

APPENDIX A

WRITTEN/ELECTRONIC COMMENTS RECEIVED ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

This appendix contains copies of all 72 written/electronic comments OEA received on the DEIS. The majority of these comments were received on or before the DEIS comment deadline of September 28, 2010. However, OEA also accepted a number of comments that were received after this deadline. Comment letters on the DEIS from the cooperating agencies, USACE and FHWA, have been included in a separate appendix (i.e., Appendix B). OEA has carefully reviewed and responded to each of these written/electronic comments in Chapter 3 of this FEIS. The following table lists the individuals who submitted written/electronic comments in the order in which the comments were received followed by their respective affiliation (if any) and the applicable comment key code(s). OEA has assigned a unique comment key code to each comment summary in Chapter 3 of this FEIS to assist commenters in finding OEA's response to their particular comment. In many instances, commenters submitted letters relevant to a number of different comment categories. Therefore, many of the comments are directed to multiple comment key codes to capture all issues presented in a single letter.

To find OEA's response(s) to a particular comment/commenter, find the respective EI # and/or the person's name/affiliation in the table below and then follow that row to the right to find the applicable DEIS comment key code(s). The comment key codes consist of two letters (representing the applicable comment category) and a number separated by a dash (for example, GN-1). OEA's response(s) to that particular comment/commenter can then be found by navigating to the applicable comment key code and its associated response in Chapter 3 of this FEIS. A legend of the comment category abbreviations has been included at the end of the table for reference purposes.

STB EI #	NAME OF COMMENTS	AFFILIATION	DEIS COMMENT KEY CODE(S)*
EI-18243	JOHN HULS	PRIVATE CITIZEN	RR-1
EI-18244	FREJA C. FULLER	PRIVATE CITIZEN	RR-1, PR-2, EJ-1, CR-1
EI-18245	PAYNE FULLER	PRIVATE CITIZEN	RR-1
EI-18246	ROBERT KLINGER	PRIVATE CITIZEN	PR-2
EI-18276	REBECCA BOWEN	PA DCNR	BR-8
EI-18280	LINDA PADISAK	PRIVATE CITIZEN	RR-1, PR-3, RO-3, LR-1
EI-18288	WALTER CHARNICK	PRIVATE CITIZEN	RR-1, NO-1
EI-18289	EDWARD BOWMAN	TUSSEY MT. OUTFITTERS	RR-1, RR-2, PR-2
EI-18292	J. ALAN STEWART	HCT	PR-3, PR-4, MI-2
EI-18293	MICHELE BARBIN	PRIVATE CITIZEN	PN-1, RR-2, CU-1
EI-18294	MARK RUSNAK	PRIVATE CITIZEN	GN-2, ID-3, LR-1, LR-2, LU-3, BR-4, BR-5, BR-7, GS-1, CR-1
EI-18295	WAYNE YAHN	CENTRAL MOUNTAINS ATV ASSOCIATION	RR-1, RR-2, PR-2, PR-3, CU-1
EI-18296	WADE CHANDLER	USACE	SEE APPENDIX B
EI-18297	MICHAEL HOLMES	PRIVATE CITIZEN	ID-2, LU-2
EI-18298	ROD FYE	PRIVATE CITIZEN	RR-1, RO-4, CR-1
EI-18299	MARY WHITEHEAD	PRIVATE CITIZEN	RR-1

STB EI #	NAME OF COMMENTS	AFFILIATION	DEIS COMMENT KEY CODE(S)*
EI-18300	ED BOWMON	PRIVATE CITIZEN	RR-2
EI-18301	JOHN HARPSTER	PRIVATE CITIZEN	GN-3
EI-18302	J. WINSTON HARPSTER	PRIVATE CITIZEN	GN-3
EI-18303	DOUGLAS HARPSTER	PRIVATE CITIZEN	GN-3
EI-18304	DOUGLAS MOTTIN	PRIVATE CITIZEN	RR-1
EI-18305	STANLEY LAFURIA	MOSHANNON VALLEY ECONOMIC DEVELOPMENT PARTNERSHIP	GN-3
EI-18306	ROBERT LENTZ	PRIVATE CITIZEN	RR-1, RO-4, AQ-2, WR-1, PR-3, CU-1, CU-2
EI-18307	RENEE SIGEL	FHWA	SEE APPENDIX B
EI-18313	ED MCDADE	PRIVATE CITIZEN	RR-1
EI-18332	DONALD YEARICK	SSRTA	RR-1, PR-2
EI-18333	ANNE HOUCK	PRIVATE CITIZEN	WR-1, BR-7
EI-18334	RANDY STIMER	PRIVATE CITIZEN	PR-3
EI-18335	BETSEY HOWELL	CENTRAL PA CONVENTION AND VISITORS BUREAU	PR-3, CU-1
EI-18338	RAYMOND MASENHEIMER	PRIVATE CITIZEN	PR-2, SO-1, WR-1
EI-18339	STEPHEN & KIM NORFOLK	PRIVATE CITIZENS	RR-1
EI-18340	JOE ZIMMERMAN	PRIVATE CITIZEN	RR-1
EI-18341	THOMAS WEISS JR.	PRIVATE CITIZEN	PR-2
EI-18342	ERIK WEISS	PRIVATE CITIZEN	RR-1
EI-18343	LISA STIMER	PRIVATE CITIZEN	RR-1
EI-18344	SUSAN STIMER	PRIVATE CITIZEN	RR-1, CR-2, PR-2
EI-18345	RAY SAVEL	QUEHANNA INDUSTRIAL DEVELOPMENT CORPORATION	GN-3
EI-18346	WILLIE TAYLOR	U.S. DEPARTMENT OF THE INTERIOR	CR-3
EI-18347	WAYNE JOSEPHSON	COOPER TOWNSHIP BOARD OF SUPERVISORS	RR-1, RO-3, RO-4, LU-2
EI-18348	CLINTON RILEY	USFWS	RR-2, PA-6, ID-1, ID-3, ID-4, BR-1, BR-9, WR-2, WR-3, WR-4, WR-5, WR-6, MI-3
EI-18349	CURT ASHENFELTER	KEYSTONE TRAILS ASSOCIATION	PR-5
EI-18351	PAT COREY	PRIVATE CITIZEN	PN-1, RR-1, RR-2, RO-4, CU-1, CU-2

STB EI #	NAME OF COMMENTS	AFFILIATION	DEIS COMMENT KEY CODE(S)*
EI-18352	K. ALAN UHLER, JR., PE, PLS	COOPER TOWNSHIP MUNICIPAL AUTHORITY	PA-1
EI-18353	FREDERICK SEPP	PRIVATE CITIZEN	RR-1, RR-2, CU-2
EI-18354	BARBARA RUDNICK	USEPA – REGION III	GN-1, PN-2, PN-3, PA-2, ID-6, BR-2, BR-3, WR-2, MI-2, MI-3,
EI-18355	GARY THORNBLOOM	SIERRA CLUB MOSHANNON GROUP	PN-1, RR-2, ID-1, TS-1, HM-1, MI-1,
EI-18356	ROBERT MCKINSTRY, JR. & MARLENE GOMEZ	PEOPLE PROTECTING COMMUNITIES	PN-1, RR-2, PA-4, ID-5, LU-1, AQ-1, BR-6, PR-5, CU-1, CU-3, CU-4, ST-1
EI-18357	JENN SHUFRAN	PRIVATE CITIZEN	PN-1, RR-2
EI-18358	DAVE COLEMAN	PRIVATE CITIZEN	RR-1, PR-2, CU-1, CU-2
EI-18359	MIKE SAVAGE	NORTH RUN HOMEOWNERS ASSOCIATION	CA-1, RR-2, PN-1, CU-6
EI-18360	MICHELE BARBIN	PRIVATE CITIZEN	PN-1, PN-4, RR-1, RR-2, BR-4, PR-1, PR-2, PR-3, PR-5, CU-1, CU-2
EI-18361	MARK RUSNAK	PRIVATE CITIZEN	PN-1, ID-3, PR-2, MI-2
EI-18362	RICHARD DIXON	PRIVATE CITIZEN	RR-1, CU-1, CU-2
EI-18363	JOANN GILLETTE	PRIVATE CITIZEN	RR-2, PA-4
EI-18364	HARRY PIONKE	PRIVATE CITIZEN	PN-1, ID-1
EI-18365	PAULINE CHARNICK	PRIVATE CITIZEN	PA-3, PR-2, PR-3, PR-6, CR-1
EI-18366	ROBERT JACOBS	CENTRE COUNTY PLANNING AND COMMUNITY DEVELOPMENT OFFICE	CA-1, PN-1, RR-2, LU-1, CU-7
EI-18367	JOANNE BLAZER	PRIVATE CITIZEN	RR-1
EI-18368	PHIL BLAZER	PRIVATE CITIZEN	PR-2
EI-18369	SYLVIA WELLAR & DAVID RENNINGER	PRIVATE CITIZENS	PR-2, SO-1
EI-18370	ED GROFT	PRIVATE CITIZEN	RR-1, PR-2
EI-18371	RODNEY PRESLOVICH	SNOW SHOE TOWNSHIP SUPERVISOR	MI-2
EI-18372	JOAN & CAROLINE GUYDOSIK	PRIVATE CITIZENS	PN-1, RR-2, RO-3, LU-2
EI-18373	RICKY AMES	AVONDALE HOTEL	LU-2
EI-18374	JEFF LUCK	CENTRE REGION COUNCIL OF GOVERNMENTS	RR-1, RR-2
EI-18375	SONIA LOMAX	PRIVATE CITIZEN	PN-1, BR-4, CR-1,

