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Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. FD 36911

LAMPWRIGHTS LLC
- OPERATION EXEMPTION –
LINE IN JEFFERSON COUNTY, PA

**LAMPWRIGHTS REPLY TO PETITIONS TO REVOKE FILED BY THE PRESTON
HOUSEHOLD AND BY CHARLES MARCHIORI**

(includes color images)

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Dated: March 20, 2026

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Lampwrights LLC (“Lampwrights”) respectfully requests that the Board reject the petitions to deny the Lampwrights notice of exemption (the “Lampwrights Notice”) submitted in this proceeding because the petitions fail to demonstrate that the Lampwrights Notice contains false or misleading information or that further regulation is required under 49 U.S.C. § 10502. Further, petitioners fail to provide reasonable, specific concerns to demonstrate that rejection is warranted since petitioners incorrectly state that the Pennsylvania Department of Environmental Protection (“PADEP”) previously denied a permit for a similar facility at this site and petitioners fail to acknowledge the historical use of this location for railroad uses and open air coal transloading activities.

I. BACKGROUND

A. Lampwrights seeks Board authority to hold out as a common carrier after its corporate affiliate withdrew a permit with Pennsylvania PADEP.

On February 25, 2026, Lampwrights submitted a notice of exemption to operate approximately 2,269 feet of existing private railroad track (the “Rail Line”) to convert it into a common carrier transloading facility. In addition to the 2,269 feet of common carrier rail line, Lampwrights would utilize another 1,674 feet of track as railroad sidetrack under 49 USC § 10906.

As Lampwrights stated, its intention is to hold out to shippers seeking to transload

containerized waste from rail cars to trucks.¹ Lampwrights explained that the waste will remain containerized until it reaches its final destination at Greentree Landfill and will not be transferred outside of its original shipping container. Lampwrights further explained that its intent for the operations is for the loaded containers to move from rail car to truck without the container touching the ground.

In addition, Lampwrights explained that the transload facility will not fall under the Clean Railroads Act of 2008 because under, 49 USC § 10908(e)(1)(H)(i), the term “solid waste rail transfer facility”—“means the portion of a facility owned or operated by or on behalf of a rail carrier (as defined in section 10102 of this title) where solid waste, as a commodity to be transported for a charge, is ... transferred, ... outside of original shipping containers.”² As stated in the Lampwrights Notice, the transloading facility will not be a solid waste rail transfer facility because the waste will not be transferred outside of the original shipping containers and thus the Clean Railroads Act is not applicable.³

In the Lampwrights Notice, Lampwrights explained that its parent company, Noble Environmental, Inc., originally considered that its subsidiary Greentree Rail, LLC (“Greentree Rail”) would operate the track as a non-common carrier transloading facility.⁴ Greentree Rail submitted a permit application to the PADEP on May 14, 2025, to conduct non-common carrier transloading utilizing the Rail Line while Lampwrights simultaneously seeks Board authority to build a new common carrier rail line from the end of the BPRR line directly to the Greentree Landfill.⁵ However, Lampwrights explained that after discussing its proposal with PADEP, Noble

¹ Lampwrights Notice at 2.

² *Id.* at 5.

³ *Id.*

⁴ *Id.* at 4.

⁵ *Id.*

Environmental decided not to pursue the non-common carrier model and instead seeks to hold its out as a common carrier.

As part of its formal and informal discussions with PADEP, Greentree Rail filed an application and PADEP responded with a letter noting deficiencies with the proposal and ways to cure those deficiencies. First, PADEP stated that Greentree Rail could withdraw the application and “consider other options related to receiving municipal waste via rail.” Second, PADEP stated that Greentree Rail could revise its application. Finally, PADEP stated that it could issue a decision on the pending application. PADEP then stated that its letter was not a “final action.”⁶

Therefore, Greentree Rail withdrew its application from PADEP,⁷ Lampwrights filed its Notice of Exemption, and informed PADEP that it had done so. To date, PADEP has chosen not to participate in this proceeding.

