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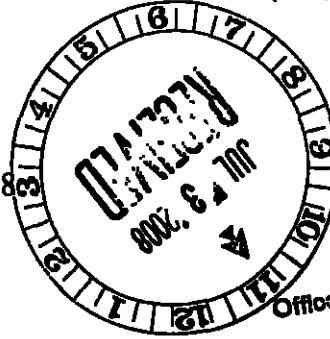
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July 2, 2008



ENTRUSTED
Office of Proceedings

JUL - 3 2008

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Public Record

The Honorable Anne Quinlan, Acting Secretary

Surface Transportation Board

395 E Street, SW

Washington, DC 20423-0001

Re: R.J. Corman Railroad Company/Pennsylvania Lines, Inc. – Construction and Operation Exemption – Clearfield County, PA – Finance Docket No 35116

R.J. Corman Railroad Company/Pennsylvania Lines, Inc. – Acquisition and Operation Exemption – Line of Norfolk Southern Railway Company – Finance Docket No. 35143

Conrail Abandonment of the Snow Shoe Industrial Track in Centre and Clearfield Counties, Pennsylvania - Docket No. AB-167 (Sub No 1004N)

Dear Acting Secretary Quinlan:

Please enter an appearance for the undersigned on behalf of Resource Recovery, LLC in connection with the pending STB proceedings in the above captioned dockets. Also please consider this letter a Notice of Intent to Participate filed on behalf of Resource Recovery, LLC in connection with those same proceedings.

Enclosed for filing in Finance Docket 35116, please find the original and ten copies of Resource Recovery, LLC's Verified Statement of Support for the R.J. Corman Railroad Company/Pennsylvania Lines Construction and Operation Exemption which also responds to various factual allegations filed by Ms. JoAnn Gillette on behalf of People Protecting Communities.

The Honorable Anne Quinlan
July 2, 2008
Page 2

Please time stamp the copy of this letter as proof for filing and return it to the undersigned in the enclosed self addressed, stamped envelope. Copies of this Entry of Appearance/Notice of Intent to Participate and Verified Statement have been served on all parties of record

Very truly yours,

RICHARD R. WILSON, P.C

A handwritten signature in black ink, appearing to read "Richard R. Wilson", with a long horizontal flourish extending to the right.

Richard R. Wilson, Esq
Attorney for Resource Recovery, LLC

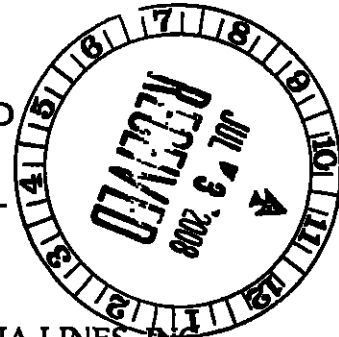
RRW/bab

Enclosure

xc: Resource Recovery, LLC
Section of Environmental Analysis, STB
All Parties of Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

222736
FINANCE DOCKET No. 35116



R.J. CORMAN RAILROAD COMPANY/PENNSYLVANIA LINES, INC. -
CONSTRUCTION AND OPERATION EXEMPTION - CLEARFIELD COUNTY, PA

222737
FINANCE DOCKET No 35143

R.J CORMAN RAILROAD COMPANY/PENNSYLVANIA LINES, INC -
ACQUISITION AND OPERATION EXEMPTION - LINE OF
NORFOLK SOUTHERN RAILWAY COMPANY

DOCKET NO AB 167 (SUB-NO 1004N)

222738
ENTERED
Office of Proceedings
JUL - 3 2008
Part of
Public Record

CONRAIL ABANDONMENT OF THE SNOW SHOE INDUSTRIAL TRACK IN
CENTRE AND CLEARFIELD COUNTIES, PENNSYLVANIA

VERIFIED STATEMENT OF E.B. ABEL, JR
IN SUPPORT OF R J CORMAN RAILROAD COMPANY/PENNSYLVANIA LINES
AND IN RESPONSE TO DECLARATION OF
PEOPLE PROTECTING COMMUNITIES

Richard R Wilson, Esq.
RICHARD R WILSON, P C
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Altoona, PA 16601
(814) 944-5302

ATTORNEY FOR
RESOURCE RECOVERY, LLC.

July 2, 2008

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET No. 35116

R.J. CORMAN RAILROAD COMPANY/PENNSYLVANIA LINES, INC. –
CONSTRUCTION AND OPERATION EXEMPTION – CLEARFIELD COUNTY, PA

FINANCE DOCKET No 35143

R.J CORMAN RAILROAD COMPANY/PENNSYLVANIA LINES, INC –
ACQUISITION AND OPERATION EXEMPTION – LINE OF
NORFOLK SOUTHERN RAILWAY COMPANY

DOCKET NO AB 167 (SUB-NO 1004N)

CONRAIL ABANDONMENT OF THE SNOW SHOE INDUSTRIAL TRACK IN
CENTRE AND CLEARFIELD COUNTIES, PENNSYLVANIA

VERIFIED STATEMENT OF E B ABEL, JR
IN SUPPORT OF R J CORMAN RAILROAD COMPANY/PENNSYLVANIA LINES
AND IN RESPONSE TO DECLARATION OF
PEOPLE PROTECTING COMMUNITIES

My name is E. B Abel, Jr., and I am the President of Resource Recovery, LLC ("RRLLC"). Resource Recovery, LLC has proposed to locate a landfill and associated industrial facilities as part of an industrial park to be developed in Rush Township, Centre County, PA. The purpose of this verified statement is to advise the Surface Transportation Board ("STB") of our strong support for construction of a railroad line to serve our planned facilities and to briefly respond to the Declaration of JoAnn Gillette and her efforts to convince the Surface Transportation Board to grant the Petition by

People Protecting Communities ("PPC") to hold in abeyance any ruling by the Board on pending motions filed by RJ Corman Railroad Co.-Pennsylvania Lines ("RJCP") in connection with exemption filings for the construction of the Beech Creek Branch line.

A. Rail Access is the Preferred Transportation Mode for the RRLLC Project

RRLLC has been planning for its proposed landfill and associated industrial facilities since prior to 2003. Our project is founded on the principle that sustainable systems for rationale solid waste management and renewable energy production can be obtained through the integration of multiple use technologies on a communal site of sufficient scale. RRLLC intends to maximize the recovery and recycling of resources extracted from solid waste and to implement new technologies for the production of renewable energy.

The initial stage of this project involves the design, permitting, construction and operation of a bioractor-type landfill, associated waste processing and operational support facilities which include leachate and waste water collection, treatment and disposal facilities and methane gas collection, treatment and processing facilities. In addition, waste sorting, shredding and screening will be conducted at this facility to recover recyclable materials and eliminate the placement of those materials in the landfill. Thus, RRLLC will employ modern techniques of resource management where waste products are seen as resources to be recaptured through recycling, reuse, reprocessing and remanufacturing. These resource management techniques will reduce the amount of waste going into the landfill and save resources which can be recaptured for productive use. By applying these resource management techniques to the operation

and recycling of waste materials, the RRLLC landfill project represents an example of sustainable economic and environmental development.

Despite the significant advances in resource management technologies over recent years, the principle impediments to the commercialization of resource recovery and renewable energy technologies have been the regulatory and societal barriers to the siting of individual projects and the consequent financial risks, public hostility, prohibitive development cost and protracted permitting process that confronts each such proposal. The RRLLC project has been planned and developed to address regulatory and environmental concerns by providing a communal infrastructure on a substantial scale where compatible technologies can be co-located, resources can be shared, and environmental impacts can be mitigated. Accordingly, the RRLLC landfill and industrial park seeks to be a prototype of 21st century, ecologically sound development for solid waste management and renewable energy production.