STB EI #	NAME OF COMMENTS	AFFILIATION	DEIS COMMENT KEY CODE(S)*
EI-18377	MARY ANN WILLIAMS	PRIVATE CITIZEN	RO-4, AQ-2, PR-1, PR-2, PR-5, CR-1
EI-18379	PATRICK COUTURIAUX	RUSH TOWNSHIP SUPERVISORS	GN-3
EI-18401	CHARLES SUHR	STEVENS & LEE	PA-5
EI-18427	JOANN GILLETTE	PRIVATE CITIZEN	PA-4
EI-18428	JOSEPH GERDES III	KEYSTONE STATE RAILROAD ASSOCIATION	GN-3
EI-18457	TRILBY MAYES	SSRTA	PR-2, PR-3, PR-4, CR-2, MI-2

* DEIS Comment Key Code Category Legend:

GN: General/NEPA Process
 CA: Cooperating Agencies
 PN: Project Purpose and Need
 RR: RRLLC's Proposed Landfill/Industrial Development Site
 PA: Proposed Action and Alternatives
 ID: Identification of the Environmentally Preferable Alternative
 TS: Transportation and Safety
 LR: Local Road Traffic/Grade Crossing Delay
 RO: Rail Operations/Safety
 LU: Land Use
 AQ: Air Quality/Odors
 NO: Noise
 BR: Biological Resources
 WR: Water Resources
 SO: Socioeconomics
 PR: Parks and Recreation Facilities
 EJ: Environmental Justice
 GS: Geology and Soils
 HM: Hazardous Materials Transport
 CR: Cultural/Historic Resources
 CU: Cumulative Impacts
 MI: Mitigation
 ST: Short-Term Use Versus Long-Term Productivity of the Environment

EI-18243

John B. Huls
11 Andrews Lane
Glenmoore, PA 19343

July 26, 2010

Ms. Victoria Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board
395 E Street SW
Washington, D C 20423

Subject: Proposal Construction, Operation and Reactivation of former Beech Creek Railroad in Central, PA

I understand Resource Recovery would want to realize a return on their investment. This return on investment will be at the expense of property owners not adjacent to the presently proposed site. There is a large parcel of ground on the west side of the Moshannon Creek. It too has rail bed extending into the Village of Grassflat, Cooper Township, Clearfield County.

These landfills are a cancer. Once established the adjacent land is of value only to the landfill operators. This causes the landfill to grow and grow.

Example: The New Morgan landfill continues to expand incrementally and can now be seen several miles away, due to its height, after approximately 12 years.

The landfill north of Pottstown, PA grew to such a height it interfered with air traffic at the local airport and had to be closed.

PA 144 scenic drive skirts the dump site and the Black Moshannon State Park is located on the south side. This area is rapidly becoming a recreational area. The days of dumping trash on a huge pile is over. The trash contains valuable material that should be reclaimed.

Enclosed is a copy of the Pennsylvania Scenic Rivers Act. This lengthy and it would only be necessary to read sections one and two.

Regards,

John B. Huls
John B. Huls



Pennsylvania Scenic Rivers Act

P.L. 1277, Act No. 283 as amended by Act 110, May 7, 1982.

Section 1.

Short Title. - This Act shall be known and may be cited as the "Pennsylvania Scenic Rivers Act".

Section 2.

Declaration of Policy. - Many of the rivers of Pennsylvania, or sections thereof and related adjacent land areas, possess outstanding aesthetic and recreational values of present and potential benefit to the citizens of Pennsylvania. It shall be the policy of the Commonwealth to protect these values and to practice sound conservation policies and practices within this Scenic Rivers System. It is, therefore, essential that a Pennsylvania Scenic Rivers System be developed so that these purposes may be fulfilled. The General Assembly affirms that it must assure the people of this generation and their descendants the opportunity to refresh their spirits with the aesthetic and recreational qualities of unspoiled streams. To implement these policies it is the purpose of this Act to establish the Pennsylvania Scenic Rivers System by prescribing the procedures and criteria for protecting and administering the system and for adding new components to it from time to time.

Section 3.

Definitions. - As used in this Act:

1. "River means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes.
2. "Free-flowing" as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, riprapping, or other modification of the waterway except in segments classified as modified recreational rivers. The existence, however, of low dams, diversion works and other minor structures at the time any river is proposed for inclusion in the Pennsylvania Scenic Rivers System shall not automatically bar it's consideration for such inclusion; provided that this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the Pennsylvania Scenic Rivers System.

Section 4. Pennsylvania Scenic Rivers System

- a. The Pennsylvania Scenic Rivers System shall comprise rivers:
 1. That are recommended as wild, scenic, pastoral, recreational, or modified recreational rivers by the Department of Conservation and Natural Resources (formerly Department of Environmental Resources); and
 2. That are authorized for inclusion therein by law.
- b. A wild, scenic, pastoral, recreational, or modified recreational river area eligible for inclusion in the system is a free-flowing stream and the related adjacent land area possesses one or more of the values referred to in Section 2 of this Act. Every such river shall be classified, designated and administered as one of the following:
 1. Wild river areas - those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted.
 2. Scenic river areas - those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and undeveloped but accessible in places by roads
 3. Pastoral rivers - those rivers or sections of rivers which are free of impoundments excepting historic or restored mill dams. Diversions or withdrawals may exist to support agricultural activities such as agricultural ponds. The shorelines or watersheds may support a full range of farm or farm-related activities, so long as these activities do not conflict with the pastoral nature of the landscape.
 4. Recreational rivers - those rivers or sections of rivers that are readily accessible, that may have undergone some impoundment or shorelines and may have undergone some impoundment or diversion in the past.
 5. Modified recreational rivers - those rivers or sections of rivers in which the flow may be regulated by control devices located upstream. Low dams are permitted in the reach so long as they do not increase the river beyond bankfull width. These reaches are used for human activities which do not substantially interfere with public use of the streams or the enjoyment of their surroundings.

Section 5. Potential Designated Rivers as Components of the Pennsylvania Scenic Rivers System; Public Hearings.

- a. The Department of Conservation and Natural Resources shall study, conduct public hearings as provided in section 5(b) of this Act, and from time to time submit to the Governor and to the General Assembly proposals for the designation of rivers or sections of rivers as components of the Pennsylvania Scenic Rivers System, as set out in Section 4 of this Act. In addition to the public hearings provided for in subsection (b) the Department of Conservation and Natural Resources shall conduct prior to undertaking any study an informational public meeting in the county or counties where the study is to be made at which the Department of Conservation and Natural Resources shall announce the planned study, explain the techniques to be employed in such study and describe the scope of such study. Notice of the informational public meeting shall be given at least three weeks before in a newspaper of general circulation in the county, or in the case of land located in more than one county, in a newspaper of general circulation in

<http://www.dcnr.state.pa.us/brc/rivers/scenicrivers/act.aspx>

7/24/2010

each county. Notice shall also be given three weeks in advance by first class mail to each county, city, borough, incorporated town or township wherein is located land involved in the study. Each proposal shall specify the category of the proposed river segment and shall be accompanied by a detailed report on all the factors involved as well as a transcript of the public hearings conducted.

- b. Public hearing shall be held in the county where the land is situated, at which hearing the Department shall set forth the area to be designated and its proposed classification. If the land is located in more than one county such hearing shall be held in every county wherein the land is situated. Notice of the public hearing shall be given at least three weeks before in a newspaper of general circulation in the county, or in the case of land located in more than one county, in a newspaper of general circulation in each county. Notice shall also be given three weeks in advance by certified mail to those owners of the land involved, as shown on county tax assessment records.

Section 6.

Cooperation. - The head of any state department or agency which has administrative jurisdiction over any lands or interests in land within the authorized boundaries of any state-administered component of the Pennsylvania Scenic Rivers System shall cooperate with the Department of Environmental Resources so as to implement the policies and practices of this Act.

Section 7.

Acceptance of gifts. - The Department of Environmental Resources is authorized to accept donations of lands and interests in land, funds, and other property for use in connection with the administration of Pennsylvania

Section 8.

National Wild and Scenic Rivers Act. - The Secretary of Environmental Resources is directed to encourage and assist any federal studies for inclusion of Pennsylvania rivers in a national scenic rivers system. The Secretary may enter into written cooperative agreements for joint federal-state administration of a Pennsylvania component of the National Scenic Rivers System, provided such agreements for the administration of land and water uses are not less restrictive than those set forth in this Act.

Section 9.

Easements and Rights-of-Way. - The Department of Environmental Resources may grant easement and rights-of-way upon, over, under, across, or through any component of the Pennsylvania Scenic Rivers System in accordance with laws and regulations applicable to the Department. Provided, that any conditions precedent to granting such easements and rights-of-way shall be related to the policy and purposes of this Act.

Section 10.

Effective Date. - This Act shall take effect immediately.

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<http://www.dcnr.state.pa.us/brc/rivers/scenicrivers/act.aspx>

7/24/2010

STB Incoming Correspondence Record

Surface Transportation Board Incoming Correspondence Record

#EI-18244

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	08/04/2010
Name of Sender:	Freja C. Fuller	Date of Letter:	
Group:			

Submitter's Comments

Ms. Rutson,

I am writing in opposition of the proposed rail line reactivation. My family owns a recreational property along Gorton Road in Moshannon, Pennsylvania. Although we do not reside there, this is our home away from home, and we have come to love it with all of our hearts. It is not fair that this imposition has the ability to affect so many people, animals, and vegetation that also call this place home. We have invested money into this community, but most importantly the memories that we have here are worth more money than these corporate companies will ever earn. It is a disgrace that I should have to consider that the place where my child has learned so much about life, will be stripped of the dignity, and beauty it possesses. To think that the serenity of my wilderness be drawn out by industrial noise, and the mountain air be overwhelming with the stench of garbage is unbearable. I, along with many other residents of the communities to be affected, judge this proposal to be unjust and unfair. The environmental protection apparatus is broken, and in need of fixing. We, as a people are being managed, regulated and put at risk. Please, hear what the PEOPLE are saying. The SSRTA is a wonderful organization, we spend an enormous amount of time on this trail. It would be a disgrace if the historic Peale Tunnel would be destroyed all for the sake of the almighty dollar. This is a piece of history that should be protected, built in 1884 and 1 of only 4 tunnels in Centre County. Please help us protect and preserve the beautiful place I escape to. The people in these communities need to be heard.

