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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 REJECT, REVOKE, OR STAY THE
LAMPWRIGHTS NOTICE OF EXEMPTION FILED INDIVIDUALLY BY REBEKKA
L. DEAN AND JOSHUA DEAN

(includes color images)

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Counsel for
Lampwrights LLC

Dated: March 20, 2026

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SURFACE TRANSPORTATION BOARD

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L. DEAN AND JOSHUA DEAN

Lampwrights LLC (“Lampwrights”) respectfully requests that the Board reject the petitions to reject or revoke or alternatively to stay 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 support all of the elements necessary for the Board to stay this proceeding.

I. BACKGROUND

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

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 stated in the Notice, Lampwrights acquired the Rail Line from Buffalo and Pittsburgh Railroad, Inc. (“BPRR”). BPRR utilized the track as sidetrack under 49 U.S.C. § 10906. In prior years, the facility had been used for open-air transloading coal from trucks to rail cars. Google Earth satellite imagery shows how the track was used for coal transloading from approximately

1993 to 2014.¹

As Lampwrights stated, its intention is to hold out to shippers seeking to transload containerized waste from rail cars to trucks.² In its Notice, 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.”³ 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.⁴

In the Lampwrights Notice, Lampwrights explained that its parent company, Noble Environmental, Inc., originally considered that its private carrier subsidiary Greentree Rail, LLC (“Greentree Rail”) would operate the track as a non-common carrier transloading facility.⁵ Greentree Rail submitted a permit application to the Pennsylvania Department of Environmental

¹ See Exhibit A, Google Earth Images of transload facility at Brockway, PA (1993, 2003, 2012, 2014).

² Lampwrights Notice at 2.

³ *Id.* at 5.

⁴ *Id.*

⁵ *Id.* at 4.

Protection (“PADEP”) on May 14, 2025, to conduct non-common carrier transloading utilizing all of the track on the property (including what will now become 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.⁶ However, Lampwrights explained that after discussing its proposal with PADEP, Noble Environmental decided not to pursue the non-common carrier model and instead seeks to hold out its Lampwrights subsidiary as a common carrier.

As part of its discussions with PADEP, Greentree Rail filed a municipal solid waste transfer station 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.”⁷

In response to the PADEP letter, Greentree Rail chose to withdraw its solid waste transfer station application from PADEP.⁸ Lampwrights then 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. Petitioners have requested that the Board reject or revoke or in the alternative to stay the proceeding.

On March 18 petitioner Rebekka L. Dean submitted a petition to reject or revoke and a petition to stay the Lampwrights Notice (“RLD Petition”). On that same day, petitioner Joshua Dean submitted a letter asking the Board to stay or revoke the Lampwrights Notice (“JD

⁶ *Id.*

⁷ See Exhibit B, PADEP Letter to Greentree Rail, LLC (Dec. 5, 2025).

⁸ See Exhibit C, Greentree Rail Letter to PADEP and PADEP acknowledging receipt of the Greentree Rail letter withdrawing its PADEP application.

Petition”).⁹

1. The RLD Petition and the JD Petition both argue that the Lampwrights Notice should be rejected for containing omitted or misleading information.

a) *The RLD Petition asks the Board to reject the Lampwrights Notice stating that the notice “omitted material information.”*

The RLD Petition argues that the Board should reject the Lampwrights Notice for omitting material information and argues four points in support of this argument.¹⁰ First, the RLD Petition states that the deficiency letter that Lampwrights’ affiliate company received from PADEP is a material omission. Second, the RLD Petition states that Lampwrights further omitted the fact that Lampwrights “is a subsidiary of Noble Environmental, Inc. along with Greentree Rail and Greentree Landfill, LLC.” Third, the RLD Petition further argues that the Lampwrights statement summarizing the history of the Rail Line is a mischaracterization where the Lampwrights Notice states, “BPRR previously operated the track as sidetrack under 49 U.S.C. § 10906 and prior to that the track and surrounding property was used to facilitate coal loading.”¹¹ Fourth, the RLD Petition states that the “notice does not describe the length of any expected train, the number and size of the train cars, additional information about the operation of the siding, or any details on when or how its intention to become a common carrier might be realized.”¹² Finally, the RLD Petition asserts that Lampwrights is seeking an exemption “seemingly to avoid state regulation” and states that its “singular purpose for obtaining the exemption is for the benefit of Noble Environmental, Inc. and in obtaining the exception, Lampwrights would simply serve its own affiliated business

⁹ On March 20, 2026, the undersigned counsel received a copy of a letter via U.S. Mail addressed to the Office of Chief Counsel from the Office of County Commissioners, Jefferson County seeking a stay in this proceeding. The letter asserts similar arguments for a stay as the JD Petition.