As part of our plan for this project, transportation access is a critically important consideration. From the inception of our project, we have recognized that providing appropriate and environmentally acceptable transportation to and from the landfill site will depend upon using a combination of transportation modes, principally motor carrier and rail. At present, our plans for transportation access anticipate use of the existing local highway system for motor carrier transport to and from the landfill site and the improvement of road facilities within the landfill site to accommodate that mode of transport. In addition, we have proposed the construction of a separate, new interchange facility on Interstate 80 which would directly serve the landfill site thereby removing virtually all motor carrier traffic from the local road network. This application is

currently pending on deferred consideration by the Centre County Metropolitan Planning Commission pending approval and permitting of the landfill operation by the Pennsylvania Department of Environmental Protection.

However, the extent to which the project must rely on motor carrier transportation is directly related to our ability to provide rail access to and from the landfill site. Rail access is RRLLC's preferred mode of transport because it provides the most environmentally friendly, fuel efficient means of transporting the commodities to be processed at the landfill and industrial park in sufficient volume to achieve the desired economy's of scale and scope for this project. We will, of course, develop our project based on whatever level of transportation access is authorized by the STB and state authorities. However, we have determined that rail access will provide the best means for accomplishing project objectives while at the same time minimizing the impact of transportation access on the environment, surrounding communities and highway infrastructure. For these reasons, RRLLC strongly supports RJCP's application for an exemption to construct the Beech Creek Branch line to serve our project and the needs of other shippers to be collocated in our industrial park and along this new rail line.

B RRLLC Response to PPC

Over the last several years, as indicated in her declaration, Ms. Gillette and other members of PPC have waged a vigorous campaign in opposition to the landfill facility and industrial park which Resource Recovery, LLC has proposed to construct and operate in Rush Township. However, Ms. Gillette's declaration is incomplete and inaccurate because she has failed to include the documents prepared by RRLLC in response to inquiries and information requests posed by reviewing agencies. (See E.g. Exhibit A).

As outlined in her declaration, one option for motor carrier access to the RRLLC landfill site in Rush Township is the construction of a new interchange on Interstate 80 to directly serve the landfill site and industrial park. RRLLC believes that this option offers the best means for motor carrier access to the project because it serves to insulate neighboring properties and communities from motor vehicle traffic moving over local roads to and from the project site. However, local opposition voiced by Ms. Gillette and others regarding the impact of the landfill site has caused the Centre County Metropolitan Planning Commission to defer consideration of the Interstate 80 interchange and as a consequence, state and federal regulatory agencies have suspended consideration of pending permit applications until transportation access to and from the landfill site can be resolved. (Exhibit B)

Under Section 14 of the Host Municipality Agreement, executed on May 28, 2004 by RRLLC and Rush Township, rail service to the project site has always been a transportation option for the project. The existing railbed between Wallaceton Junction and Gorton, PA was certainly an important infrastructure criteria in the initial evaluation for the purchase of the project property. The ability to transport raw materials and processed goods by rail to and from the property opens many possibilities for companies seeking to locate their operations in close proximity to this rail transportation corridor.

The former Conrail Snow Shoe line, a portion of which had been railbanked under the National Trail Systems Act for interim trail use and future railroad use, is connected to the RJCP Wallaceton line. The western segment of this line was abandoned by RJCP in the 1990s and, although the track has been removed, the former railroad right of way remains physically intact and the line can be reconstructed for railroad use. The eastern

segment of the line between Winburne, PA and Gorton, PA is railbanked. RRLLC approached RJCP regarding the possibility of restoring common carrier rail service to the Resource Recovery landfill site. After examining the right of way, discussing various arrangements with its railroad connections and evaluating the likelihood for future railroad traffic, RJCP decided to seek a Surface Transportation Board exemption to reconstruct and operate the rail line between Wallacetown Junction and the Resource Recovery landfill site in Rush Township

Ms Gillette's declaration states that the landfill and the industrial park would be located at the eastern entrance of the "Pennsylvania Wilds" which is an area designated by the Commonwealth of Pennsylvania to promote rural heritage and tourism. She contends that the landfill site would be an inconsistent land use with the "Pennsylvania Wilds" As indicated on Exhibit C, the "Pennsylvania Wilds" is a huge area within northcentral Pennsylvania consisting of more than 2 million acres of public land set aside for public use and recreation. However, the "Wilds" does not encompass private property but rather includes state parks, state game lands, and state forests as well as sections of the Allegheny National Forest. A portion of the Beech Creek Branch line extends from Windburne, PA along Moshannon Creek south of Interstate 80 and passes through state forest lands. However, that section of the right of way was rail banked under the National Trail Systems Act for interim trail use and future railroad use. North of Interstate 80, the attached Pennsylvania Wilds map indicates quite clearly that the acreage which would be encompassed within the Resource Recovery landfill site is outside of the public lands designated for recreational use as part of the "Pennsylvania Wilds". At present, the rail banked portion of the right-of-way is used primarily as a

private ATV trail by the Snow Shoe Rails to Trail Association. (See www.ssrt.org), one of many ATV facilities in central Pennsylvania. Furthermore, Ms. Gillette's declaration which locates the Resource Recovery proposed landfill site as being at the "eastern entrance" to this area is flatly wrong. The eastern entrance to the "Pennsylvania Wilds" is located in Lycoming County whereas the Resource Recovery landfill site is south of the vast tracts of Pennsylvania Wilds public land and is located just north of Interstate 80 in Centre County

Moreover, central Pennsylvania is in the initial stages of significant economic development and growth. As evidenced by the attention of several major news outlets (the *Wall Street Journal* and the *New York Times*), gas exploration in the hills of western and central Pennsylvania is the hot topic of the day. Rising natural gas prices and technological advances in natural gas exploration and recovery procedures have led to the eastward migration of gas prospectors from Texas and Oklahoma, and has resulted in a substantial rise in the price of leasing mineral rights in central Pennsylvania. Although the existence of natural gas in the Marcellus Shale formation that extends through western and central Pennsylvania has long been known, advances in drilling developed in the Barnett Formation Shales in the Bend Arch-Fort Worth Basin in Texas now make recovery of gas from the Marcellus Formation economically attractive. A record 7,297 gas and oil drilling permits were processed in 2006, up 21% from 2005, according to the Pennsylvania Department of Environmental Protection. The number of wells drilled grew from 1,354 in 2000 to 4,183 in 2006. The new drilling techniques and gas recovery processes open the door to the possibility that an area stretching from southern New York state through central and western Pennsylvania to northern West Virginia and eastern

Ohio will permit access to vast amounts of natural gas contained in the Marcellus Shale. The Marcellus Shale formations are thought to contain as much as 600 trillion cubic feet of recoverable natural gas. RRLLC is now working with Rex Energy, Inc. on facilities to be located in the industrial park which will engage in water treatment and purification required for the gas recovery process. In addition, the Beech Creek Branch line is extremely well placed to serve the equipment and material transportation needs of gas well drillers and production companies in central Pennsylvania.

Finally, RRLLC has also been approached by various entities interested in coal mining operations in Clearfield and Centre Counties. Driven by the sharp increase in the price of crude oil, domestic coal mining projects are being proposed for reclamation of coal remaining in previously strip mined properties. Roughly 85% of the property on which RRLLC proposes to site and operate its landfill and industrial park was previously subjected to strip mining. Other former coal mines and open pit facilities in the vicinity of the Beech Creek Branch are also being evaluated for possible coal extraction. The availability of rail service in connection with these developing coal projects will be critical to the renaissance of the coal industry in central Pennsylvania.

With these energy resource development projects coming online, fuel efficient and environmentally friendly rail transportation can support the future economic growth of these projects without significant adverse environmental impacts on local communities and regional road networks. Reactivation of abandoned railroad lines to provide environmentally acceptable rail transportation is precisely the farsighted purpose which Congress envisioned when it enacted the National Trail Systems Act.

Of course, proper environmental accommodation of these important energy and economic development activities must be undertaken so that natural resources and forested landscapes are not blighted by the development of these projects. However, given the current intensive environmental reviews and regulatory permitting processes required by state agencies, these resources will be protected and adverse impacts will be mitigated. Indeed, as the RJCP rail line construction exemption notices clearly indicate, careful consideration of environmental issues related to the reacquisition and operation of the Beech Creek Branch line will afford all interested parties an opportunity to have their environmental concerns considered and evaluated by the Board's Section of Environmental Analysis.