Sincerely,

Freja C. Fuller

What is environmental justice? Environmental justice is defined as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including racial, ethnic, or socioeconomic groups should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies. Simply put, environmental justice means everyone (not just the people who can "vote with their feet" and move away from threats or individuals who can afford lawyers, experts, and lobbyists to fight on their behalf) is entitled to equal protection and equal enforcement of our environmental, health, housing, land use, transportation, energy, and civil rights laws and regulations.

STB Incoming Correspondence Record

Surface Transportation Board Incoming Correspondence Record

#EI-18245

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	08/04/2010
Name of Sender:	Payne Fuller	Date of Letter:	
Group:			

Submitter's Comments

Please read through the attachment. This is the outcry of the citizens of these communities. These are the reasons why we do not want this in our backyards. These companies have little regard for the hardworking, low income families that live in this rural area. It may not be much to all of them, but it is all they have. If you have never seen the beauty of this area, the bobcats, the deer and the bear in the serenity of their home, the forest, you wouldn't understand. How dare these big corporate companies come in to an area where there is protest, ruining lives, ruining history, ruining places for our native wildlife to eat, live and sleep just because they see dollar signs. Keep New York and New Jersey's trash where it belongs. This is environmental racism, dump trash on people that they think are "white trash", just because they do not have the money to keep them out. None of the executives or board members of any of these interested companies would want this in their backyards. Do on to others as you would have them do to you? Old saying, but it applies here in the purest form. We say NO to the reactivation of this rail line.

Image Attachment(s)

[community.comments.rllc.pdf](#)

[community.comments.rllc.pdf](#)
http://www.stb.dot.gov/Elcrl/correspondence.nsf/Public..._letNumber/4CD311984CAE384085257750685682?OpenDocument&6/2010%2010:08:27%20AM
[http://www.stb.dot.gov/...correspondence.nsf/PublicIncomingByDocketNumber/F1E2FA1DCEDCE8385257750685682?OpenDocument\[5/24/2011%2011:13:503%20AM\]](http://www.stb.dot.gov/...correspondence.nsf/PublicIncomingByDocketNumber/F1E2FA1DCEDCE8385257750685682?OpenDocument[5/24/2011%2011:13:503%20AM])

FI-16386

February 10, 2009

Public Comment for the

Surface Transportation Board's Section of Environmental Analysis

RE: Finance Docket No. 35116

The following comments are being provided

by

citizens living in the townships of Rush and Snow Shoe

in Centre County, PA

where RRLCC has proposed

numerous development ideas

and applied for quarry, landfill and gas well permits

and is now

requesting rail service from R.J. Corman Railroad Company

over abandoned rail line

and

current rail/trail

James J. Hunkeler

These comments are submitted in response to the draft Scope of Study presented at the scoping meeting held on February 10, 2009 at the Philipsburg/Osceola Area Senior High School. We appreciate the opportunity to be part of the NEPA process and to weigh in on what we hope will be a broadening of the scope of the EIS beyond what has been outlined in the draft scope presented. We look forward to the incorporation of our input as decisions are made by the SEA in the development of a final Scope of Study for the EIS.

Let us begin by stating that the proposed rail reactivation request is completely tied to the proposed RRLCC landfill, quarry and gas well drilling at the project site. So, we urge the SEA to treat all of the above as well as additional projects RRLCC is proposing as one complete project and cover all aspects in the scope of the EIS. Since the many proposed projects are undeniably linked and will create cumulative impacts, we believe treating each portion independently would circumvent the intent of the NEPA process and the EIS purpose.

Next we wish to express our concern that the scope of the EIS can not be adequately determined without the origin of the garbage for the proposed RRLCC landfill being identified. If the garbage is primarily coming from New York and New Jersey, then that creates the need to evaluate alternatives in that direction. If the garbage is primarily coming from Michigan and Ohio, then there is a need to evaluate alternatives in that direction. If the garbage is coming from Canada, then obviously, there is a need to evaluate alternatives that would better serve that point of origin.

Currently, Pennsylvania's garbage is already committed to existing landfills and the local garbage from Centre and Clearfield counties is already under contract to go to other landfills for quite some time. This makes it appear that the proposed project is not intended to serve any local solid waste disposal need and as local citizens, we don't feel inclined to have our area sacrificed to house solid waste from multiple states.

Now we will proceed to address our concerns according to the categories established in the draft scope of the upcoming EIS:

Last, but not least, we are concerned about the threat of forest fires as a result of the proposed garbage trains traversing rail lines in rural, forested areas where responding to such a fire would take an inordinate amount of time and the loss would be devastating. Sparks between wheel and rail are a natural occurrence which could easily cause brush fires during dry spells.

1. Transportation and Safety

One of the primary safety concerns is the proximity of structures to the rail bed. Some sections of the current rail bed are very close to residential homes and businesses. This proximity creates a huge potential for property damage and/or personal injury or even death with occurrence of a train mishap. Imagine the results of a derailment or spill next to or onto someone's home or business establishment. Since many of the homes are served by private wells, garbage leachate from a spill would pose a threat to the safety of their drinking water as well.

Let us not forget that these train cars will be loaded with garbage that is unsanitary, unsightly and unpleasant to smell. Living as close to the tracks as many people do along the proposed rail corridor will be undesirable to say the least. A buyout of these homes and businesses is in order since these properties will be uninhabitable due to noxious odors, vermin, litter and leaked garbage effluent from the train cars. The scope of the EIS should definitely include this aspect for all of the homes and businesses within a certain distance of the tracks.

In addition, we would encourage putting a safety buffer in place to minimize impacts during potential derailments or other rail mishaps. The North-Central woods have experienced several environmentally damaging derailments over the last several years, most notably a Norfolk Southern train derailment resulting in a discharge of lye into an Exceptional Value stream in Sinnemahoning. This derailment and discharge caused a massive fish kill and was severely detrimental to a highly desirable fishing and wildlife area. The area in question has many similarities. Precautions and potentially re-routing the rail bed may be in order for public safety.

Road Crossings pose another challenge to travelers on twisting local roads where line-of-sight and proper signaling will be critical. The rural collector roads are typically rated 45-55 mph along this proposed rail course. Also critical will be insuring a low roughness index so drivers can maintain speed without losing control of their vehicles over new rail crossings. Since deaths are not uncommon at rural road crossings, we urge the SEA to take this into serious consideration as the EIS scope and analysis is finalized.

A second concern related to road crossings is created by the time required for a fully loaded 55-car, two engine train (2,870 foot minimum) on an uphill grade to actually cross the road. This could take 5 minutes or longer at crossings on rural collectors where alternative routes are not available. Crossings could cause an unacceptable delay for emergency services vehicles since it already takes at least 30 minutes or more to reach most hospitals in our region.

Thirdly, federal requirements mandate that the trains must sound their horns at crossings and this will detract from the aesthetics of rural life and depress property values within varying distances of each crossing depending on topography.

2. Land Use

The site for the proposed RRLC landfill, quarry, gas well drilling and "industrial park" is not currently served by public water, public sewer, electricity or a navigable public road. Approximately fifty to sixty years ago this land was deep-mined and roughly thirty to forty years ago, this land was surface mined. A re-growth succession to mature forest now covers the site and meshes well with surrounding forested lands.

Land use in the area has been for outdoor recreation including hunting, fishing, four-wheeling, snowmobiling, hiking, biking, and wildlife-related recreation. The unique location and land use has led to the area being designated as the gateway to the Pennsylvania Wilds.

Development in the area has revolved around serving outdoor recreation enthusiasts by creating multiple subdivisions for seasonal homes and camps with preservation of hundreds of acres of wooded land adjoining these subdivisions. The preserved land serves property owners for hunting and other outdoor uses and also serves as wildlife habitat. In all, the immediate area includes over 100 seasonal properties and campsites, some of which are actually located on the subject property. The clash of industrial use and the long established recreational land use in this area is very clearly evident. Reactivation of the rail road would have a negative impact on this successful recreational development and use.

The long-established land use patterns should be respected and complimented rather than disturbed and destroyed for a short term gain of one developer at a long term cost to every citizen and visitor in the area. Snowshoe Township has zoned the area forest open space and this is also the current land use within Rush Township and has been for decades. There simply are not enough mitigative measures possible to minimize the negative impact of plopping a landfill/industrial project in the middle of recreational forest. There surely are more suitable sites for such a use, preferably closer to the garbage origin.

The Centre County Planning Office and Centre County Commissioners have determined and upheld that the proposed landfill/industrial park/I-80 interchange is inconsistent with land use and transportation planning. They continue to uphold this ruling. The Centre County Planning Office states that "the proposed use appears to be inconsistent with several elements of the County Comprehensive Plan and that the proposal also includes the reactivation of a rail line that would cut off an existing rail/trail project designed to provide connectivity to this region for outdoor enthusiasts". Since the sole purpose of activating the railroad would be to serve the landfill and associated uses, by extension, the reactivation of the railroad would also be inconsistent with the County Comprehensive Plan.