¹⁰ RLD Petition at 2-3.

¹¹ Lampwrights Notice at 3.

¹² RLD Petition at 2-3.

without the constraints of regulatory protections.”

b) The JD Petition asks the Board to reject the Lampwrights Notice stating that the notice contains misleading assertions.

The JD Petition argues that the Board should reject the Lampwrights due to misleading assertions. First, the JD Petition argues that Lampwrights statement that it “acquired the track and surrounding property from” BPRR is misleading because, the JD Petition asserts, the Lampwrights/BPRR transaction was completed via a quitclaim deed and use of a quitclaim deed cannot be considered an acquisition because a quitclaim deed “only transfers the property interests that [BPRR] had in the property, even if [BPRR] had no ownership interest.”¹³ Second, the JD Petition argues that the Lampwrights Notice “indicates that [BPRR] operated the sidetrack to facilitate coal loading.”¹⁴ It argues that the Lampwrights Notice is suggesting that the sidetrack was used in the recent past. Third, the JD Petition argues that Lampwrights environmental statement is misleading because the Lampwrights Notice states, “[p]ursuant to 49 C.F.R. § 1105.6(c)(1)(i), no environmental documentation should be required because this proceeding involves operating authority under 49 U.S.C. §10901 for converting railroad sidetrack/private track to common carrier operations that will not exceed the thresholds established in 49 C.F.R. § 1105.7(e)(4)(no truck diversion) or (e)(5)(less than 8 trains per day).”¹⁵ Petitioner argues that Lampwrights is wrong to limit the environmental statement to 49 C.F.R. § 1105.7(e)(5).

C. The RLD Petition and the JD Petition assert that the PADEP public meeting demonstrates that the Lampwrights Notice is too controversial for the Board’s class exemption procedures.

The RLD Petition and the JD Petition both argue that the prior PADEP permitting

¹³ JD Petition at 2.

¹⁴ *Id.*

¹⁵ *Id.*

proceeding for a non-carrier “municipal waste transfer facility”¹⁶ indicates that Lampwrights request for authority to operate as a common carrier is too controversial for a notice of exemption.¹⁷ The RLD Petition asserts that “Lampwrights, in filing this notice of exemption, is attempting to avoid closer scrutiny, evade the protections of state environmental laws as well as the more in depth processes offered by the Board, and is improperly invoking the jurisdiction of the Board, despite considerable questions surrounding its ability and intent to operate as a common carrier as well as the safety of nearby residents.”¹⁸

II. LEGAL STANDARD

A. Legal Standard for Rejecting a Notice of Exemption

Under 49 C.F.R. § 1150.35(f), if a notice contains false or misleading information, the 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 And the “Board’s class exemption procedures are not intended for use in matters that attract substantial controversy and local interest.”²² However, “the party seeking

¹⁶ See Exhibit B, PADEP Letter to Greentree Rail, LLC (Dec. 5, 2025).

¹⁷ RLD Petition at 4; JD Petition at 1.

¹⁸ RLD Petition at 5.

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 – Opeartion Exemption – Tahawus Line*, STB Finance Docket No. 35559, Slip op. at 5 (served May 14, 2012).

²¹ *Id.*

²² *Id.*

rejection must first provide reasonable, specific concerns to demonstrate that rejection is warranted.”²³ Finally, “[e]ach transaction requires the [Chief Counsel] to make a fact-specific determination based on the evidence available in the record.”²⁴

B. Legal Standard for Seeking a Stay

Under the Board’s case law, a “party seeking a stay must establish that: (1) there is a strong likelihood that it will prevail on the merits of any challenge to the action sought to be stayed; (2) it will suffer irreparable harm in the absence of a stay; (3) other interested parties will not be substantially harmed; and (4) the public interest supports the granting of the stay.”²⁵ The Board has further stated, on “a motion for stay, “it is the movant’s obligation to justify the ...exercise of such an extraordinary remedy.”²⁶ Further, the Board has stated, the “parties seeking a stay carry the burden of persuasion on all of the elements required for such extraordinary relief.”²⁷

III. Argument

A. Petitioners have failed to meet the burden that the Lampwrights Notice contained misleading information or omitted material information.