If the Board determines that the Beech Creek Branch line can be reconstructed and operated in an environmentally acceptable fashion with appropriate mitigation measures, then Resource Recovery, LLC will present that STB determination to other state and federal agencies. RRLLC will advise these agencies that transportation to and from the Resource Recovery landfill and industrial park will be provided by common carrier rail service thereby specifying the principal transportation mode to be utilized. As a result, the state and federal agency permitting processes which are presently suspended can then proceed based on the Board's determination regarding rail access.

VERIFICATION

I, E.B. Abel, Jr., President of Resource Recovery, LLC declare under penalty of perjury that the foregoing is true and correct.



E. B. Abel, Jr



ARM Group Inc.

Earth Resource Engineers and Consultants

December 1, 2006

Mr David W Garg, P E
Solid Waste Supervisor
Waste Management Program
Pennsylvania Department of Environmental Protection
Northcentral Region
208 West Third Street, Suite 101
Williamsport, PA 17701-6448

Re Administrative Completeness Review
Resource Recovery Landfill Application
ID No 101685
Resource Recovery, LLC
APS No 583150, Auth No. 632293
Rush Township, Centre County
ARM Project 04117

Dear Mr Garg

Thank you for your letter of October 2, 2006, notifying us that the subject application is administratively complete. On behalf of Resource Recovery, LLC, ARM Group Inc. (ARM) submits herewith documents providing the requested additional information regarding the proposed Interstate 80 interchange, in accordance with the Pennsylvania Department of Environmental Protection's (DEP's) letter, dated October 2, 2006.

The third paragraph of the DEP's letter requests the following:

1. A description of the process for obtaining approval for construction of the interchange.
2. Information that has been requested from pertinent state and federal agencies, and what deficiencies, if any, the agencies have noted in the information previously submitted to them by Resource Recovery.
3. The anticipated length of time to obtain state and federal approval and where, within that anticipated time, is Resource Recovery in the administrative process.

To address the above items, refer to Attachment 1, which is a letter, dated November 14, 2006, from Rettew Associates, Inc., the Transportation Engineering firm for the Project. Attachment 2 contains a copy of a letter from Mr. Kevin Kline, P.E., District Executive, Engineering District 2-0, Pennsylvania Department of Transportation (PennDOT), which

states that the subject Point of Access Study (POA) meets the requisite Design Manual Guidelines, and requests that it be forwarded to the Federal Highway Administration (FHWA) for its review.

The fourth paragraph of DEP's letter requests that deficiencies regarding the Chapter 105 permit be addressed. Specifically, as indicated in the first sentence of the fourth paragraph and subsequently clarified in a follow-up telephone call between ARM and DEP, Resource Recovery was to respond to the Water Management Program's letter of October 2, 2006, signed by Mr. Ronald E. Hughey, referencing Application No. E14-492 ARM, on behalf of Resource Recovery, responded to the Water Management Program's October 2, 2006 letter with an 11-page letter (with 6 attachments), dated October 19, 2006. This submission was copied to the following:

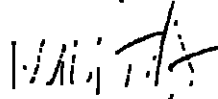
- Centre County Conservation District
- U.S. Army Corps of Engineers – State College
- PA Fish and Boat Commission
- PA State Game Commission
- DEP North Central Regional Office
 - 1) R. Yowell, 2) G. Byron, 3) D. Spadoni, 4) D. Gang, and, 5) J. Figured
- Rush Township Board of Supervisors
- Centre County Commissioners
- DEP Central Office – Municipal and Residual Waste Division

Since the Waste Management Program was already provided with multiple copies of the October 19, 2006 submission, we have not included an additional copy with this letter. The October 19, 2006 submission, addressed to Mr. Hughey, comprehensively addresses the questions and comments raised by DEP. ARM contacted Mr. Steven D. Means of DEP's Water Management Program on November 1, 2006 to follow up on the October 19, 2006 submission. Mr. Means is assigned to this project (case), and he stated that the Water Management Program will be moving forward with its technical review of the application and will confer with the Waste Management Program during its review.

We trust that the information provided and/or referenced herein is sufficient to allow DEP to proceed with review of the Application. Please contact the undersigned if you have any questions.

Sincerely yours,

ARM Group Inc.



William S. Tafuto, P.E.
Vice President, Engineering

Attachments:

Attachment 1 – November 14, 2006 Letter from Rettew Associates, Inc.

Attachment 2 – December 1, 2006 Letter from PennDOT Engineering District 2-0

cc: Rush Township Board of Supervisors
Centre County Commissioners
DEP Central Office – Municipal and Residual Waste Division
DEP North Central Regional Office:
1) R. Yowell, 2) G. Byron, 3) D. Spadoni, 4) J. Figured
Mr. E. B. Abel, Jr., Resource Recovery, LLC



ARM Group Inc.

Earth Resource Engineers and Consultants

October 19, 2006

Mr. Ronald E. Hughey
Water Pollution Biologist III
Department of Environmental Protection
208 West Third Street, Suite 101
Williamsport, PA 17701-6448

Re: Preliminary Technical Review
Resource Recovery, LLC
Application No. E14-492
Rush Township, Centre County
ARM Project 04117

Dear Mr. Hughey:

This letter is a technical response to your Preliminary Technical Review comments letter dated October 2, 2006, concerning the Joint Permit Application (Chapter 105 permit) for the above-referenced Project. The subject permit application was submitted to the Department of Environmental Protection (DEP) in May 2006. On behalf of the Project applicant, Resource Recovery, LLC (RRLC), ARM Group Inc. (ARM) has prepared this detailed response to the specific issues and comments presented in your October 2 letter; in addition, we have provided significant supplemental information, based on your request for additional information, as set forth in your October 2 letter.

Before we address the questions and comments that are presented in your letter, it is important to review and clarify some of the important background information, events and circumstances associated with earlier stages of the Project. Consideration of these relevant factors is essential to an understanding of the scope and content of the technical response and supplemental information presented herein. Furthermore, it is also important for us to present information that has been conveyed to the various programs within DEP through: a) direct, interactive meetings with various DEP staff members, b) written correspondence over the period from June 2004 through October 2006, and c) through the numerous permit application documents that have been presented to DEP which describe all aspects of the Project. On this basis, the following relevant background information is presented, in summary form:

The property is comprised of 5,758 acres. However, the 3,300 acres (approximate) of the site that are situated in Snow Shoe Township are zoned Forest Conservation. This zoning district does not permit a land use for solid waste disposal. RRLC made formal application to Snow Shoe Township in May 2004 for re-zoning to permit the construction and operation of a solid waste disposal site upon the Snow Shoe Township portion of the property. This application was disapproved by the Snow Shoe Township Board of Supervisors in July 2004. Consequently, only the remaining acreage of the

property (Rush Township portion containing approximately 2,460 acres) remains under consideration for solid waste disposal purposes, from a legal land use standpoint.

At this early stage of the Project (June 2004), ARM also conducted a preliminary Project review meeting with DEP staff in Williamsport. At this very first meeting, DEP representatives stated unequivocally that any project activities proposed within the Black Moshannon watershed would not be viewed favorably because the Black Moshannon Creek is a high quality stream and one of the few waterways in the region that is not adversely impacted by abandoned/acid mine drainage (AMD). This guidance, interpreted by the applicant as an effective exclusion, reduced the remaining acreage for project consideration within Rush Township by 187 acres. Moreover, Chapter 273 regulations (§273.202) require a 100-foot setback from perennial streams. This restriction resulted in a loss of approximately 100 acres within the Rush Township portion of the property. In addition, within the Rush Township portion of the site, there are approximately 450 acres of land that are directly underlain by an extensive and interconnected network of tunnel mines. Deep mining of two coal seams and an extensive clay deposit was conducted on this property from the late 1800's through the mid to late 1960's. In particular, very extensive tunnel mining (coal) exists in the northeastern part of the Rush Township portion of the site. In order to minimize concerns relative to stability and to abide by the provisions of §273.120(a), the undermined areas were avoided for this permit application because of landfill stability concerns. Landfill stability over the existing workings of an underground coal mine is among the most critical concerns of siting and designing the Project. Thus as a consequence, the landfill project area was correspondingly reduced by approximately 450 acres.