B. The location of the transload facility has been used as railroad sidetrack and for coal transloading.

Lampwrights acquired the Rail Line from Buffalo and Pittsburgh Railroad, Inc. (“BPRR”). BPRR utilized the track as side track under 49 U.S.C. § 10906. In prior years, the facility has been used for transloading coal from trucks to rail cars. Google Earth satellite imagery shows how the track was used for coal transloading from approximately 1993 to 2014.⁸ Additionally, the properties that lie between the proposed Lampwrights Rail Line and state route 219 appear to support industrial activity.

C. Current PennDOT data indicates that State Route 219 is heavily used by trucks.

The Rail Line that is subject to the Lampwrights Notice is located outside Brockway

⁶ See Exhibit A, PADEP Letter to Greentree Rail, LLC (Dec. 5, 2025).

⁷ See Exhibit B, Greentree Rail Letter to PADEP and PADEP acknowledging receipt of the Greentree Rail letter withdrawing its PADEP application.

⁸ See Exhibit C, Google Earth Images of transload facility at Brockway, PA (1993, 2003, 2012, 2014).

Borough, a political subdivision of Snyder Township, a political subdivision of Jefferson County, PA. The transload facility is located off of State Route 219. Once containers are transloaded off trains, trucks will haul the containers down State Route 219 to the Greentree Landfill.

According to the Pennsylvania Department of Transportation (“PennDOT”), current annualized average daily truck traffic outside of the proposed Lampwrights Rail Line is 1,479.⁹ The current average annual daily traffic total (all vehicles) is 6,396.¹⁰ Using the PennDOT Open Data traffic volume tool, the data indicates that from the location of the Proposed Line along State Route 219 until the turn off at Toby Road to go to the Greentree Landfill, the “current annualized average daily truck traffic count” never dips below 1,000.¹¹

D. Despite historical use of the property for coal transloading and heavy truck traffic on State Route 219, Petitioners argue that the Lampwrights Rail Line would negatively impact a “residential community.”

On March 11 and 12, individually, four members of the Preston family petitioned the Board to deny or in the alternative to revoke the Lampwrights Notice.¹² The Preston Petitions argue that the exemption that Lampwrights is seeking for the Rail Line should be denied because the family owns a second home in proximity to the Rail Line and state that the “project functions as a solid waste transfer or transload facility involving the receipt, staging, handling, and shipment of waste materials by truck and rail.”¹³

The Preston Petitions assert that the PADEP previously denied permitting for substantially similar operations at this same location due to its proximity to residential homes and

⁹ PennDOT Open Data, RMSTraffic (Traffic Volumes), available at <https://data-pennshare.opendata.arcgis.com/datasets/PennShare::rmstraffic-traffic-volumes/explore?location=41.247751%2C-78.752105%2C15> (last visited March 20, 2026).

¹⁰ *Id.*

¹¹ *Id.*

¹² Referred to herein as the “Preston Petitions”.

¹³ Preston Petitions at Section II.

incompatibility with surrounding land uses.”¹⁴ The Preston Petitions state that the Lampwrights proposal is a “high volume waste transfer facility” that would disrupt a “neighborhood environment not designed for industrial waste operations.”¹⁵

The Preston petitions further assert that the Rail Line would “substantially increase heavy truck traffic along local roads used daily by families and schoolchildren”¹⁶ In conclusion, the Preston Petitions argue that the Lampwrights’ Rail Line is not in the public interest because granting the exemption would: “override prior state environmental determinations; introduce industrial waste handling into a residential area; create documented safety risks to children and residents; and Produce impacts largely unrelated to rail transportation.”¹⁷

On March 11, 2026, the Board filed as part of the record in this proceeding, a letter from Charles Marchiori filed that is styled as a “petition to deny exemption.”¹⁸ In the letter, Mr. Marchiori states “[s]everal residential homes are within the allowable distance, the train and train siding blocks accessibility to some of these homes and properties.” The letter further states that the “accessibility to route 219 with increased truck traffic and provided right of way is not conducive for heavy truck traffic therefore causes safety concern with motorist.”

