



PRESS RELEASE

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## PROTECT calls upon Governor Cuomo to reject plans to store used oil tanker rail cars in the Adirondacks

*PROTECT's recent visit to Iowa Pacific rail car storage area in Essex County found rail cars left to deteriorate in a remote section of the Adirondack Forest Preserve*

*Iowa Pacific's poor storage of passenger rail cars on its rail line in Essex County creates little confidence that the Company can safely store used oil tanker cars*

### **For more information:**

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Lake George, NY – 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.

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.

“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 urge the Cuomo Administration to take a stand for a protected Adirondack Park and reject this proposal.”

See PROTECT's letter to Governor Cuomo:

“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,” said Peter Bauer.

See pictures of deteriorating rail cars stored in Essex County in the Adirondack Park by Iowa Pacific attached and more are available on request.

**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. “PROTECT urges the Cuomo Administration to stand with long established precedent and not allow Iowa Pacific to import waste into the Adirondack Park,” said Peter Bauer.

**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 as 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,” said Peter Bauer.

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.

### **Protect the Adirondacks**

Protect the Adirondacks is a privately funded, IRS-approved not-for-profit organization dedicated to the protection of the 6-million-acre Adirondack Park in northern New York. PROTECT was formed through the merger of the Association for the Protection of

the Adirondacks and the Residents' Committee to Protect the Adirondacks in 2009. PROTECT pursues its mission to protect the Adirondack Park and defend the public "forever wild" Forest Preserve through citizen advocacy, grassroots organizing, education, research, and legal action. PROTECT is governed by a volunteer Board of Directors. PROTECT maintains an office in Lake George. For more information see [www.protectadks.org](http://www.protectadks.org).

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