In addition, the Host Agreement executed between Rush Township and RRLLC requires that RRLLC maintain a buffer distance between the proposed landfill and the property line of 1,000 feet (500 feet on the I-80 border); this required buffer occupies an area of approximately 675 acres. Moreover, the applicant actually increased the buffer distances to preserve a potential rattlesnake denning habitat. After all of these factors are taken into account, only about 775 acres of land remain potentially feasible for landfill construction.

To assist you with visualizing the siting restrictions associated with the placement of the proposed landfill "footprint", we have attached a new map (Attachment 1) that illustrates exclusion areas, including Zoning, Black Moshannon Watershed, Perennial Stream Setbacks, Areas of Underground Mining, Host Agreement Buffer, and other specified restrictions. Some of the setbacks coincide with different setback criteria, they are, however, not double-counted in this analysis, as cited herein. The landfill footprint size and orientation were thereby developed based on these mandatory and/or otherwise critical setback and exclusionary criteria.

The preceding information has been presented because of its unique and controlling relevance with respect to the decisions that the design team has made concerning this Project. On the basis of this key information, ARM, on behalf of the Applicant, RRLLC, has prepared the permit applications that have been submitted to the DEP, including the Joint Permit Application (JPA) which is the subject of your October 2 letter. This key background information is important context with respect to the technical responses presented herein, enumerated as follows, in the sequence presented in your letter.



- 1 **Comment:** Your project site selection depended heavily on interstate highway access and yet your alternatives analysis only considered two sites with direct interstate access. How did you determine that there were only two suitable sites with direct interstate access in your landfill service area?

Response In the Alternatives Analysis (Tab q of the JPA), we presented Table 1 that summarized the properties identified from a criteria-based search of Pennsylvania conducted by RRLLC and its representatives prior to selecting the subject property for the proposed project. This table and the accompanying text, entitled Site Selection (pages q-3 through q-5), describe the extensive search and site selection process, including the specific search criteria, that was conducted by the applicant. You asked this same question concerning alternative sites at a meeting held in the DEP offices in Williamsport on December 8, 2004. The applicant responded with information concerning the site selection process and the alternative analysis with presentations and responses provided at the following meetings: December 8, 2004, February 14, 2005, and May 13, 2005. As a follow-up to the meeting of May 13, 2005 and subsequent telephone discussions with DEP personnel, ARM provided the DEP with a letter authored by Mr. E. B. Abel, Jr. (President of RRLLC), dated June 30, 2005, which detailed the real estate search conducted by ReMax Realty and Coldwell Banker, Inc. on behalf of RRLLC and its representative, Mr. Abel. The letter of June 30, 2005 was also submitted to DEP as an attachment to ARM's letter to DEP, dated July 5, 2005. For your reference, we are presenting copies of these two letters (June 30 and July 5, 2005) as Attachment 2 to this letter.

While site selection was "heavily dependent" on limited access highway proximity, as set forth in the June 30, 2005 letter in Attachment 2, and as stated in Tab q, Alternatives Analysis Section (pages q-3 and q-4) of the JPA, the site selection process also required that certain critical criteria be achieved in order for a site to gain favorability as a prospective site. These specific site criteria included the following:

- (a) Minimum size of 2,000 acres, consisting of one or more contiguous parcels and available or potentially available for purchase,
- (b) Isolated from residential areas (i.e., greater than one mile from individual residences),
- (c) Mineral rights must transfer with the land,
- (d) Minimal perennial stream coverage, with favorable location where streams were present,
- (e) Small fractional coverage of NWI-mapped wetlands (i.e., <1% of gross land area),
- (f) Centrally located within the Commonwealth of Pennsylvania,
- (g) Zoning that did not specifically exclude property use for solid waste disposal,
- (h) Previously disturbed site (mining impacts, logging impacts, quarry impacts, and the like) and in need of remediation/reclamation,
- (i) Size and configuration that would allow for development of the project with substantial buffering from neighboring properties and environmentally sensitive resources,
- (j) Geologic and hydrologic characteristics that are conducive to safe and environmentally sensitive development and operations, and
- (k) Accessibility by rail utilizing existing rail beds and structures.



It is important to reiterate Criterion (a) above that, aside from meeting most or all of the other listed criteria set forth above for the search, the prospective site must be available for purchase, the existence of a property that cannot be acquired but which otherwise meets the specified criteria is not a viable site and deserves no further consideration. Likewise, multiple parcels collectively meeting the criteria are also not viable if any one of the parcels is not available for purchase. Thus, as indicated by the information presented herein and as also presented in the JPA's Tab q Alternatives Analysis, the applicant in fact exercised a bonafide process through which alternative properties were identified, from which one or more sites could be reasonably obtained, utilized, expanded or managed to fulfill the basic purpose of the proposed project. The property search, conducted by multiple real estate professionals, demonstrates the attempts made by RRLLC to find a practical and favorable alternative site. From these efforts, the subject site was identified as the best alternative for meeting the project purpose and objectives.

Finally, it is important to note that, although many projects may originate from a landowner pursuing a use for his/her property, and may attempt to force a use of such property even if the property is not suited to that use, this project is not one of those cases. In the case of this proposed project, RRLLC does not currently own the property and is not attempting to use its property in an ill-suited manner. Rather, RRLLC conceived this needed project and conducted a search for the property best-suited upon which to host the project. Subsequently, in a responsible and thorough process, RRLLC then spent substantial resources which were necessary to characterize the site for design and permitting purposes, and considered all aspects of the site to preserve resources, including aquatic wildlife, recreational, solace, and aesthetic.

- 2 **Comment:** Your alternatives analysis does not consider a "no-build" alternative. What are the consequences of not building this landfill at this site?

Response: A "no build" alternative does not fulfill the Project Purpose. The consequence of not building at this site is the construction and operation of a waste disposal facility at an alternate site with characteristics less favorable than the subject site. As explained in the response to Comment 1, RRLLC, through its alternative site selection procedure, was not successful in identifying an alternate site with characteristics that were as favorable as those of the selected site in Centre County. Selection of a site that is suitable for a project of this type depends on numerous characteristics (summarized in the response to Comment 1, above), many of which are regulatory or otherwise specific to the type of project proposed. This project is proposed, and was developed as conceived, due to a need for a waste disposal facility in the central and/or eastern part of Pennsylvania because of the dwindling capacity and closure or near-term projected closure of several solid waste disposal facilities in eastern Pennsylvania.

The Pennsylvania Waste Industries Association (PWIA) has compiled data from Pennsylvania landfills and determined that eastern Pennsylvania has limited disposal capacity relative to waste generated, and will have a severe capacity shortage in 2009. An illustration and accompanying tabulations of waste disposal capacity in Pennsylvania are



provided as Attachment 3 to this letter; these tabulations are updated from those that we provided to you during our May 13, 2005 meeting at DEP's office. The effects of the recent closures of some eastern and central Pennsylvania landfills are evident on these illustrations as reduced waste tonnage accepted in the eastern and central regions, and increased waste tonnage accepted in the western part of the state. Based on PWIA's and DEP's Municipal Waste Capacity and Disposal Reports, both of which were presented at the annual SWANA conference on September 7, 2006 in State College, waste disposal in eastern Pennsylvania has decreased dramatically over the past 3 years, while waste disposal in western Pennsylvania has increased. Both the PWIA and DEP presenters concluded that waste was traveling, and will continue to travel to even greater degrees, across Pennsylvania to disposal sites in western Pennsylvania unless other capacity more proximal to central and eastern Pennsylvania is constructed. Until then, millions of additional truck miles across the I-80 corridor and the Pennsylvania Turnpike will be traveled from eastern Pennsylvania through central Pennsylvania to western Pennsylvania, consuming fuel and causing air pollution and trafficking across Pennsylvania's highways.