3. Energy Resources

An analysis of the use of energy resources can not be adequately conducted unless the applicant identifies where the garbage is coming from that will be using the proposed rail line. If the garbage is coming mostly from New York and New Jersey, as has been stated by RRLC on several occasions, then one would think that loading it on train cars and transporting it across more than one state to a final destination would not be a good use of energy resources. One would think that transporting garbage from New York and New Jersey to a location closer to those states or located within those state boundaries would be a much better use of energy resources. And one would hope that the scope of the ES would include an evaluation of other sites closer to the garbage origin location. I question how such a long garbage train ride can provide the best alternative, especially with respect to use of energy resources.

If we quit looking at the ridiculously wasteful consumption of energy to transport garbage such a distance and look myopically at the use of energy resources per the proposed local rail line reactivation, the picture is still one of energy resource waste. Because of gradient, for trains to arrive at the proposed landfill site when coming from New York or New Jersey or other points East of the site, they must pass the site and do a 54 mile excess loop into the Borough of Clearfield and then back toward the site, ultimately over 10.8 miles of currently abandoned rail line between Wallacetown and Winburne, in Clearfield County, and then 9.3 miles of what is currently rail/trail in Centre County. So, for each garbage train round trip, the train would be traversing at least 108 extra miles in order to get to and from the proposed site.

Looking at another aspect of energy resource consumption, I am curious to know what the garbage trains will be back-hauling? Surely, the concept of going back empty to re-load with more garbage is not energy efficient but yet I don't know of a commodity that could be loaded in a filthy garbage train car and back-hauled to New York and New Jersey for consumption.

4. Air Quality

Diesel engines, whether truck or train, emit increased diesel exhaust when under load, accelerating, decelerating and while idling, which will be the case in this confined corridor of travel. Recent studies have documented that particulate matter is a major contributor to lung cancer, increased asthma attacks, and other respiratory problems.

Diesel engines produce twice the NO_x (contributing to ozone smog) and three times the fine particle soot (inhalable) when compared to passenger cars. Add this to the VOCs produced by a landfill, and the combination is a recipe to increase the ground level ozone readings in Centre County and surrounding areas. This could be particularly detrimental in the downwind valleys due to the natural inversions.

Centre County is a non-attainment/maintenance area for air quality (i.e., ground level ozone) and the increase in truck and rail traffic both during construction and, if approved, during landfill operation will further cause reductions to the air quality.

As a result, perhaps the scope of the EIS should be expanded to consider alternative sites where air quality is not already an issue and where natural inversions are less prevalent.

5. Noise / Odor / Dust / Vectors / Litter / Leachate

As stated previously, portions of the current rail bed are very close to residential homes and businesses. The noise of railroad construction and daily use will be too close to existing structures and homes. In addition to noise, there will also be excessive vibrations from the passing trains, which could cause structural damage. On top of that, the excessive number of railroad crossings would cause even more noise in rural residential areas with approaching train warning signals.

Noise from the proposed landfill and associated industries will travel to nearby residential areas. These areas are currently quiet and free of noisy businesses and industries. Such industrial noise will also ruin the wilderness and recreational experience for those who visit the area.

Odor needs added to the scope of the EIS since the proposed rail expansion is primarily for the hauling of garbage. Following a tractor-trailer with a covered load on a highway is horrible and one immediately shuts any auto windows and turns off any outside air intake in an effort to lessen the very objectionable smell. A train passing through a community and along your property doesn't provide any avenue for avoiding the stench. You can't pass it, you can't shut off the outside air intake, you are stuck with breathing in the vile odor which will both linger and travel.

Between the noise and odor issues, the quality of life anywhere near the proposed rail route and project area will be deplorable. Surely the scope of the EIS should include any and all available avenues for mitigating not only the noise from garbage trains and landfill operation but also the odors from both.

What about dust and vectors? Please expand the scope of the EIS to cover both of these noxious aspects that are a health hazard of the proposed project and rail transport of garbage. And don't forget to address the garbage leachate that will leak out of the train cars all along the route and the litter that will fly off of the garbage train cars all along the route.

A big part of the rail reactivation to serve the proposed landfill will be the garbage transfer facility that will be required in order to unload full garbage train cars and reload garbage onto equipment to route the garbage to the face of the landfill. In our opinion, the transfer area poses one of the most problematic portions of the project and one of the most challenging for control of all of the above factors – noise, odor, dust, vectors, litter and leachate. Surely the scope of the EIS will need to include this troublesome aspect of the rail activation for landfill facility.

6. Biological Resources

Biological and Natural Resources have been a key feature of this rural region for well over a century. Whether consumptive (timbering, hunting) or nonconsumptive (wildlife watching, hiking) the biological diversity and maturity of this region is a draw to visitors who frequent our local small business establishments. Loss of wildlife diversity, plant diversity, stream quality, and other aesthetics of this wild area will ripple throughout the local economy, and could drive many independent small businesses and contractors who cater to visitors and seasonal property owners out of business.

No dollar amount can be reasonably placed of the value of a mature, contiguous, interior forest for (a) its rare presence on the east of the Mississippi, (b) its carbon sequestering value (even more vital when one considers global warming), and (c) its value to wildlife that depends on it for foraging, breeding, and habitat. Bird species of global concern migrate to this area for breeding purposes. Loss of contiguous forest will open these species up to predation, and noise will affect mating habits and reproduction rates.

Forest fragmentation and increased edge habitat (which will be caused by the landfill itself) are known harms to interior forest species, specifically but not limited to forest interior, neo-tropical migratory bird populations. The increase in edge habitat and reduced forest block size will enhance access for common nest predators and habitat generalists such as crows, grackles, blue jays, house sparrows, raccoons, striped skunks, and opossums, which prey upon the eggs and young of forest interior breeding birds. They will displace the more diverse assemblage of habitat species that currently exist in the larger forest tracts. This parcel also borders two Important Bird Areas (IBA) noted for avian species of concern and vital interior forest breeding habitat, and a State Forest and State Park to the South. The proposed landfill and wetland mitigation alternatives will impact this rare, and quickly disappearing, habitat. If a land type and quality could be rated as endangered, this is it – contiguous ridgetop forest in the eastern United States!

7. Water Resources

This EIS analysis is much too narrow in scope. The water resource section put forth in the draft scope focuses only on surface water resources rather than including both surface water and ground water resources and threats posed to both by the proposed project. The impact on the sub-surface-groundwater resources needs to be included. Surface and ground waters on hill land – mountain terrains are highly interdependent and interactive, transferring from one to the other often in mass and over short time periods. This has major source area, flow rate, water yield and water quality implications.

The proposed EIS scope seems to look at the potential impact of rail line construction and operation with an operational focus on the train only, excluding the train hauled contents. The train-hauled contents will be primarily municipal wastes, but also could include corn, soybeans, and liquids produced by biofuel manufacturers in the industrial park (one of the many proposals for the site yet to be pursued seriously by the developer). These liquids include ethanol, bio-diesel fuel, other chemicals and biologic slurry (stillier's grain). This rail line follows water courses (critical runoff and discharge zones) and ridge tops and sides (critical recharge zones for groundwater and springs). The risks of spills and their impact need to be assessed in these contexts. Mitigative measures need to be evaluated in terms of this system and many will be inadequate in crucial areas, therefore requiring a much heavier emphasis on prevention instead. Topography will make spill cleanup nearly impossible in some areas.

8. Socioeconomics

Until the applicant identifies the point of origin for the garbage that will be transported over hundreds of miles of rail before arriving at what is the proposed/non-permitted landfill destination, one can not correctly speak to the overall socioeconomic impact of the trek of the garbage trains.

And until the applicant and/or RRLC identify the full scope of the RRLC project at the rail destination, one would have a difficult time attempting to assess the socioeconomic impacts. Numerous agencies have requested a full project definition from RRLC and I do not believe any of these requests have been satisfactorily answered yet.

Are you to be evaluating the socioeconomic impacts of reactivating rail line to serve just a landfill, a quarry, a gas well drilling and possible brine processing facility, an energy and industrial park or what?

Once the point of origin of the garbage is identified so that the rail path of the garbage trains can be examined, dealing with the socioeconomic impact of garbage transport over hundreds of miles of rail line through cities, boroughs, and small communities will be a daunting task.

A look at the existing socioeconomic conditions of populations impacted by the reactivation of rail line from Wallacetown to Garton reveals that these populations have taken it on the chin decade after decade. This area is in the bituminous coal fields of Pennsylvania where most people have struggled to make ends meet generation after generation. They have lived through booms and busts in timber and coal and have been left with mine-scarred land and acid mine drainage polluted streams and water supplies.

Unemployment rates are consistently high and often in the double-digits. As one resident says, "We're always in a recession so what difference does it make if the rest of the country is in one or not?"

Many workers have been displaced from decent paying jobs running heavy equipment for mining companies to support staff for Penn State University. Despite the massive difference between running a drill rig and scooping out scalloped potatoes onto a cafeteria tray for a PSU student, this is the exact job description difference that hundreds of people in this area have endured in order to get out of the unemployment line.

Despite this work ethic, the population base is mostly poor. So poor that some of them are willing to take any job whether it is toxic over the long term or not. As a result, the two industries that are targeted most for this area are prisons and landfills. However, a look at a currently operating landfill located a county away shows that not that many jobs are created by such an operation...perhaps 15.

Despite the inflated job claims made by RRLC in the suspended landfill permit application on file with D.E.P., the reality is that currently operating landfills throughout

the commonwealth are not huge job creators. When you couple this with the toxicity of the jobs created, one has to wonder if this is a consideration covered under socioeconomic impacts? Are the costs of severe long-term health problems and resulting medical bills a part of this analysis?