1. *The RLD Petition has not met its burden that the Lampwrights Notice omitted materially relevant information.*

The RLD Petition argues that the Lampwrights Notice should have included a discussion of the deficiency letter that PADEP provided to Greentree Rail for its non-carrier permit

²³ *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.

²⁴ *Supra* n. 19 at 6.

²⁵ *General Railway Corporation, d/b/a Iowa Northwestern Railroad – Exemption for Acquisition of Railroad Line – in Osceola and Dickinson Counties, IA*, STB Finance Docket No. 34867, slip op. at 1 (served July 13, 2007) (citing *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987); *Wash. Metro. Area Transit Comm’n v. Holiday Tours, Inc.*, 559 F.2d 841 (D.C. Cir. 1977); *Va. Petroleum Jobbers Ass’n v. FPC*, 259 F.2d 921 (D.C. Cir. 1958).

²⁶ *Id.*(citing *Cuomo v. United States Nuclear Regulatory Comm’n*, 772 F.2d 972, 978 (D.C. Cir. 1985)).

²⁷ *Id.*(citing *Canal Auth. of Fla. V. Callaway*, 489 F.2d 567, 573 (5th Cir. 1974)).

described by PADEP as “municipal waste transfer facility.” However, the RLD Petition treats the PADEP letter as a rejection of the Greentree Rail proposal, the PADEP letter did not reject the permit.

What the PADEP letter does is note deficiencies to the municipal solid waste transfer application and provides a path for Greentree Rail to cure those deficiencies or to withdraw and “consider other options related to receiving municipal waste via rail.”²⁸ This is consistent with the Lampwrights Notice of Exemption whereby Lampwrights states, “[a]fter consulting with PADEP about different types of waste-by-rail operations in Pennsylvania, Greentree Rail and Lampwrights have determined that Lampwrights commercial interests are better served operating the facility as a rail common carrier to allow Lampwrights to more efficiently hold out to shippers and will allow Lampwrights to develop commercial relationships with shippers as it pursues Board authority to construct the rail line directly to Greentree Landfill.”²⁹ Here, Lampwrights will be operating a transload facility of sealed containers, the commodity within those containers – waste – will not be removed from the containers until the containers reach the final destination.

The RLD Petition next argues that that Lampwrights further omitted the fact that Lampwrights “is a subsidiary of Noble Environmental, Inc. along with Greentree Rail and Greentree Landfill, LLC.” This is not a material omission. But even if it were, the fact that Noble

²⁸ See Exhibit B, PADEP Letter to Greentree Rail, LLC (Dec. 5, 2025).

²⁹ Notice of Exemption at 4. Lampwrights also notes in its Notice that Greentree Rail learned that PADEP does not regulate facilities transloading containerized waste when those containers will not touch the ground and the waste will not leave the container. Lampwrights intent is to immediately transfer containers from trains to trucks. Under this scenario, even as a non-carrier, a PADEP permit would not be required. However, as stated in the notice, Lampwrights seeks to become a common carrier to develop commercial relationships with shippers as it pursues Board authority to construct the rail line directly to Greentree Landfill. *Id.*

Environmental, Inc. is the parent company of Lampwrights is known to the Board due to the current proceeding at STB Finance Docket No. 36833.

The RLD Petition next argues that the Lampwrights statement summarizing the history of the Rail Line is a mischaracterization where the Lampwrights Notice states, “BPRR previously operated the track as sidetrack under 49 U.S.C. § 10906 and prior to that the track and surrounding property was used to facilitate coal loading.”³⁰ The RLD Petition argues that the Lampwrights description should state how often the track had been used by BPRR and any other parties, but fails to cite any Board regulation or precedent to suggest that prior frequency of use is at all material. According to Google Earth, the property was used for open air coal transloading as recently as 2014.³¹

Finally, the RLD Petition states that the “notice does not describe the length of any expected train, the number and size of the train cars, additional information about the operation of the siding, or any details on when or how its intention to become a common carrier might be realized.”³² Again, the RLD Petition fails to explain what Board regulation or precedent requires such information.

In wrapping up its argument that the Lampwrights Notice omitted material information, the RLD Petition states, that Lampwrights is seeking an exemption “seemingly to avoid state regulation” and its “singular purpose for obtaining the exemption is for the benefit of Noble Environmental, Inc. and in obtaining the exception, Lampwrights would simply serve its own affiliated business without the constraints of regulatory protections.”³³

³⁰ Lampwrights Notice at 3.