Locating a suitable disposal site in the eastern part of the state that meets the necessary criteria for permitting and operation has been attempted, but no suitable sites were identified. Given the constraints that exist for landfill siting, and accounting for the population density in the eastern part of the state as compared to the northcentral and western part of the state, and other factors cited in the foregoing response discussions, it is logical that an acceptable site would most likely be found in the northcentral and/or western part of the state, and that the most suitable site is the one selected and proposed for this project when considering proximity of the source and hauling route. What was being disposed of in eastern and central Pennsylvania is now being disposed of in western Pennsylvania. What this project site offers is a well-suited alternative disposal site located on a property with favorable site characteristics, situated in central Pennsylvania along an interstate highway. As compared to more western locations, development of a waste disposal site at this location will result in less travel, less fuel consumption, less pollution, less traffic on local roads, and provide waste disposal at a facility designed with substantial buffering and designed to handle the waste as an energy resource.

Beyond the need for a disposal facility in this region, there is a need to harvest energy, using waste as a resource to fulfill the Commonwealth's energy needs and meet the goals of Governor Rendell's Alternative Energy Portfolio Standard (December 7, 2004). Excerpts from the news release announcing Governor Rendell's energy standard are as follows: *"Governor Edward G. Rendell has signed into law legislation that creates a two-tiered portfolio standard, ensuring that in 15 years, 18 percent of all of the energy generated in the Commonwealth comes from clean, efficient sources. The Governor first unveiled a proposal for a portfolio standard in his Feb. 3 budget address because of the significant benefits it promises for Pennsylvania. With a clean energy portfolio standard, Pennsylvania has a unique opportunity to attract new investment in energy technology that will stimulate our economy, improve electric system reliability, cut energy costs, enhance national security and help to restore the state's environment by ensuring more electricity generation comes from environmentally beneficial resources. The portfolio standard uses two tiers to ensure the state's energy needs are met by advanced and renewable resources. Tier 1 requires 8 percent of electricity sold at retail in the state to*



come from traditional renewable sources such as solar photovoltaic energy, wind power, low-impact hydropower, geothermal energy, biologically derived methane gas, fuel cells, biomass energy or coal-mine methane. At least 0.5 percent of the Tier I electricity must come from solar photovoltaics. Tier II requires 10 percent of the electricity to be generated from waste coal, distributed generation systems, demand-side management, large-scale hydropower, municipal solid waste, generation from pulping and wood manufacturing byproducts, and integrated combined coal gasification technology. A recently published study by the global engineering firm Black and Veatch Corp. Inc., which analyzed the economic benefits of a clean energy portfolio standard, found significant economic benefits over and above pursuing business as usual with only traditional fuel sources. The benefits include a \$140 million reduction in electricity prices for residential, commercial and industrial consumers, \$10 billion in increased output for our state, \$3 billion in additional earnings and more than 4,000 new jobs for our residents over the next 20 years. The environmental benefits are significant. The clean energy portfolio standard as proposed would annually avoid 9,044,615 tons of carbon dioxide, 78,462 tons of sulfur dioxide, and 21,398 tons of nitrogen oxides. Pennsylvania surface water and rural communities will enjoy additional benefits from the continued remediation of waste coal deposits around the state, thus eliminating detrimental acid discharges to our waterways and restoring the land they occupied. A clean energy portfolio standard also creates incentives for the use of energy resources indigenous to Pennsylvania, reducing the state's reliance on future energy imports and mitigating against price spikes brought on by geopolitical uncertainty. Pennsylvania spends as much as \$30 billion per year—that's more than the state's entire \$23 billion General Fund budget—to import energy fuels. Indigenous energy development has a multiplier effect in local and regional economies that can yield greater economic benefits than the value derived from imported oil. Keeping energy dollars in state is the first step in retaining and generating more jobs."

A further consequence of not building the project will be the Host community's lost opportunity to realize the numerous benefits that will accrue as a result of the project. Moreover, Rush Township will not realize its Comprehensive Plan, within which is specific mention of this project. Attachment 4 includes a summary of benefits associated with this project. In the event that this project is not built, all of those benefits, equating to many millions of dollars to the community, region, and state, would be lost, and the environmental benefits, including AMD remediation and mine reclamation, would not occur.

The above information demonstrates a need for the project and that a "no-build" alternative does not achieve the project purpose. After proper due diligence, the applicant and its consultants have determined that there is no other available property that meets the siting requirements.

- 3 **Comment:** Your project site selection depended heavily on interstate highway access and "ample size to co-locate related facilities (recycling, renewable energy, etc.)." These related projects border on primary impacts because they are part of the project objectives. They are, at the very least, highly likely secondary impacts. Chapter

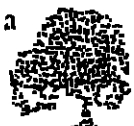


105.14(b)(12) requires the Department to consider the effects of secondary impacts associated with, but not the direct results of, a proposed encroachment. You deal with secondary impacts of future development of this 5,758-acre site in two sentences on page 6 – 8 of your application. You state that the I-80 interchange and Peale Road relocation will affect approximately 0.7 acres of emergent wetlands, and that there will be no aquatic resource impacts involved with the Industrial Park portion of this project. This is inadequate. The application must account for, and include all aquatic resource impacts anticipated during construction of the I-80 interchange.

Response RRLLC agrees that the construction of the I-80 interchange is part of the overall project relative to potential impacts to aquatic resources due to its connection with the landfill. However, the applicant for the Joint Permit Application for the I-80 Interchange is different from the applicant for the landfill application. Also, the schedule proposed for the Interchange is different than the schedule proposed for the landfill development. While related, these two projects are distinctly separate; this necessary separation was discussed in the pre application meetings held at DEP's office in June 2004, and DEP acknowledged and agreed that the applications would be separate, with two different applicants and two separate reviews. Accordingly, detailed plans and information under a separate application will be submitted in concert with the I-80 Interchange project schedule, which depends, in part, on the Point of Access (POA) Study review timeline. Nevertheless, we recognize the impacts involved with the Interchange as cumulative project impacts. Transmitted herewith, as Attachment 5, is the wetland delineation report for the identified wetlands within the proposed Interchange project area for your review and for information purposes.

Comment Continued: Also, it must demonstrate how you will guarantee that there will not be any aquatic resource impacts associated with the industrial development of the remaining 4,200-acre tract.

Response Continued: As discussed above, the Snow Shoe Township portion of the property is not zoned for industrial use. It is zoned Forest Conservation. Accordingly, the zoning in Snow Shoe Township excludes any industrial uses on approximately 3,300 acres of the property. Any future industrial development will thereby be limited to the Rush Township portion of the property. The aquatic resources in the Rush Township portion of the property were identified and delineated, including wetlands in the Black Moshannon Creek Watershed area of the property. These wetlands, which are of considerably higher quality than wetlands identified elsewhere on the property in the Rush Township portion, were delineated and illustrated on mapping provided with the JPA as a part of Enclosure A (Additional Rush Township Wetlands, as illustrated by Figure 1 [Wetland Areas B1, B2, B3, B4, and B5]). Wetlands within the Black Moshannon Creek watershed were also described by data forms within Enclosure A, and by Enclosure C, Description of Aquatic Habitat. These Black Moshannon basin wetlands were visited during our Field View on September 26, 2006, at which time we collectively agreed that the wetlands in this area of the property (i.e., Black Moshannon Creek Watershed area) were of higher function and value than the wetlands proposed to be impacted (within basins draining directly to the Moshannon Creek). RRLLC will not seek a wetlands encroachment permit for the future industrial park development in the Rush Township portion of the site. RRLLC will agree to establish a



conservation easement for these wetlands (B1 through B5), which encompass an area of approximately 8.7 acres. This way, these wetlands will be permanently protected from secondary impacts associated with the proposed project.