One severe socioeconomic impact will be on property values all along the rail corridor. Many of the dwellings in this rail corridor were originally "company housing" and built by either mining companies or brick refractory companies anywhere from 60 to 100 years ago. Since these companies were frugal in their approach to employee housing, these homes are modest and on small lots, many of which adjoin the rail right-of-way.

Because of these factors, these homes are already worth well below the average sale price of housing throughout other areas of both Centre and Clearfield counties. When you start running reeking, rattling garbage trains by them a few times daily, not many people will want to live in any of these homes. Consequently, the foreclosure rate in this corridor will go up and it is already higher than average. I really feel a developer buyout of every home along this rail corridor should be part of the scope of the EIS since the proposed project and garbage train traffic will so adversely impact these homes as to make them totally valueless. Owners should be bought out and afforded an opportunity to relocate at the developer's expense.

All in all, the population in this rail corridor has been dumped on repeatedly, usually by the same parties that employed them. The area will probably never recover from the billions of gallons of acid mine drainage from past deep mining and then from more recent surface mining. Now the proposed project threatens to ultimately dump even worse pollution into the surface and ground waters of this area. If this type of project is allowed to go forward, at some point, there will be no road out of the long term socioeconomic devastation that will be the ultimate result of the proposed activity.

One stellar example of how to improve the area's economy while maintaining and improving the environment was put in place over ten years ago by a local citizen who had the savvy and smarts to develop hundreds of forested acres into recreational parcels so that people from everywhere could share in the love of nature cherished by the locals. The decision to subdivide large parcels of wooded ground into affordable 5-10 acre plots and market them to outdoor enthusiasts has been wildly successful and truly beneficial to the local townships, Centre County, and the Commonwealth. We urge you to expand the scope of the EIS to evaluate the curtailment and loss of this type of development.

9. Recreation

The Moshannon Creek falls within one-mile of the proposed project site. Recreational use of the Moshannon Creek is recognized on PennDOT maps as a water trail (PennDOT Geographical Information, n.d.). The boat put-ins along the Moshannon Creek are inventoried by the Pennsylvania Fish and Boat Commission, and over one thousand canoeists and kayakers float and boat on the "RedMo" annually. It is host to the 42-year tradition known as the RedMo Down River Race which attracts people from all over the United States and beyond. A section of the proposed rail reactivation route is upstream from where the race starts.

One of the most attractive features of floating/boating on the RedMo is the remoteness and wildness of the creek. Subjecting this section of the RedMo to the sight, sounds, and odors of a nearby landfill and supporting rail service will seriously detract from its most attractive feature – undeveloped wildness.

There are seven leased hunting camps located on the property, many of which have been established for over 20 years – some are former mining homes from the early 1900s. Adjacent lands are commonly used for hunting, fishing and other outdoor recreation. The potential loss of these cabins and degraded hunting grounds and wildlife habitat is a harm that deserves consideration.

The Allegheny Front Trail, located less than one mile from the proposed RRLF site, in the Black Moshannon State Forest, is a popular hiking trail area that will suffer aesthetic impacts to its 1-80 vista and other northern segments of the trail.

Odor, dust, 24/7 industrial noise, and fly-off litter from garbage train cars will detract from the quality of these public recreation attractions.

Plugging a landfill in the middle of prime recreational wildlands and reactivating rail service to serve it is not a prudent use of our environmental resources. These two land uses are diametrically opposed. "Isolated" may have been considered an advantage in siting this landfill but it is also a highly valued and sought after outdoor recreation asset. It allows individuals to find opportunities for solitude, challenge/self-reliance, risk-taking, testing outdoor skills, experiencing/observing undisturbed nature, self-direction, and distances to overcome. Isolated, but conveniently located to small rural communities that can provide goods and services are what attract visitors to this area.

Word-of-mouth has been the primary form of attracting visitors to this region. The "power of ten" rule in marketing observes that people who have an unsatisfactory experience are more likely to share it than a person who has an expected or an exceptional experience. In essence, if you change the dynamics of the region by industrializing a well-used popular wilderness area, the outdoor recreation economy of this area will be negatively impacted and that needs to be included in the scope of the EIS.

Recreational opportunities and experiences are very personal—if the needs of the visitor and the benefits they seek are not met, this visitor will not return. It all boils down to the experience the visitor seeks and the quality of that experience. The entire tourism industry is based on experiences—those offered by an area, site or business; and those sought by visitors/customers.

The area surrounding the proposed landfill is a popular destination for Primitive to Semi-Primitive outdoor recreation activities.

Areas classified as Semi-Primitive Non-Motorized must be within one half-mile of lightly used primitive roads (e.g., may be accessible by ATVs) but not closer than one-half mile from roads heavily used by all types of motor vehicles. The Snow Shoe Rail-Trail and Peale Road in Rush Township are prime examples of the Semi-Primitive Nonmotorized classification. Gorton Road would be Semi-Primitive Motorized due to the condition of the road itself (unpaved, passable by car, ATVs permitted).

One can easily determine that operation noise, traffic, odors, dust, litter from the landfill and its vehicles, and increased large truck and rail traffic would be unacceptable for those who seek the peace and serenity of remoteness, birdsong, the rustling of wind through the leaves, and the naturalness of the existing experience. This proposed project poses an unmitigable impact on the Primitive and Semi-Primitive outdoor recreation and tourism experience for which this area is recognized.

The removal of hundreds of acres of forest; destruction of wetlands; industrialization of the Moshannon Creek and natural wildlife corridors; the advent of air, water, noise, sight and light pollution; increased truck and rail traffic and everything else that comes with this proposed landfill will irreparably decrease the attractiveness of, and appreciation for, what is now one of the best recreational assets of Central Pennsylvania.

10. Environmental Justice

The EPA website defines Environmental Justice as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. EPA has this goal for all communities and persons across this Nation. It will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.

We feel the area is being targeted for the proposed landfill development because it is a rural, lower income area with many older homes. We are not willing and shouldn't have to bear the brunt of other people's garbage being hauled in by rail and dumped in our wooded areas. There are many other landfills with available space closer to where the garbage is likely to be hauled from and located in more suitable space for industrial development.

11. Geology and Soils

The scope here should also include fragile soils, borrow/fill areas used and construction and fracture trace linkages. The most fragile soils in terms of stability and productivity are those on high, unstable slopes and those, whether naturally or due to previous construction activities are exceptionally drought prone or infertile. These areas, subject to any construction activity, need to be identified for special reclamation or avoided. Slope stabilization and re-vegetation (including fertilization, addition of water holding capacity) will likely be required. Borrow/fill areas need to be reclaimed. Fracture traces are typically fractured rock lineaments that underlay draws, swales, gullies and streams. They are typically characterized by high water transmissivities and very low adsorptivities. Where these connect critical recharge areas to streams, wet lands, ponds, lakes or wells, spills on these critical recharge areas can move very rapidly with little dilution, dispersion and adsorption, so that the spill may arrive at the well or other water source at unacceptably high concentrations. Fracture trace maps need to be developed, analyzed in terms of the connectivity between source and well etc. These critical source areas in the rail line spill zone need to be specifically protected or avoided.

12. Cultural/Historic Resources

There are popular, historical structures on site that will be impacted and altered if the landfill and rail reactivation are approved including the Viaduct Bridge and the Peale Tunnel. The Peale Tunnel dates back to 1883 and the Viaduct Bridge to 1884. In 1915, the Viaduct Bridge was rebuilt as a steel structure, replacing the original iron. This was done at the time most PA bridges were changed in order to handle heavier trains.

"Camp 307" at Gorton and Peale is also historically important since it served as the mine Superintendent's home in the early nineteen hundreds.

It is my understanding that most of the structures on the CLOG parcel used as camps today were built by Clearfield Bituminous Coal Co. et al.

In addition, industrial archeological sites exist along the lines (Peale #1 -- Clay Mine; Pump Station; tipple; coke ovens).

An alternative that perhaps the ES scope should explore would be comparing the tourism draw from an historic site here in the bituminous coal fields which would showcase these in a similar way that is done at Eckley Village in the anthracite coal fields of Pennsylvania.

13. Cumulative and Indirect Impacts

The proposed landfill, interchange, industrial park, quarry, and railroad reactivation should be reviewed as one single and complete project. The cumulative impacts of all of the pieces of the pie are enormous. Indirect impacts on a large surrounding area such as noise, safety, and lack of emergency services are also serious and need to be considered.

This area also lacks the necessary infrastructure to support such a large industrial proposal.

Since the need for the reactivation of this rail line is primarily for the proposed activities of Resource Recovery, the past history of failures of RRLC to obtain the necessary permit approvals for the landfill or interchange must be considered. Their attempts to circumvent their failures have resulted in numerous changes to the scope of this project over the past 4 1/2 years (2,300 acres of landfill footprint to 750 acres to 272 acres, industrial park, bio-diesel plant, wastewater treatment plant, gas well exploration/development, stone quarry, local road access through Snow Shoe Township, local road access through the Mashannon State Forest) until it has become almost impossible to determine just exactly what they intend to do with this parcel. Their scope changes depending on the agency they are seeking approval from. If they need to tone down the environmental impacts, they restrict the scope to the proposed landfill. If they need to sing the economic promises of their project, they bring in the industrial park and the bio-diesel plant.