³¹ See Exhibit A, Google Earth Images of transload facility at Brockway, PA (1993, 2003, 2012, 2014).

³² RLD Petition at 2-3.

³³ *Id.*

Lampwrights is not seeking to avoid state regulation, it is seeking to hold itself out as a common carrier to potential shippers of containerized waste. Lampwrights provided a copy of the Notice to PADEP and to date, PADEP has not elected to participate in this proceeding.

2. The JD Petition has not met its burden that the Lampwrights Notice includes misleading information.

The JD Petition fails to demonstrate that the Lampwrights Notice includes misleading information and therefore has failed to meet its burden.

First, the JD Petition argues that Lampwrights' statement that it "acquired the track and surrounding property from" BPRR is misleading because the Lampwrights/BPRR transaction was completed via a quitclaim deed and use of a quitclaim deed cannot be considered an acquisition because a quitclaim deed "only transfers the property interests that [BPRR] had in the property, even if [BPRR] had no ownership interest."³⁴ First, the fact that Lampwrights acquired the property via a quitclaim deed does not mean that the statement in the Lampwrights Notice is misleading. In any event, Lampwrights holds sufficient property rights on the property. Second, as related to class exemptions, the Board has specifically stated, issues of state property and state contract law are issues to be resolved by state courts and "[i]t is well settled that the Board's issuance of a notice of exemption authorizing the acquisition of a line gives the petitioner permission to acquire the line, but does not mandate the acquisition."³⁵ If a party does not believe that BPRR owned, or Lampwrights acquired, sufficient title to operate the tracks at issue, then the proper venue is in state court.

Second, the JD Petition argues that the Lampwrights Notice "indicates that [BPRR]

³⁴ JD Petition at 2.

³⁵ *General Railway Corp, D/B/A Iowa Northwestern Railroad – Exemption for Acquisition of Railroad Line – in Osceola and Dickinson Counties, IA*, STB Finance Docket No. 34867, Slip op. at 4 (served June 15, 2007).

operated the sidetrack to facilitate coal loading.”³⁶ This is inaccurate, the Lampwrights Notice states, “BPRR previously operated the track as sidetrack under 49 U.S.C. § 10906 and prior to that the track and surrounding property was used to facilitate coal loading.”³⁷

The JD Petition further argues that the Lampwrights Notice is suggesting that the sidetrack was used in the recent past and this suggestion is misleading.³⁸ This argument fails because the Lampwrights Notice provides no indication of how long BPRR operated the track as sidetrack or when the coal operations occurred. Additionally, the JD Petition does not provide any Board regulation or precedent to suggest it matters when the prior use occurred. According to Google Earth, the property was used for open air coal transloading as recently as 2014.³⁹

Third, the JD Petition argues that Lampwrights environmental statement is misleading because the Lampwrights Notice states, “[p]ursuant to 49 C.F.R. §1105.6(c)(1)(i), no environmental documentation should be required because this proceeding involves operating authority under 49 U.S.C. §10901 for converting railroad sidetrack/private track to common carrier operations that will not exceed the thresholds established in 49 C.F.R. § 1105.7(e)(4)(no truck diversion) or (e)(5)(less than 8 trains per day).”⁴⁰ The JD Petition argues that the Lampwrights cited environmental regulations is a misleading statement because the JD Petition argues, additional environmental regulations should apply.

However, the JD Petition is wrong. The Lampwrights Notice is not misleading because – as stated – BPRR operated the track as sidetrack under 49 USC § 10906. Under Section 10906,

³⁶ JD Petition at 2.

³⁷ Lampwrights Notice at 3.

³⁸ JD Petition at 2.

³⁹ See Exhibit A, Google Earth Images of transload facility at Brockway, PA (1993, 2003, 2012, 2014).

⁴⁰ *Id.*

Board authority is not necessary for the acquisition (or sale) or abandonment of sidetrack. Lampwrights is only required to seek Board authority in this instance because it is seeking authority to operate a portion of the track as a regulated Rail Line under 49 U.S.C. 10901. Therefore, only subsection 49 C.F.R. § 1105.7 (e)(5) is applicable. As such, Lampwrights statement under this section is not misleading.

B. Neither the RLD Petition nor the JD Petition asserts reasonable specific concerns that justify rejecting the Notice of Exemption.