- 4 **Comment:** To paraphrase Chapter 105.18a(b), the Department will not grant a permit to encroach in non-exceptional value wetlands unless the applicant demonstrates that the project will not have a significant adverse impact on the wetlands. Areal extent of impact is one factor in determining significance. The Department contends that filling 10.6 of the 19.0 acres of wetland found within the 500-acre landfill permit boundary is significant. Furthermore, the wetlands to be filled are mostly those unaffected by old mining, while those to be avoided are on the mine-scarred portion of the site.

Response: Your statement that the project will impact mostly wetlands unaffected by old mining and that wetlands situated on mine-scarred portions of the site have been avoided is simply not accurate. Nearly 100% of the area of the wetlands proposed to be impacted exhibit obvious signs of past disturbance. For example, historical aerial photographs from the 1940's to the 1970's clearly substantiate that these areas were situated within disturbed areas (disturbed by mining activities and by logging activities) and also immediately downgradient of mine disturbance areas where they received drainage and runoff from mine-impacted areas. Physical field evidence of past logging practices is evident by the shape of the clearings and many tree stumps exposed in wetlands W1, W2, W24 and W25. The wetland function and values assessment (Attachment 6) which was provided as an attachment (Attachment D-2) within the Environmental Assessment within the Phase I solid waste disposal permit application employed the WET Method (Opportunity Evaluation, Social Significance Evaluation, and Effectiveness Evaluation). Results were developed on the basis of evaluations of the following characteristics:

- Groundwater recharge/discharge,
- Floodflow alteration,
- Sediment stabilization,
- Sediment/toxicant retention,
- Nutrient retention/transformation,
- Production export,
- Wildlife diversity/abundance-breeding;
- Wildlife diversity/abundance-migration,
- Wildlife diversity/abundance-wintering, and
- Aquatic diversity/abundance

Results of these evaluations are presented on Tables 1, 2 and 3 of Attachment 6 herof. There you will note that the relative functions and values for these wetlands are rated low with respect to groundwater recharge and discharge, floodflow alteration, sediment stabilization, production export; and each category of wildlife diversity (breeding, migration and wintering). Functions and values were rated high only for two categories: sediment/toxicant retention, and nutrient retention/transformation. These high ratings were



based on the small size of the wetland areas and because there was little or no inflow and outflow from them, collectively.

As noted within the wetlands delineation report, most, if not all, of the wetlands within the project area (all upland wetlands) were formed by past mining and logging practices on the site, they are NOT naturally-occurring. The depressions that resulted from the strip mining on site formed isolated wetlands that have remained disconnected from surface water or groundwater. The hydrology of these features is derived entirely from surface water runoff and corresponding accumulation and saturation that occur due to the presence of dominantly clay textures within the shallow soil. These clays are principally derived from alluvial action associated with runoff from the previous mined areas where exposures of underclays and fire clays associated with the coals were wasted, these clays were subsequently eroded and transported to the wetland depressions. They serve to perch water locally, within the wetland area, and they are typically dry during periods of extended dry weather and frequently over the summer months. Additional evidence in support of these conclusions is also provided by the results of a water quality sampling event (reconnaissance sampling) conducted in October 2004. For example, water discharging from Wetland W-27 (near Laurel Run headwaters) had a pH of 3.66 (field), with conductivity of 0.223 mS/cm and an ORP of -450. Water discharging from Wetland W-33 (intermittent tributary to Laurel Run) had a pH of 5.56 (field), with conductivity of 0.230 mS/cm and an ORP of 165. Water discharging from Wetland W-9 (intermittent tributary to Moshannon Creek) had a pH of 1.85 (field), with conductivity of 0.103 mS/cm and an ORP of 350. Of the W-series wetlands, these were those that evidenced surface water flows on that date and they exhibit water quality that has been adversely affected by mining related residuals within the wetland areas. These water quality characteristics are certainly consistent with the observed low function and value characteristics associated with the W-series wetlands as described herein.

To further evidence these descriptions of the characteristics of the W-series wetlands, we have provided a Description of Aquatic Habitat within the JPA package (tab j Environmental Assessment, Enclosure C) that compares the W-series wetlands to the B-series wetlands located within the Black Moshannon Watershed. As discussed during our field visit on September 26, 2006, the functions and values of the wetlands located outside of the landfill footprint (particularly those within the Black Moshannon watershed) far outweigh the functions and values of those of the project area due to increased areal extent, vegetative and wildlife diversity, topographic characteristics, the presence of inlets and outlets in each of the B-series wetlands (providing increased groundwater recharge and surface water flow), as well as a direct hydrological connection between the B-series wetland areas via a high gradient stream flowing directly to the Black Moshannon Creek.

Comment Continued: The application, in one sentence and with little elaboration, states that undermined areas were avoided. Yet the plans for design alternative 4 clearly indicate that undermined areas were considered as part of a landfill footprint with a capacity double the proposed footprint. Also, at pre-application meetings, you have stated that undermined areas may be considered in future landfill expansion. Please explain in detail why the currently proposed 274-acre landfill footprint cannot include the mined areas, and thereby avoid the larger wetlands in the unmined areas.



Response Continued: As illustrated in Alternative 4, the applicant considered the currently undermined areas for the landfill application; and for future expansion of the landfill, the applicant may consider developing over areas that are currently undermined. However, in either case, the area currently undermined would not be subject to disposal for approximately 30 years or more. Therefore, the borrow area was placed in this location to allow undercutting of shallow voids that could potentially affect future landfill stability. The borrow area and borrow area expansions (vertical and lateral), as proposed, can be operated over the next 30 years, facilitating investigation of the subsurface and ensuring stability of any future landfilling proposed in this area after the capacity of the proposed footprint is exhausted. This design and land use approach is consistent with the provisions of §273 120(a), as discussed more fully on page 2 of this letter.

For Alternative 4, the area currently undermined would have occupied cells beyond Cell 7, sequentially, thus not be filled until the depletion of airspace in the landfill design as proposed. Rather than attempt to permit a portion of the site for landfilling that would be potentially scrutinized for stability, which is among the most critical factors in siting and design, and to maintain compliance with §273 120(a), ARM and the applicant shared the opinion that it would be most responsible to defer permitting of the undermined area until after borrow area operations are completed and subsequent investigations and analyses verify stability in these areas.

Comment Continued: And, while you are at it, explain in detail why the footprint cannot be reduced to avoid wetlands.

Response Continued: As shown on the five plans that accompany the Alternatives Analysis, there were no other alternative configurations that had less impact to aquatic resources than the configuration proposed for the project, while meeting the minimum project requirements (project purpose). The project requires a minimum capacity of 40 million tons to achieve the project purpose, which requires substantial investment in infrastructure. The institution that will provide project financing, as set forth in its letter, which was included in Form A of the Phase I Solid Waste Permit Application, requests a minimum permit term of 25 years to finance the project. The capacity is estimated to be 28 years, and the design footprint and grading plan were optimized with the use of mechanically stabilized earth (MSE) berms to avoid disturbing more area on the site, which would have been necessary using traditional construction methods. The applicant has proposed this measure to maintain buffers and reduce impacts to natural resources. The orientations and positions of the wetlands are such that the landfill cannot be designed with efficiency unless the proposed wetland encroachments occur. This conclusion concerning design efficiency is based on the physical characteristics of the site, which would not otherwise permit sufficient length and/or width to gain geometric efficiency with respect to volume per unit area. In general, any alternative design would require significantly more area of disturbance and significantly more landfill disposal area (footprint area) to accomplish the same purpose. From an economic, environmental and logistical standpoint, more disturbance and a larger footprint are less practical and less desirable characteristics than those associated with the proposed



alternative. Moreover, other alternatives would require intrusion onto parts of the site that are excluded from development for the reasons cited in the foregoing discussions.

5 **Comment:** Please include a statement on water dependency as required by Chapter 105.13(d)(1)(iii)(D).

