and are falling apart. They had been vandalized and trash was evident. Most disturbing was the corroding paint on an old car where a large amount of paint chips had fallen from the car and were soaking into the track and ties. The poor storage of these cars does not give us much confidence in Iowa Pacific's claims that there will be no negative environmental impacts from longterm storage of used oil tanker cars on the Sanford Lake Railway. (See pictures attached.)

Visual Blight: Iowa Pacific has stated that it does not plan to store used oil tanker cars in Warren and Saratoga Counties, but plans to use the Sanford Lake Rail Line in Hamilton and Essex Counties. In these areas, the rail lines runs primarily through the Forest Preserve, including a vast stretch in lands just purchased by the state as part of the former Finch Paper/TNC lands in the "MacIntyre East" tract. The Sanford Lake Rail Line runs predominantly along the banks of the Hudson or Boreas River and storage in these areas undermines the "forever wild" Forest Preserve and constitutes a vast visual blight on the landscape. One part of the Sanford Lake Rail Line stands on the south bank of the Hudson River in North

River plainly in sight for several miles for customers taking part in commercial whitewater rafting on the Hudson River.

Does “The Adirondack Park Open for Business” Include Storage of Used Oil Tanker Cars? Your administration has made great fanfare that “The Adirondack Park is Open for Business.” This mantra now informs the work of the APA and the DEC. In fulfillment of this mantra the APA has approved largescale subdivisions of forestlands even though this will damage forest systems and destroy the ecological integrity of thousands of acres of forests. The DEC has set upon building wide road-like snowmobile trails that require the cutting and destruction of tens of thousands of trees and vast terrain alterations through parts of the Forest Preserve that have not see an ax in more than 100 years. The DEC vastly increased bobcat hunting, under questionable science, in order to maximize fur trapping opportunities. These issues have all been controversial, yet your agencies have stood strongly behind these decisions. The question now is: Does “The Adirondack Park is Open for Business” include storage of hundreds of used oil tanker cars? We certainly hope that this proposal is found by your administration to be objectionable and inconsistent with everything that the Adirondack Park is all about.

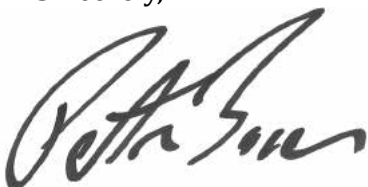
Movable Toxic Waste Storage/Toxic Waste Storage on Wheels: The idea of storing used oil tanker cars on rail lines is troubling. If this activity is unregulated, as Iowa Pacific now contends, that means we could see hazardous waste dumps set up in many locations, a veritable movable hazardous waste site, a hazardous waste dump on wheels. This is not an activity that the State of New York should endorse.

Time for a Fresh Look: Iowa Pacific has not signed a new contract with Warren and Saratoga Counties for lease of the rail line. Its current contract expired last spring. The Company has claimed that its main economic activities, hauling aggregate rock from the Tahawus Mine or garnet from Barton Mine, have failed. Its tourist train in North Creek is also operating at a deficit. It’s time for Warren and Saratoga County leaders and your administration to take a fresh look and consider other, better options for this rail line.

For all of these reasons, we urge you to take a stand for the Adirondack Park and defend our natural resources and rural communities and reject this unwise and ill considered proposal.

On behalf of the Board of Directors of Protect the Adirondacks, that you for the opportunity to make our position known on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Bauer". The signature is fluid and cursive, with a large initial "P" and "B".

Peter Bauer
Executive Director

CC: B. Seggos
P. Walke
Warren County Board of Supervisors
Essex County Board of Supervisors
Hamilton County Board of Supervisors
APA Commissioners
M. Gerstman
R. Steggemann



The pictures above show flaking paint ships and a deteriorated rail car stored by Iowa Pacific Railroad along the siding track on the Sanford Lake Railway in a section that is 75 feet, or closer, to the Boreas River and within the Vanderwhacker Mountain Wild Forest Area in Essex County. This is a location where Iowa Pacific has stated it would like to store used DOT 111 oil tanker rail cars.



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