II. LEGAL STANDARD

A. Legal Standard

Under 49 C.F.R. § 1150.35(f), if a notice contains false or misleading information, the

¹⁴ *Id.* at Section III.

¹⁵ *Id.* at Section IV.

¹⁶ *Id.* at Section V.

¹⁷ *Id.* at Section VII.

¹⁸ In addition to opposing Lampwrights Notice in this proceeding, Mr. Marchiori has also filed in opposition to Lampwrights proposed rail line to directly connect the Greentree Landfill to the interstate rail system in STB Finance Docket No. 36833. In addition, Mr. Marchiori is an appointed board member on the Brockway Area Sewage Authority. The authority has also filed in opposition to the Lampwrights Proposed Line in STB Finance Docket No. 36833.

exemption is void *ab initio*. Further, a “party seeking revocation or rejection of a notice of exemption has the burden of demonstrating that the notice contains false or misleading information, or that regulation is necessary to carry out the rail transportation policy (“RTP”) of 49 U.S.C. § 10101.¹⁹ The “Board’s class exemption procedures provide an expedited means of obtaining Board authority in certain classes of transactions involving routine matters.”²⁰ In certain circumstances, if a notice raises unresolved issues or questions that require “considerable scrutiny, a notice may be rejected.”²¹ However, “the party seeking rejection must first provide reasonable, specific concerns to demonstrate that rejection is warranted.”²²

III. Argument

The Preston Petitions and the Marchiori letter fail to provide “reasonable, specific concerns to warrant rejection of the Lampwrights Notice. First, Petitioners argue that PADEP “previously denied permitting for substantially similar operations at this same location due to its proximity to residential homes and incompatibility with surrounding land uses.”²³ This is wrong, PADEP never rejected the permit. PADEP provided Greentree Rail with three options, one of which was to withdraw the application and “consider other options related to receiving municipal waste via rail.”²⁴ This concern is not reasonable because a concern that is factually untrue cannot be reasonable. Further, the PADEP Permit was for a solid waste transfer station. The transloading

¹⁹ *Central Oregon & Pacific Railroad, Inc. – Lease and Operation Exemption Including Interchange Commitment – Union Pacific Railroad Company*, STB Finance Docket No. 36818, slip op. at 4.

²⁰ *Saratoga and North Creek Railway, LLC – Operation Exemption – Tahawus Line*, STB Finance Docket No. 35559, Slip op. at 5 (served May 14, 2012).

²¹ *Id.*

²² *Central Oregon & Pacific Railroad, Inc. – Lease and Operation Exemption Including Interchange Commitment – Union Pacific Railroad Company*, STB Finance Docket No. 36818, slip op. at 4.

²³ *Preston Petitions* at Section III.

²⁴ See Exhibit A, PADEP Letter to Greentree Rail, LLC (Dec. 5, 2025).

that Lampwrights would be doing is not a solid waste transfer station because the containers will remain sealed through the transloading process.

The Preston Petitions additionally assert that the Rail Line would “substantially increase heavy truck traffic along local roads used daily by families and schoolchildren.”²⁵ The Marchiori letter makes a similar statement. However, what these petitioners fail to state is that this section of state route 219 already sees a significant amount of truck traffic. According to PennDOT statistics, the section of state route 219 that would be utilized by the transload facility already sees 1,479 trucks per day, described by PennDOT as “current annualized average daily truck traffic count”.²⁶ Petitioners’ argument that the introduction of additional trucks is unsupported by PennDOT statistics. Further, the Lampwrights Rail Line would also remove trucks from the roads in Pennsylvania and beyond if shippers currently using trucks, switch to rail. The Preston Petitions and the Marchiori concerns over truck traffic are not reasonable nor specific because they fail to explain the heavy truck traffic that this area of state route 219 already manages and they suggest without support that truck traffic coming from the transloading facility would burden the area more than current truck traffic.