Response. The project includes a wastewater treatment plant. Upon treatment of the wastewater (leachate) from the project, it will be discharged to a waterway, as is customary for nearly every wastewater treatment plant in the Commonwealth. The project is located proximal to the (Red) Moshannon Creek, a creek with high flow and low quality, as it has been impacted by AMD over the past several decades. The DEP establishes discharge criteria for wastewater treatment plants based, in part, on the receiving waterway. In this regard, the project depends on proximity to a waterway.

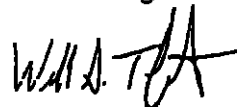
If you should have any additional comments or questions concerning the Project, please contact one of the undersigned. On the basis of this response, we respectfully request that you move forward with a full technical review of the JPA and the wetland replacement plans, along with the supplemental information provided by this response letter.

Sincerely,

ARM Group Inc.



Ami M. Gulden, PWS
Senior Biologist



William S. Taluto, P.E.
Senior Engineer

Attachments

- Attachment 1: Landfill Project Area Restrictions Map
- Attachment 2: Mr. E. B. Abel, Jr. Letter, dated June 30, 2005, and ARM Letter, dated July 5, 2005
- Attachment 3: DEP Municipal Waste Capacity and Disposal Report and PWIA Municipal Waste Processing and Disposal Facilities Daily Supply and Demand by Region as of January 2009
- Attachment 4: Summary of Benefits Associated with the Proposed RRLF Project
- Attachment 5: Wetland Delineation Report, Point of Access Study for the I-80/Gorton Road Interchange
- Attachment 6: Wetland Functions and Values Assessment

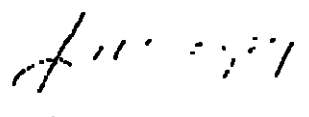


cc Centre County Conservation District
U S Army Corps of Engineers - State College
PA Fish and Boat Commission
PA State Game Commission
DEP North Central Regional Office:
1) R Yowell; 2) G. Byron. 3) D Spadoni, 4) D Garg; and, 5) J Figured
Rush Township Board of Supervisors
Centre County Commissioners
DEP Central Office - Municipal and Residual Waste Division
Resource Recovery, LLC
Ned E Wehler, P G (ARM)

"

,



**GEORGE S. TEST, ESQ.**

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: 203 North Front Street
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: Philipsburg, Pennsylvania 16866-0706
: Phone (814) 342-4640
: Fax (814) 342-3775
: E-mail address: gsortest@webnmoro.net

November 7, 2006

Mr. Robert Yowell, Regional Director
Northcentral Region
Department of Environmental Protection
208 West Third Street
Williamsport, PA 17701-6148

**Re: Resource Recovery Landfill actions taken contrary to
representation at the June 28, 2006, LMIP Meeting**

Dear Mr. Yowell

I am writing to you as Solicitor for Rush Township Centre County, Pennsylvania. The Supervisors attended the June 28, 2006, Local Municipal Involvement Process meeting where you stated, in response to the following question

Q "If access is not completed or finalized in the H/B review period do we suspend or extend?" (Bob Jacobson)

A. "If at the end of the review of the Waste Management permit all other permits are not finalized then the permit sits until all permits regarding this application have been completed and approved " (Bob Yowell)

Within weeks of this public statement, you notified the Applicant that you would not process the application until the interchange issue was resolved, totally contradicting your public statement. The Supervisors would like a written explanation of the total change in position. They are outraged by your "new" position. The logical thing to do is what you originally promised to do, process the permit but don't issue it until other issues are resolved. To do

Exhibit B

Mr. Robert Yowell
Department of Environmental Protection
Page 2

otherwise means a delay of several years when the interchange is approved. Is this your purpose in changing your position—intentional delay? If you're not going to proceed with the permit, why did you hold the LMIP Meeting wasting everyone's time and the Commonwealth's money?

Please explain.

Sincerely,

GEORGE S. TEST, ESQUIRE
Solicitor, Rush Township

GST:cw
cc: Rush Township



Pennsylvania Department of Environmental Protection

208 West Third Street, Suite 101**Williamsport, PA 17701-6448****December 1, 2006****Northcentral Regional Office****Fax 570-327-3420**

**Mr. George S. Test, Esq.
Moshannon Building – Room 311
203 North Front Street
P.O. Box 706
Philipsburg, PA 16866-0706**

Dear Mr. Test

Thank you for your recent correspondence of November 7, 2006, regarding the Resource Recovery Landfill and statements made at the June 28, 2006, Local Municipal Involvement Process meeting (LMIP). In your letter you indicate that the Department of Environmental Protection (DEP) has acted contrary to statements made at the LMIP meeting; specifically you reference the following question and answer:

- Q If access is not completed or finalized in the H/B review period do we suspend or extend? (Bob Jacobson)**
- A If at the end of the review of the Waste Management permit all other permits are not finalized, then the permit sits until all permits regarding this application have been completed and approved (Bob Yowell)**

You then reference the Waste Management Program's October 2, 2006, letter and state that it contradicts the above answer. In answering the above question I believe I failed to recognize that the person asking the question was referring to just the Harms/Benefit review. As you can see by my answer I was referring to the entire application review process which includes the H/B review as well as the technical review. I believe that the next question and answer listed in the LMIP summary document, which I have included below, addresses the situation at hand.

- Q How will you do a review without taking into consideration the status of the I-80 interchange? (Mike Savage, People Protecting Communities (PPC))**
- A. That is a question for the H/B meeting. (Bob Yowell)**

When our permitting staff started reviewing the environmental assessment, it was determined that more information was required. The October 2, 2006, letter requests information regarding the interchange so that we can make an informed decision on how to proceed.



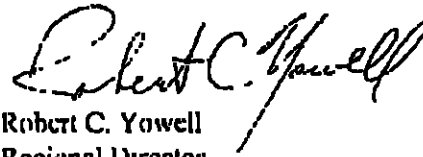
Mr. George S. Test, Esq

-2-

December 1, 2006

I trust this information adequately addresses the concerns raised in your letter. If you need any further information please contact me at 570-327-3695 to discuss them.

Sincerely,



Robert C. Yowell
Regional Director
Northcentral Regional Office

cc James Miller
File



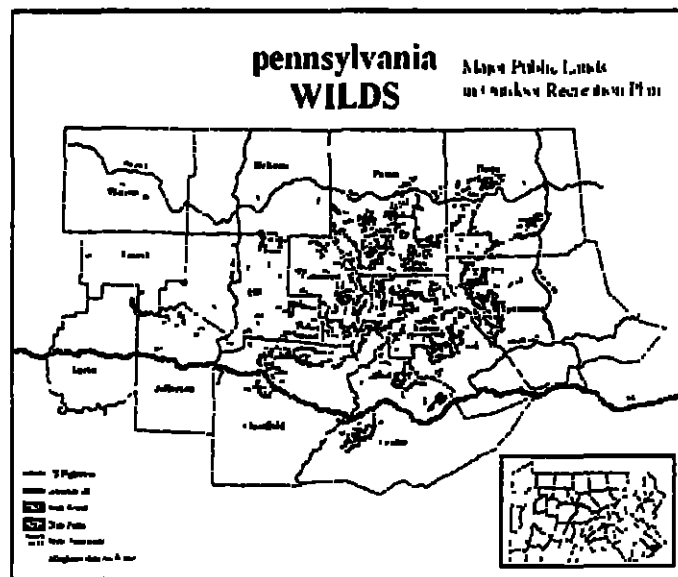
An Overview

Pennsylvania Wilds – A Region of Enormous Potential

Within the northcentral part of Pennsylvania you will find more than two million acres of public lands set aside for the public's enjoyment. Teeming with wildlife and offering unlimited recreation opportunities, this 12-county region includes some of the most wild and scenic areas in the Northeast. This is the Pennsylvania Wilds:

- More than 16 million acres of state forest and game lands
- 27 state parks
- the 500,000-acre Allegheny National Forest
- 8 wild areas, and 24 natural areas that cover about 150,000 acres
- the largest elk herd in the Northeast
- hundreds of miles of backpacking trails, bike paths, trout fishing streams
- the darkest skies in the East at Cherry Springs State Park

There are over 6.5 million total acres in the region. Roughly 80 percent of that land, 5.2 million acres, is forestland. The 2.1 million acres of public land in the Pennsylvania Wilds is the largest block of public land between New York and Chicago. The southern portion of the Wilds is accessible from Interstate 80, the busiest east-west interstate in the United States. To the north it is accessible from Pennsylvania Route 6, rated one of America's most scenic drives by *National Geographic* magazine. The region has approximately 660,000 residents.