In the past, when RRLC failed to get cooperation from the necessary entities, such as Snow Shoe Township and Centre County, they either threatened a lawsuit or coerced the entity into entering into an agreement. RRLC currently has a law suit pending against Centre County for an ordinance that holds their project proposals to standards that cannot be met. In the case of Snow Shoe Township, RRLC coerced the Township into entering into a Cooperation Agreement to protect their local roads from the threat of trash trucks. RRLC has since cancelled this agreement since it did not have the results they had hoped for (the I-80 interchange) and are now attempting to provide access to the proposed landfill site through Snow Shoe Township. RRLC has a proven track record of "doing whatever it takes" to move their proposed landfill project forward and we are concerned that this rail reactivation request may be their latest attempt in getting past the access hurdle they continue to encounter.

Since the industrial park is dependent upon the landfill and most likely for at least the first 10 years the landfill would supply the most need for transportation, if the RRLC landfill permit application is denied, would there still be enough need to reactivate a rail line to this remote area?

In addition, the viability of the proposed project should be closely examined in light of a local trucking company that hauls trash recently laying off about 40 percent of its work force. It's also important to note that this trucking company hauls trash from New

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York and New Jersey to Pennsylvania. I would think a large lay off like this indicates there has been a shift in the amount of trash New York and New Jersey is sending to be disposed of in Pennsylvania and this directly impacts the viability of the proposed project and the viability of reactivating rail service to support it.

The route of the garbage trains into communities over forty miles beyond the proposed landfill site elevates the impact from local to regional and threatens to degrade a large part of the Moshannon Valley and a portion of the North Central regional development areas. The cumulative impacts on such a large geographical area should be addressed by the scope of the EIS.

Correspondence Information	
Docket #:	FD 35116 0
Name of Sender:	Robert Klinger
Group:	
Date Received:	08/06/2010
Date of Letter:	
Submitter's Comments	
My family and I are members of the ATV club Snow Shoe Rails to trails. We love riding the trail and hope it can stay intact. It is good family fun and we have a membership of 3000. Thankyou for your help Bob	

[http://www.stb.dot.gov/...correspondence.nsf/PublicIncomingByDocketNumber?CF62A459D60C2852577600CA74B70penDocument\[5/24/2011 11:52:34 AM\]](http://www.stb.dot.gov/...correspondence.nsf/PublicIncomingByDocketNumber?CF62A459D60C2852577600CA74B70penDocument[5/24/2011 11:52:34 AM])



BUREAU OF FORESTRY

August 18, 2010

PNDI Number: 20406, 19648, 20163

Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Attn: Danielle Gosselin
Section of Environmental Analysis
Environmental Filing FD 35116

Re: Draft Environmental Impact Statement
R.J. Corman Railroad Company Construction and Operation Exemption
Clearfield and Centre Counties

Dear Ms. Gosselin,

Thank you for the opportunity to comment on the R.J. Corman Railroad Company project in Centre and Clearfield Counties. Attached is the most recent communication our office has had with the consultants, Skelly & Loy. It was determined that the local road upgrade alternative would require presence/absence surveys, as habitat assessments identified suitable habitat for six species of concern. It was also determined that, for the new railroad alternative, there would need to be a follow-up survey for *Sparganium angustifolium*; all other potential impacts were cleared with this alternative.

Our office would like to point out the fact that we have requested surveys for the local road upgrade and have not yet received survey reports, nor have we cleared this alternative. If this alternative is to be pursued, we would like to see surveys completed. Similarly, DCNR has not fully cleared the new railroad alternative as the survey for *Sparganium angustifolium* is still pending.

Sincerely,

Rebecca H. Bowen, Environmental Review Manager FOR Chris Firestone, Wild Plant Program Mgr.
Ph: 717-772-0258 - c.bowen@state.pa.us

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BUREAU OF FORESTRY

February 4, 2010

PNDI Numbers: 20406, 19648, and 20163

Kevin Starnier
Skelly and Loy, Inc.
Fax: 717-232-1799

Re: R.J. Corman Railroad Co., Proposed Beech Creek Branch Line Construction and Operation between Wallacetown and Gordon, PA
Various Townships, Clearfield and Centre Counties.

Dear Mr. Starnier,

Thank you for submission of the Pennsylvania Natural Diversity Inventory (PNDI) Environmental Review Receipt Numbers 20406, 19648, and 20163 for review. PA Department of Conservation and Natural Resources screened this project for potential impacts to species and resources of concern under DCNR's responsibility, which includes plants, terrestrial invertebrates, natural communities, and geologic features only.

Our office received the original railroad alternative of this project in April of 2008 and responded in June providing information on species known to be found in the vicinity including *Sparganium angustifolium*, *Prunus alleghaniensis*, *Polygonum carex*, *Stellaria borealis*, *Gaultheria hispida* and *Lonicera villosa*. A survey was performed by Skelly & Loy for the species listed above on July 16 and September 24, 2008. The results of this survey were received in our office November 12, 2008. Our response to the survey findings was sent on December 2, 2008.

Our office received the new railroad alternative of this project in May of 2009 and responded in June requesting a survey for *Sparganium angustifolium*, *Prunus alleghaniensis*, *Polygonum carex*, *Stellaria borealis*, *Gaultheria hispida* and *Lonicera villosa*. A survey was performed by Skelly & Loy for the species listed above between June and September 2009. The results of the survey were received in our office December 7, 2009. The survey for the railroad alternative did not find any individuals of *Prunus alleghaniensis*, *Polygonum carex*, *Stellaria borealis*, *Gaultheria hispida*, or *Lonicera villosa* within the area that will be disturbed. The survey found one location of a *Sparganium* species that could not be identified. Thus another field visit in 2010 is required for species identification.

Our office received the local road upgrade alternative in October of 2009 and responded in October providing information on species known to be found in the vicinity of the project including *Prunus alleghaniensis* and *Polygonum carex*. A habitat assessment was performed in September 2009 by Skelly and Loy for the six species originally identified in the vicinity of this project. The habitat assessment found habitat that would likely support populations of *Sparganium angustifolium*, *Polygonum carex*, *Stellaria borealis*, *Gaultheria hispida* or *Lonicera villosa*. The assessment also found one area within the road alternative that had a species that could potentially be *Prunus alleghaniensis*.

As per Kevin Starnier's request during our phone conversation on 1-26-2010, the following summarizes DCNR's understanding of the outcome of the investigations, as well as our concerns. This information is to be used for the draft EIS. Further surveys will be performed prior to any permit applications to confirm the identity of the *Sparganium* and *Prunus* species found during the field surveys.

- For the local road upgrade alternative - The habitat assessment determined that there was suitable habitat in the vicinity of the project for all six species. Additional surveys are requested if this alternative is pursued. Specifically individuals in the *Prunus* genus will be revisited in 2010 to confirm their identity to species level.
- For the new railroad alternative - Field surveys performed in 2008 and 2009 helped determine the following:

Sparganium angustifolium (Branching Bur-reed)

Potential habitat was surveyed, including wetlands, swales and streams. *Sparganium* species were found in several of the wetlands. In the survey report, Skelly & Loy recommend that this wetland be revisited next field season to

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PNDI Number: 20406, 19648, and 20163

confirm the identity of the species. Some disturbance is planned to this species' habitat. Please verify the identity of this *Sparganium* specimen to the species level. Please include botanical field survey forms, maps showing areas surveyed for this species and photos of diagnostic characteristics.

***Prunus alleghaniensis* (Allegheny Plum)**

Potential habitat was identified in the project right of way, however no individuals of *Prunus alleghaniensis* were found in the railroad alternatives. No impact anticipated to *Prunus alleghaniensis*, for the new railroad alternative.

***Polygonum Carey* (Pinkweed)**

A few *Polygonum* species were found associated with wetlands and stream edges, but were not identified as *P. Carey*. In the survey report, Stelly & Loy determined that the *Polygonum* species were not species of special concern. No impact anticipated to *Polygonum Carey*, for the new railroad alternative.

***Stellaria borealis* (Mountain Starwort)**

A few areas of potential habitat were found in project area, however, no Mountain starwort plants were found in any of those areas. No impact anticipated to *Stellaria borealis*, for the new railroad alternative.

***Gaultheria hispida* (Creeping Snowberry)**

A few areas of potential habitat were found in project area, however, no Creeping Snowberry plants were found in any of those areas. No impact anticipated to *Gaultheria hispida*, for the new railroad alternative.

***Lonicera villosa* (Mountain Fly Honey-suckle)**

A few areas of marginal habitat were found in project area, however, no Mountain fly honey-suckle plants were found in any of those areas. No impact anticipated to *Lonicera villosa*, for the new railroad alternative.

This response represents the most up-to-date summary of the PNDI data files and is valid for one (1) year from the date of this letter. An absence of recorded information does not necessarily imply actual conditions on-site. Should project plans change or additional information on listed or proposed species become available, this determination may be reconsidered.

Should the proposed work continue beyond the period covered by this letter, please resubmit the project to this agency as an "Update" (including an updated PNDI receipt, project narrative and accurate map). If the proposed work has not changed and no additional information concerning listed species is found, the project will be cleared for PNDI requirements under this agency for an additional year.

This finding applies to impacts to DCNR only. To complete your review of state and federally-listed threatened and endangered species and species of special concern, please be sure the U.S. Fish and Wildlife Service, PA Game Commission, and the Pennsylvania Fish and Boat Commission have been contacted regarding this project as directed by the online PNDI ER Tool found at www.naturalheritage.state.pa.us.

Sincerely,



Joy VanDervort-Sneed, Environmental Review Manager FOR Chris Firestone, Wild Plant Program Mgr.
Ph: 717-705-2822 - F: 717-772-0271 - c.vandervort@state.pa.us

conserve sustain enjoy

P.O. Box 8552, Harrisburg, PA 17015-8552 717-787-3444 (fax) 717-772-0271
dcnr.state.pa.us

Printed on Recycled Paper

EI-18280

Other Submissions

In order to process your filing, please fill out the following information. If you do not know the docket number, please leave it blank and we will fill it out for you.