The RLD and JD Petitions fail to provide “reasonable, specific concerns to warrant rejection of the Lampwrights Notice. The RLD Petition and the JD Petition both argue that the prior PADEP permitting application for a non-carrier “municipal waste transfer facility”⁴¹ indicates that Lampwrights request for authority to operate as a common carrier is too controversial for a notice of exemption.⁴² However, the petitions have merely cited a previous PADEP application and opposition to that application. Neither the RLD Petition nor the JD Petition appear to appreciate that PADEP did not reject the Greentree Rail non-rail carrier permit. And even the deficiency letter that the petitioners cite states that Greentree Rail could withdraw and “consider other options related to receiving municipal waste via rail.” The RLD Petition suggests that Lampwrights is trying to evade state regulation, but Lampwrights provided PADEP with a copy of the Lampwrights Notice. The agency is aware of this proceeding and to date, PADEP has not provided any comment. Moreover, while 49 USC §§10908 and 10909, and the Board’s regulations in 49 CFR Part 1155 establish that “Solid Waste Rail Transfer Facilities” require additional regulation, the law is also clear that facilities where solid waste is transferred in its original

⁴¹ See Exhibit B, PADEP Letter to Greentree Rail, LLC (Dec. 5, 2025).

⁴² RLD Petition at 4; JD Petition at 1.

shipping containers do not require additional regulation and are eligible for standard notice of exemption proceedings.

Further, RLD Petition makes vague statements such as questioning Lampwrights “ability and intent to operate as a common carrier.”⁴³ Lampwrights intent to hold out to shippers in the northeast United States is clear as evidence by its proceeding before the Board to build a direct rail line to the Greentree Landfill.

The arguments asserted by the RLD Petition and JD Petition fail to provide reasonable, specific concerns to demonstrate that rejection of the notice is warranted.

C. Petitioners have failed to meet the burden that a stay is warranted.

Petitioners have not carried the burden of persuasion to satisfy the elements of a stay. First, even though the JD Petition and the Jefferson County Commissioners letter request a stay, the petition and letter fail to argue any elements of a stay and therefore its request should be rejected.

Second, although the RLD Petition at least lists the elements of a stay, it nevertheless fails to satisfy each element of the stay. The RLD Petition attempts to satisfy the first element of the stay by arguing that “its petition to reject the notice is likely to prevail on its merits” considering the “considerable controversy and unanswered questions.” First, the RLD Petition identifies no unanswered questions. Second, the controversy the RLD Petition identifies related to the PADEP permit for Greentree Rail for a “municipal waste transfer facility.” But here, Lampwrights seeks to transload containers from trains to trucks. Under the Clean Railroads Act, such activity is not considered a solid waste rail transfer facility subject to additional regulation. Third, the RLD Petition is unlikely to win on the merits. If it did win on the merits, there would be no purpose for a stay. But even if the RLD Petition did succeed, Lampwrights could still pursue Board authority

⁴³ RLD Petition at 5.

via a petition for exemption. The RLD Petition has argued none of the Rail Transportation Policies to suggest that a Lampwrights petition would not satisfy 49 U.S.C. § 10502.

The RLD Petition argues that it would be irreparably harmed claiming its “concerns will come to fruition without any regulatory oversight in place to protect the public or the environment.”⁴⁴ Railroads are subject to federal regulatory oversight. The Federal Railroad Administration regulates railroad safety, and the suggestion that Lampwrights would not be subject to regulatory oversight is simply false. As stated, Lampwrights served PADEP with its notice and PADEP has yet to participate in this proceeding. Additionally, the RLP Petitions rests on the argument that people opposed the application seeking a permit for a municipal solid waste transfer facility. But here, Lampwrights is not proposing to operate a municipal solid waste transfer facility because its transload operations will to move sealed containers.

The public interest does not support granting the stay because the Lampwrights Rail Line has the potential to provide northeast shippers with a rail alternative to trucking. A stay is not warranted because the RLD Petition failed to carry the burden of persuasion on all of the elements required for issuing a stay.

CONCLUSION

Accordingly, the Board should reject the RLD Petition and the JD Petition because both petitions fail to demonstrate that the Lampwrights Notice omitted material information or provided misleading information. Further the petitions do not present a reasonable and specific argument for rejecting the Lampwrights Notice. And finally, neither petition supports the request for a stay.

⁴⁴ RLD Petition at 6.

Respectfully submitted,



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Counsel for Lampwrights LLC

Dated: March 20, 2026

EXHIBIT A



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

EXHIBIT B



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 C

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,

A handwritten signature in black ink, appearing to read 'MEZ', is positioned above the printed name of Michael E. Zucatti.

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

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

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