A Plan for Enhancing and Protecting the Region

The Commonwealth is developing a strategy to encourage the growth of tourism and related businesses in Northcentral Pennsylvania based on these significant outdoor experiences. The goal is to enhance the visitor experiences in this region, while protecting and conserving these treasured natural resources. The focus includes improvements to the natural resources, infrastructure and visitor services of the region.

To help guide this strategy, in 2003 Governor Edward G. Rendell established a cabinet-level task force to coordinate state agency involvement in the Pennsylvania Wilds. The task force, led by Conservation and Natural Resources Secretary Michael DiBerardinis, has begun a planning process to examine outdoor recreation resources, the region's lumber heritage, opportunities for private concessions to support tourism; public facilities and staffing needed to support the Pennsylvania Wilds, and opportunities to stimulate purchase of Pennsylvania wood products and other local goods and services through tourism.

Benefits to the Region and State

The public lands within the Wilds represent a potential for economic gain for local communities, many of which have struggled to thrive since railroading, oil and other industries have disappeared. Investments and improvements and a renewed focus on this region will create more vibrant and livable communities. Tourists traveling to the region will spur the need for overnight accommodations, guided serves, eateries and outfitters. Local citizens will enjoy the benefits from investments made in public lands' infrastructure and environmental improvements. Development of a wood product industry will provide merchandise to travelers and create value-added jobs in local communities.

Elk Watching

A core attraction in this region is the wild elk herd that roams an 835-square-mile area of mostly forested and mountainous land in parts of Elk, Cameron, Clinton, Centre and Clearfield counties. Pennsylvania Wilds has its roots in an early study based on elk watching opportunities of the region. The "Elk Watching and Nature Tourism Plan" recommended several initiatives to support elk watching in these counties. The first, most visible of these to be completed is the Elk Scenic Drive – a 127-mile route through the region, with distinctive signage. Twenty-three viewing sites along the Elk Scenic Drive are being established to promote safe and easy visitation and distribute travelers across the region. The sites provide parking and alternatives to viewing elk and other wildlife along the area's highways. Each site has been chosen because of its outstanding wildlife viewing potential and scenic beauty.



Future Plans for the Wilds

Other initiatives under consideration or development for the Pennsylvania Wilds include

- a gateway visitor center, with appropriate lodging along I-80 at SB Elliott State Park
- a wildlife viewing/visitor center at Sinnemahoning State Park
- an elk viewing center near Benezette in Elk County
- clean up of the acid mine drainage in the West Branch of the Susquehanna River to improve fishing and water sport opportunities
- incentives to encourage the growth and establishment of nature tourism and related businesses in the region
- ways to encourage the development of locally-made products, with a special emphasis on those made of Pennsylvania hardwoods, to capitalize on the markets expected from increased visitation to the region
- a regional marketing partnership of the tourist promotion agencies, representing the 12-county area, called the Pennsylvania Wilds (Formed Fall 2004).

For more information on the Pennsylvania Wilds, contact your local state park or forest or log on to

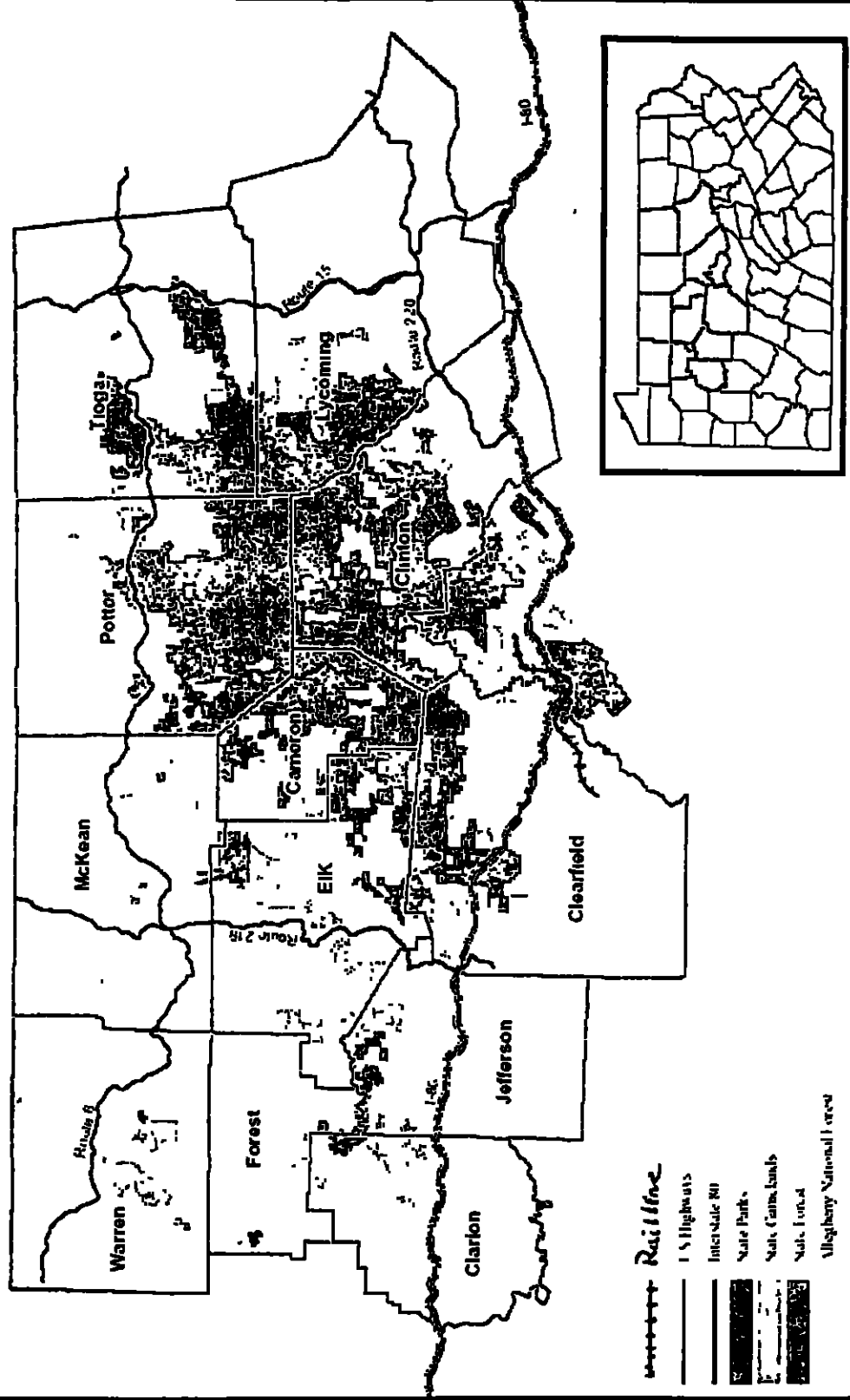
www.dcnr.state.pa.us/info/pawilds

www.visitpa.com/visitpa/wilds

www.fermatainc.com/penn/index.html

pennsylvania WILDS

Major Public Lands
in Outdoor Recreation Plan



CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of July, 2008, a copy of the foregoing
Verified Statement of E.B. Abel, Jr. In Support of R.J. Corman Railroad
Company/Pennsylvania Lines and in Response to Declaration of People Protecting
Communities was served by first class mail, postage prepaid, upon:

Kathryn H S Pett
Ballard Spahr Andrews & Ingersoll, LLP
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Salt Lake City, UT 84111-2221

Ronald A Lane, Esq
Thomas Litwiler, Esq.
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Richard R Wilson, Esq