Please fill out the following information to help us complete your filing:

Docket #: FD -35116
Subject: * ANALYSIS ENVIRONMENTAL FILING FD 35116
First Name: * LINDA
Middle Name: * M.
Last Name: * PADISAK
Address: * 618 E. SYCAMORE RD.
City: * SNOW SHOE
State: * PA
Zip Code: * 16874-
Email Address: * LPADISAK@GMAIL.COM
Group/Affiliation: * RESIDENT OF SNOW SHOE AREA
Message: * Please do not permit the 20-mile railroad track to be reinstated for Resource Recovery and Clearfield. This beautiful mountain recreation land should not be destroyed for something that is not needed or wanted. Residents and visitors are already using this land to go fishing, hunting, camping, 4-wheel riding, horseback riding, etc. Also, the Peale Tunnel and Viaduct Bridge are historic sites and thousands of people visit them each year. The local economy will suffer immeasurably if we lose these visitors to our area. Resource Recovery only "wants to get their foot in the door" to build "the biggest landfill East of the Mississippi". This land is not a "brown field" as they have stated. They want a railroad to bring trash into our State...not people. They wanted this land because it is "right off I-80...the Gateway to Garbage for New Jersey and New York. We need to protect our land from this devastation. Also, the proposed railroad track they want to use goes through many small towns. That is a major safety issue and the proposed noise caused by train traffic will be mentioned at the Sept. 14th meeting. Rt. 53 and Ninth Street roads were just reconstructed to handle the traffic in Philipsburg...what a waste of money that would be to change it again for this unnecessary rail transportation. Thank you for accepting my comments about this project. Linda Padisak



Tussey Mt. Outfitters

308 West Linn St. Bellefonte, PA. 16823

814.355.5690

CANOES-KAYAKS-SALES-RENTALS-INSTRUCTION

www.tusseymountainoutfitters.com

August 30, 2010

Attention: Danielle Gosselin
Section of Environmental Analysis
Environmental Filing FD 35116

Thanks for taking the time to review my comments.

I believe that if this rail line is rebuilt it will reopen the door for the Resource Recovery LLC to try and justify building the large landfill that company has been trying to get permits for. That landfill would be a potential environmental disaster.

That rainfall would be a potential environmental disaster.

The parcel of land that Resource Recovery LLC would develop for the rail line and the other proposed uses would be better served environmentally by leaving the land as forest with little or no development.

The Snow Shoe Rails to Trails organization has spent many years and much money to keep up the trail system. This trail would be eliminated if the rail line is rebuilt. Many folks come to enjoy the undeveloped forest by hiking, biking, and riding this trail.

There has been an ongoing effort to restore the land around and next to this parcel of land. Local streams that were and are still impaired with run off from strip mining have been and are being restored to their natural state. Large tracts of land are being restored from the damages of mining and abusive development. The forest is making a come back from our bad past development decisions, let's not do that again with this rail line.

Please k
Thanks

Edward Bowman

FI-18288

STB
TO: Danielle Gossett, Section of Environmental Analysis
ATTN: Environment Filing No. FD 35116
DATE: August 31, 2001
FROM: Walter D. Charnick, Resident of Snow Shoe, PA

Dear Ms. Gosselin,

I'm writing to state that I as a lifelong citizen of this region, I protest the activation of the rail line proposed by RRLLC. This entire region is a bountiful recreational wilderness area used by thousands of visitors every year. We ride 4-wheelers, bike, hunt, fish, camp, hike, etc. in this area. RRLLC are the only people who want to destroy our region and small towns. This proposed trash train would go thru small towns where people have lived quietly for many years. That's why they live there to get away from businesses and noise like RRLLC is proposing. RRLLC only sees dollar signs, not the beautiful way of life that we see.

Thank you.

Walter D. Charnick

Walter D. Charnick
590 E. Sycamore Rd., Snow Shoe, PA 16874
814-387-4135



Walter D. Charnick
590 E. Syracuse Rd.
Syracuse, PA 16874

Surface Transportation Board
ATTN: Danielle Gosselin
Section of Environmental Analysis
E. Filing FD 35116
395 E. Street, SW
Washington, DC 20423

1. *Chlorophyll a* (Chl *a*)

EI-18292

Headwaters Charitable Trust believes replacement of the 9.3 mile trail system will allow this local and regional recreational asset, and its important local economic impact to continue. That cannot happen without the Surface Transportation Board's (STB) requirement that the new rail user replace and reconnect the 9.3 mile "missing link" in the connected trail system, should the STB rule to allow reactivation. This condition for replacement of a suitable trail is imperative for the recreational, economic, and community link aspects that this trail system provides.

Additionally, Headwaters Charitable Trust has spent \$655,995 for repairs to the Peale Tunnel to prevent the collapse of that tunnel. \$555,195 of that cost was provided through Federal Transportation Enhancements (TE) funding. If the Rails to Trails is reactivated as a rail line system, Headwaters Charitable Trust must repay the \$555,195 Transportation Enhancements funded portion of the Peale Tunnel repair work completed. If HCT had not undertaken these repairs, it is likely that the tunnel would have collapsed. Millions of dollars would have been required to reconstruct the tunnel by a new rail user. Thus, HCT's work on the tunnel has a direct economic benefit to a new rail user.

HCT does not oppose or support the reactivation of the 9.3 mile section. Rather, we request that if the STB should rule to reactivate the 9.3 mile section, as part of that ruling the STB require the new rail user to:

1. Replace the 9.3 miles with a suitable trail to reconnect the otherwise severed 126 mile trail systems.
2. Require that the \$555,195 TE monies spent to repair the Peale Tunnel be repaid to the HCT, so that we can meet our obligation to repay the Transportation Enhancement Peale Tunnel repairs funding.

Should the STB act to allow the reactivation of the 9.3 miles of trail system with the above two conditions, the HCT stands ready to work with the new rail owner to find a suitable trail replacement link, vital for the surrounding local communities, to mitigate the impact of a trail reactivation.

Thank you for the opportunity to give additional comments on the "draft" Environmental Impact Statement (EIS), for the proposed Snow Shoe Rails to Trails reactivation.

Sincerely,



Alan Stewart, Chairman
Headwaters Charitable Trust, Inc.
478 Jeffers Street
DuBois, PA 15801

September 14, 2010

Surface Transportation Board
395 E. Street, S.W.
Washington, DC 20423-0001

RE: HCT Comments at 6:00 PM, 9/14/10, STB Public Meeting on 9.3 Rails to Trails Railroad Request for Reactivation

The Headwater Charitable Trust (HCT) is a 501(c) 3 organization formed to promote improved quality of life through natural resource conservation projects that result in community improvement, rural economic stability, and environmental enhancement projects in an 8 county area, including Centre and Clearfield Counties. The Headwaters Charitable Trust is a partnering organization to the Headwaters Resource Conservation and Development Council.

Headwaters Charitable Trust is the owner of the Snow Shoe Rails to Trails trail system. The Trust has invested years of effort and hundreds of thousands of dollars into the development, improvement, and maintenance of the Snow Shoe Rails to Trails system. Headwaters Charitable Trust considers this trail system as one of our greatest successes for the following reasons:

- This trail system has become a major recreational asset to the local communities, and a regional asset drawing users from a much larger area, including both Pennsylvania and surrounding states.
- The trail system is estimated to bring \$6 million annually to the surrounding local communities, through trail users who spend money in the area while enjoying use of the trail.
- The trail system provides a recreational link between local communities.

The Snow Shoe Rails to Trails has reached this level of success because it is a vital link to approximately 95 miles of other trail systems, creating 126 miles of connected trails (see attached map). It is the trails "connectivity" created by the Snow Shoe Rails to Trails system, that is a major factor in its success.

Loss of the 9.3 miles of trail due to reactivation, without requiring its replacement, would sever the connected 126 mile trail system, and severely degrade this local and regional recreational asset. Communities would no longer be linked by a connected recreational trail. Users from beyond the local area would have less reason to travel to the area to use the connected trails, and the economic impact of the connected trail system would be severely diminished.

EI-18293

The R.J. Corman Railroad Company Pennsylvania Lines formally petitioned the federal Surface Transportation Board (STB) to take over ownership of the existing rails-to-trails recreation area (Snow Shoe Rail Trail) from Wallacetown (Clearfield County) to Gilettown (Centre County), and to initially construct and operate a rail line on that portion from Wallacetown to Gorton (Centre County).

The purpose of this rail line is to run trash trains from large New York and New Jersey cities to a giant landfill proposed by Resource Recovery, LLC in the Gorton area in Rush Township. The funding source and co-petitioner of this rail line is Resource Recovery. In fact, without Resource Recovery's initiative and funding there would be no STB petition.

This strategy employs a back-door approach to Resource Recovery's successive attempts to get this proposed landfill permitted by the Pennsylvania Department of Environmental Protection (DEP). From 2004, when Resource Recovery first announced plans for the landfill, trash delivery was to be by road. To achieve this, Resource Recovery proposed to fund and build a dedicated I-80 interchange near Gorton. Resource Recovery failed to get the approvals and/or support needed from Centre County Commissioners, Planning Office, Metropolitan Planning Organization; PennDOT; and the Federal Highway Administration among others. As a result, DEP suspended their application in October 2006 until Resource Recovery could solve and clarify their road access issue.