The Preston Petitions state that the Lampwrights proposal is a “high volume waste transfer facility” that would disrupt a “neighborhood environment not designed for industrial waste operations.”²⁷ Petitioners attempt to suggest that Lampwrights would be introducing a new industrial use to this site. But the Google Earth photos at Exhibit C, clearly demonstrate that this area has been used for industrial operations – coal transloading in the past. Petitioners argument is not reasonable because it ignores the historic industrial use of this area in order to present the

²⁵ *Preston Petitions* at Section V.

²⁶ *Id.*

²⁷ *Id.* at Section IV.

Board with an impression of this area that is not represented by the historical industrial uses of the Rail Line.

Finally, the Preston Petitions assert that the “project functions as a solid waste transfer or transload facility involving the receipt, staging, handling, and shipment of waste materials by truck and rail.”²⁸ The Lampwrights Notice does not involve a solid waste transfer or transload facility because Lampwrights would not transfer the waste outside of the original shipping container. Therefore, if Lampwrights is a common carrier, under the Clean Railroads Act, the facility will be a transloading facility and not a solid waste rail transfer facility.

In addition, Lampwrights provided PADEP with a copy of its Notice of Exemption when it filed on February 25. The fact that PADEP is not participating in this proceeding is an indication that PADEP does not take exception to Lampwrights Notice.

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²⁸ *Id.* at Section II.

CONCLUSION

Accordingly, because the Preston Petitions and the Marchiori letter fail to present a reasonable and specific argument for rejecting the Lampwrights Notice, Lampwrights respectfully requests that the Board deny the petitions.

Respectfully submitted,



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Counsel for Lampwrights LLC

Dated: March 20, 2026

EXHIBIT A



Pennsylvania
**Department of
Environmental Protection**

December 5, 2025

VIA EMAIL AT: mzucatti@nobleenviro.com

Michael Zucatti
Director of Engineering
Greentree Rail, LLC
6000 Town Center Boulevard
Canonsburg, PA 15317

Re: Greentree Rail, LLC
Brockway Transload Facility
Notice of Deficiency Letter
APS ID No. 1137709, Auth: 1527839
Id. No. 101741
Snyder Township, Jefferson County

Dear Mr. Zucatti,

Upon initial review of your proposed transfer station application, the Department of Environmental Protection (Department) finds that the proposed operations will not meet the exclusionary criteria found in 25 Pa Code § 279.202 (a)(3) and 25 Pa Code § 279.202 (a)(2) related to occupied dwelling and wetlands.

The application proposes to operate a municipal waste transfer facility and store municipal waste within 300 feet of an occupied dwelling. A municipal waste transfer facility may not be operated within 300 feet of an occupied dwelling unless the owner has provided a written waiver consenting to the facility being closer than 300 feet. The staging/storage and the moving of loaded railcars with waste containers to facilitate the transfer of waste is considered operating a transfer station under the Department Rules and Regulations.

The application proposes to locate storage and processing areas within 100 feet of wetlands. 25 Pa Code 279.202(a)(2) prohibits the storage and processing of waste within 100 feet of a wetland unless the storage and processing takes place in an enclosed facility and 25 Pa. Code § 279.202(a)(2)(ii)(A or B) applies. Storage and processing are not proposed in an enclosed facility and mitigation of the wetlands under 25 Pa. Code Chapter 105 permit does not eliminate the permanent 100-foot setback.

The terms operate, transfer facility, municipal waste processing facility and processing are defined in 25 Pa. Code § 271.1 (Definitions).

Also, the Landowner Consent Form E (25 Pa. Code § 271.123) provided with the application indicates the Buffalo & Pittsburgh Railroad, Inc. as the owner of the property where the proposed transfer facility operation will take place. No specific deed information clearly showing property ownership was provided in the application. Please provide ownership

documentation for the property. Access to the facility appears to be a private driveway. Please provide documentation showing the legal right to use this location to access the facility.

