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March 23, 2026

Finance Docket No. FD36911

PETITION TO DENY EXEMPTION

Natalie Fortunato
161 Varischetti Road
Brockway, PA 15824

ENTERED
Office of Chief Counsel
March 23, 2026
Part of
Public Record

To the Surface Transportation Board:

I respectfully submit this comment in opposition to the Notice of Exemption filed by Lampwrights LLC in Finance Docket No. 36911.

Noble Environmental's proposal to receive municipal waste by rail and transfer it to trucks for delivery to Greentree Landfill has generated substantial public concern. That concern first arose during Greentree Rail's application to the Pennsylvania Department of Environmental Protection for a municipal waste transfer facility and continues now through Lampwrights LLC's filing of this Notice of Exemption in this proceeding. While the regulatory posture has changed, the underlying operation has not.

During the PA DEP review of this same proposed rail to truck waste transfer operation, approximately 500 pages of comments were submitted in opposition by members of the public and professionals in various fields. Those comments raised environmental, safety, and community impact concerns. The volume and substance of those submissions demonstrate that this proposal is neither routine nor noncontroversial.

Greentree Rail's application for a permit to operate a municipal waste transfer facility sought to establish a facility where municipal waste would be brought in by rail in sealed containers, loaded onto trucks, and transported by truck to Greentree Landfill. See the attached PA DEP Application, Project Narrative. The waste was to remain containerized during the transfer process.

The current Notice of Exemption describes the same operational process. Municipal waste would arrive by rail in sealed containers and be transferred to trucks for delivery to Greentree Landfill without opening those containers. The use of sealed containers is not new, nor does it distinguish this filing from the prior proposal. The rail to truck waste transfer activity presented in Finance Docket No. 36911 is materially the same activity that was presented to PA DEP, scrutinized for environmental compliance, and ultimately withdrawn after deficiencies were identified in the application. The operational substance has not changed. Only the regulatory forum has changed.

Public opposition to the prior municipal waste transfer station proposal was opposition to the activity of receiving municipal waste by rail and transferring it to trucks for landfill disposal. That same activity is proposed here. Recharacterizing the proposal under federal rail law does not alter the operational reality or the potential impacts to the surrounding community.

The prior PA DEP application also acknowledged that the rail line has not been used for an extended period of time and that new wetlands have become established on or along portions of the rail corridor. The environmental conditions of the site today are materially different from those that existed during historic coal operations. Reactivating rail operations where wetlands have

formed raises legitimate environmental concerns that warrant careful review rather than expedited exemption treatment.

Further, the assertion that waste will remain in sealed containers does not eliminate environmental or public health risks. Sealed containers can leak, emit odors, or be damaged during transport or transfer. In the prior PA DEP application, the applicant acknowledged these risks and emphasized the importance of protective measures, including installation of a radiation detection system and routine water and soil sampling to monitor for contamination in the event of leaks or the presence of hazardous materials.

Under the current Notice of Exemption, there appear to be no comparable environmental safeguards or state regulatory conditions governing the type of waste that may be transported in these containers, the handling of accidental releases, or ongoing environmental monitoring. If a container were to rupture during unloading or transport, it is unclear what regulatory authority would respond, what remediation standards would apply, and who would bear responsibility for immediate containment and cleanup. There is no indication of stormwater controls, monitoring of nearby streams, or protection of local drinking water sources in the event of runoff contamination. The proposal also does not address how increased and potentially unknown truck traffic volumes will be managed to prevent environmental degradation, roadway damage, or impacts to surrounding residential areas.

These unanswered regulatory and environmental questions underscore that the risks previously identified have not been eliminated. They have merely been shifted outside the state permitting framework.

The Board's class exemption procedures are intended for routine and noncontroversial matters. The substantial public opposition, including approximately 500 pages of comments submitted during the PA DEP review of this same operation, demonstrates that this proposal warrants thorough review rather than automatic effectiveness under a notice of exemption.

For these reasons, I respectfully request that the Board reject or revoke the Notice of Exemption in Finance Docket No. 36911, or in the alternative, stay its effectiveness and require a comprehensive review of environmental impacts and community safety protections.

Respectfully submitted,
/s/ Natalie Fortunato

CC: Party of Record



May 14, 2025

Mr. Shawn Peters, P.E.
Facilities Manager
Pennsylvania Department of Environmental Protection
Bureau of Land Recycling and Waste Management
230 Chestnut Street
Meadville, PA 16335

**RE: Greentree Rail, LLC
Brockway Transload Facility
Transfer Station Permit Application
Fox Township, Elk County, Pennsylvania**

Dear Mr. Peters:

Enclosed, please find one digital copy of the "Brockway Transload Facility – Transfer Station Permit Application". Greentree Rail, LLC (Greentree) is proposing to operate the Brockway Transload Facility, a solid waste transfer facility, in Snyder Township, Jefferson County, Pennsylvania. The site is an historic rail siding that has been used to transfer locomotive cargo for over one hundred years. The application proposes the updated and continued use of the siding to support Greentree Landfill. Train cars carrying sealed waste containers will enter the site via the rail spur. The waste containers will be unloaded and placed onto waste hauling vehicles and hauled to Greentree Landfill for disposal.

The application fee of \$4,400 is included in the electronic filing of this application. Please note that certified letters have been sent to the local municipalities and contiguous landowners and a public newspaper notice is in circulation at the time of this submittal. Proof of publication and proof of receipts for the letters which are not yet included in the application will be forwarded to your attention when received.

We trust that the enclosed application is sufficient; however, should you have any questions or require additional information, please do not hesitate to call me.

Sincerely,

BAI Group

A handwritten signature in black ink, appearing to read 'Patrick Wozinski'.

Patrick Wozinski, P.E.
Project Manager

Enclosure

cc: Greentree Rail, LLC
Donna Copper (dcopper@Jeffersoncountypa.gov)

APPLICATION FOR NEW TRANSFER STATION PERMIT

**GREENTREE RAIL, LLC
PERMIT ID PENDING**

MAY 2025

Prepared For:



**Noble Environmental Greentree Landfill, LLC
635 Toby Road
Kersey, Pennsylvania 15846**

**Snyder Township
Jefferson County, Pennsylvania**

Prepared By:



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**GREENTREE RAIL, LLC
BROCKWAY TRANSLOAD FACILITY
TRANSFER STATION PERMIT APPLICATION**

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Attachment A-2 Municipality Proof of Notifications

Attachment A-3 Contiguous Landowner Proof of Notification

Form B – Professional Certification

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Form HW-C – Compliance History

Permit Forms

Form D Environmental Assessment for Municipal and Residual Waste Management Facilities

Attachment D-1 Narrative Responses to Environmental Assessment Criteria

Attachment D-2 Benefits and Harms: Environmental, Social, and Economic

Attachment D-3 Wetlands Delineation Report

Attachment D-4 PNDI Receipt

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Form E Contractual Consent of Landowner

Form I Soil Erosion and Sedimentation Control

Attachment I-1 Form I Narrative

Form L Contingency Plan

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Form O Transfer Facilities

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Form R Waste Analysis and Classification Plan

Attachment R-1 Greentree Landfill's Waste Analysis and Classification Plan

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**GREENTREE RAIL, LLC
BROCKWAY TRANSLOAD FACILITY
TRANSFER STATION PERMIT APPLICATION**

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PROJECT NARRATIVE

**GREENTREE RAIL, LLC
BROCKWAY TRANSLOAD FACILITY
TRANSFER STATION PERMIT APPLICATION**

Project Narrative

Greentree Rail, LLC (Greentree) proposes to operate the Brockway Transload Facility, a solid waste transfer facility, in Snyder Township, Jefferson County, Pennsylvania. The site is an historic rail siding that has been used to transfer locomotive cargo for over one hundred years. The application proposes the updated and continued use of the siding to support Greentree Landfill. Train cars carrying sealed waste containers will enter the site via the rail spur. The waste containers will be unloaded and placed onto waste hauling vehicles and hauled to Greentree Landfill for disposal. Typically, waste containers removed from train cars will be hauled to Greentree Landfill the same day. However, in unique situations, waste containers may be staged for a period of 48 hours after being offloaded. If loaded containers are staged onsite, staging will not occur within 50' of a property boundary. Sealed empty trailers can also be staged onsite, although empty containers are not required to maintain a 50' setback from property boundaries.

The proposed facility maximum daily tonnage is 3,000 tons per day hauled to Greentree Landfill. There will be no scales located at the site. All waste passing through the facility will be weighed at Greentree Landfill and Greentree Landfill will maintain separate records for the quantity and type of waste brought in from the transload facility during each business day.