As these regulatory requirements impact the above referenced permit application, you have three options:

1. Withdraw your application and consider other options related to receiving municipal waste via rail.
2. Revise your application to be consistent with the exclusionary criteria found at 25 Pa. Code § 279.202. The revision would need to be provided within sixty (60) days; otherwise, the Department will act on your application as currently submitted.
3. Request that the Department make a decision on your pending application.

This is not a final action of the Department. Please advise the Department of your choice of the above options within thirty (30) days of receipt of this notice.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shawn Peters", with a horizontal line extending to the right.

Shawn Peters, P.E.
Environmental Engineer Manager
Waste Management Program

cc: NWRO – OnBase
Jefferson County Commissioners (snorth@jeffersoncountypa.us)
Snyder Twp Supervisor (snydertwp@windstream.net)
Pat Wozinski (pwozinski@baigroupllc.com)
Ron Lybrook (rlybrook@pa.gov)

EXHIBIT B

Marks, Justin J.

From: Peters, Shawn <speters@pa.gov>
Sent: Wednesday, March 4, 2026 12:41 PM
To: Mike Zucatti; Nikolas Mermigas; Donald Henrichs; Pat Wozinski
Cc: Wilhelm, Christina; Decker, Tom; DeLattre, Clement; snydertwp@windstream.net; snorth@jeffersoncountypa.com; jpisarcik@jeffersoncountypa.com; mhumes@jeffersoncountypa.com
Subject: Greentree Rail, LLC - Brockway Transload Facility
Attachments: Cover-Letter-Greentree-Rail-3-03-2026.pdf

Mr. Zucatti,

The Department received your response letter withdrawing the permit application. The Department's permit tracking system (EFACTS) has been updated to reflect the status of the permit application (Id. No. 1137709) as withdrawn. No further action is required.

Sincerely,

Shawn Peters, P.E. | Environmental Engineer Manager
Department of Environmental Protection | Waste Management
Northwest Regional Office
230 Chestnut Street | Meadville, PA 16335
Phone: 814.332.6844 | Fax: 814.332.6120
www.dep.pa.gov

DEP is now accepting permit and authorization applications, as well as other documents and correspondence, electronically through the Public Upload with Payment tool at the following link: [ePermitting \(pa.gov\)](https://www.dep.pa.gov/ePermitting)

March 3, 2026

Mr. Shawn Peters, P.E.
Environmental Engineering Manager
Pennsylvania Department of Environmental Protection
230 Chestnut Street
Meadville, PA 16335

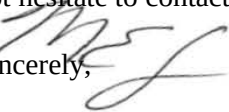
Subject: Greentree Rail, LLC
Brockway Transload Facility
Deficiency Letter - Response to Comments
Snyder Township, Jefferson County, Pennsylvania.

Greentree Rail, LLC submits this additional Response to Comments regarding the December 5, 2025 Deficiency Letter issued by the Pennsylvania Department of Environmental Protection (PADEP). The deficiency letter outlined several response options, including withdrawal of the application, revision to meet exclusionary criteria, or continuation of permit review as originally submitted. By correspondence dated January 5, 2026, Greentree Rail elected to revise the application within 60 days.

Following further evaluation, Greentree Rail respectfully requests withdrawal of the pending application and discontinuation of further technical review.

Should PADEP have any questions or require additional information regarding this project, please do not hesitate to contact me at (717) 448-5613.

Sincerely,



Michael E. Zucatti, P.E.
Vice President of Engineering

cc: Mr. Nikolas Mermigas – Noble Environmental, Inc.
Mr. Donald Henrichs – Noble Environmental, Inc.

EXHIBIT C



Google Earth Satellite Image: April 27, 1993



Google Earth Satellite Image: October 27, 2003



Google Earth Satellite Image: April 13, 2012



Google Earth Satellite Image: April 6, 2014

CERTIFICATE OF SERVICE

I certify that on this 20th day of March, 2026, I caused a copy of the foregoing document to be served electronically on all parties of record in STB Docket No. FD 36911.



Justin J. Marks

Dated: March 20, 2026