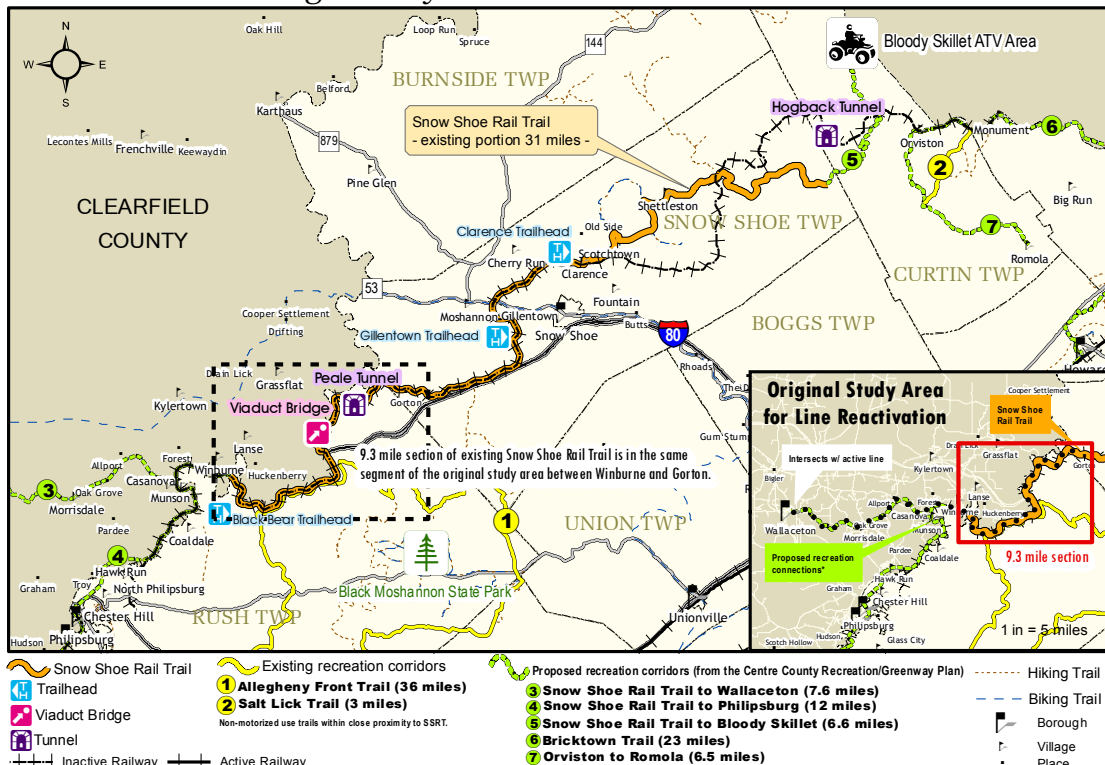
Snow Shoe Rail Trail And connecting trail systems

CENTRE COUNTY, PA

1 in = 3 miles

0.5 1 2 3 4 Miles

Prepared by the Centre County Planning & Community Development Office, 09-09-2010.



Without this rail line, Resource Recovery's chances for a landfill permit for any significant amount of tonnage are virtually nil.

RJCP and Resource Recovery augmented their STB petition with letters from *potential* rail line users -- primarily coal, gas, and quarry-based industries. They hoped to convince the STB that their rail line can be justified without the landfill being the dominant customer.

Although most of these letter endorsements they recruited may be well intentioned, they are -- at best -- minor users of the proposed rail line.

The result is, by law, the STB's EIS analysis must assess the impacts of the landfill-rail line system which is directly linked. The rail line cannot be viewed as a separate, single action which allows the EIS to assess only the environmental impacts of the rail line construction and operation and exclude the impacts of the landfill and the cargo (trash). Instead, as appropriate to NEPA and the STB's own regulations, the rail line construction, operations, hauled contents, and full range of landfill operations must be viewed as an interdependent connected action because the rail line's purpose and justification is to service the landfill -- the only *significant* shipper of record in the draft EIS.

These proposed industrialization activities are being targeted to a prime, highly valued, recreational and wild area that already provides a substantial and rapidly-growing, outdoor recreation-based business and economy. The seemingly superficial rather than careful deliberative analysis of impacts to rural outdoor recreation will cost our local communities economically and business-wise much more than

our communities could possibly gain in the short-term from a full-time landfill and a part-time railroad. Because the proposed landfill "benefits" are projected, the harms to our outdoor recreation economy should be adequately and accurately projected based on historical growth and including loss of revenue to all the mom-and-pop businesses that cater to the area's visitors and given equal weight. It's not just the rail-trail.

I believe you will find the lost long-term outdoor recreation revenues will easily out distance any short-term proposed landfill-rail line projections.

Consider seasonal properties (including their valuation and tax base), hunting and the impacts to lost foraging areas; fishing and the impacts to sensitive fish habitat; trapping, biking, ATV use, wildlife watching, bird watching, walking, jogging, loss of access to historic and cultural sites.... The list goes on.

Submitted on this 14th Day of September in Phillipsburg, PA by
Michele L. Barbin (PO Box 142, Snow Shoe, PA 16874-0142)

FI-18294

September 14, 2010

STB Finance Docket No. 35116, RJ Corman Railroad Co.; Beech Creek Branch Line - Construction and Operation Between Phillipsburg Area to Gordon, Pennsylvania, Alternative Route Evaluation

Surface Transportation Board
395 E. Street, SW
Washington, DC 20423

Attention: Danielle Gosselin
Section of Environmental Analysis
Environmental Filing FD 35116

Dear Ms. Danielle Gosselin,

I am concerned with the proposal of the Phillipsburg to Munson Area Rail Line and asking the Surface Transportation Board's Environmental Review to review several comments I have made looking at the Environmental Impact Statement.

1. The proposed route from Phillipsburg to Munson Area would be located entirely within floodplains, floodways, and significant wetlands associated with Laurel Run, Moshannon Creek and their tributaries. This whole area was looked at during the SR 322 Corridor O study showing the concern for floodplains, floodways, and significant wetlands and was determined there was too severe impacts and the whole area was avoided. The Wallacetown to Munson Area would avoid these issues and requirements. 1940's mapping shows a rail line in this area, however that rail line had been removed by the 1960's mapping and has been completely dismantled and former Right of Way sold. Was this line previously removed related to these same concerns and issues related to floodplains and floodways.
2. In some areas Acid Mine drainage will also be an issue for these floodplains, floodways, and significant wetlands along with stability and subsidence issues.
3. The Graham Station area to Phillipsburg area has been completely dismantled, bridges totally gone, no railroad bed remaining, drainage gone. This would require total reconstruction and the grade would have to be raised dramatically due to all the significant wetlands, floodplains and floodways in the area. Major bridges would have to be built and a lot of fill needed to create the bed lining, which would destroy much habitat in this area. The build-up of this rail bed will also affect the transition into any proposed at-grade crossings affecting the roadway approaches. The build-up of roadway approaches ultimately requires fill areas which then affect the neighboring wetland and associated environmental issues. Resolution of wetland and associated environmental issues can be costly. Also, rail road maintenance would become costly to maintain a sufficient rail bed in an area prone to flooding. The rest of this line is the same way.

4. Wetland impacts with this alternative in the Phillipsburg to Munson Area are 4 times greater and floodplain impacts are 7 times greater than the Wallacetown to Munson Area Alternative.

- Wetland Impacts

Wallacetown to Munson = 27,500 sq. ft
Phillipsburg to Munson = 115,450 sq. ft
DIFFERENCE 4 times higher

- Floodplains

Wallacetown to Munson = 2,960 ft
Phillipsburg to Munson = 19,810 ft
DIFFERENCE 7 times higher

5. Permitting requirements would be extensive especially with feasible avoidance/minimization alternative available.
6. Within this area many signs of life have shown up over the years such as, but not limited to: largemouth bass, black crappies, green sunfish, bluegills, pumpkinseed sunfish, bait fish, lots of little spawn fish, turtles, deer, muskrats, beavers, ducks, geese, and bear. Nesting sites within the proposed alternative include but are not limited to: blue herons which are endangered, various types of snakes, muskrats, lilly pads, various grass plants, deer, bats, various species of ducks, geese, and beavers.
7. Frequent flooding in this proposed area by elevated flows in the surrounding streams and wetlands.
8. This proposed area will require three (3) NEW crossings private/business, SR 53, and Ninth Street. Serious concerns about the configuration and geometry at this intersection and traffic impacts at new upgraded intersection. This will affect my Excavation Company from getting in and out of the property. There is no other access to get big equipment and triaxles in and out of property. With the three new crossings so close together how does the state and PUC get involved with controlling traffic and causing bottle necks. This crossing scenario on SR 0053 and SR 2043(Ninth Street) will also create and area of concern for Emergency Responders.
9. In obtaining this PRIVATE property by a private company (RJ Corman) eminent domain does not come into play.
10. With the abandoned rail corridor hazardous/residual waste materials could be impacted with this alternative.
11. With the abandoned rail corridor historic could be impacted with this alternative determined to be No Effect by PHMC.
12. There is question in the value of an incomplete EIS package when the entire area was never truly examined in detail to show what there really is out in the field? Some of your pages are not correct.
13. Has the CORP of Engineers, PA Fish and Boat, and DEP reviewed this entire corridor and been given the opportunity to comments?
14. Since the STB is going to review this and it is a request from RJ Corman this is a private companies Environmental Impact Study referring to number 13 what are the state's comments? I would like to review and comment on those.
15. Has PENNDOT been involved on the access issues, traffic impact issues, and related shared right-of-way issues?
16. In reviewing the EIS package the Wallacetown to Munson Area Rail Bed is existing, there are some bridges that may have to be built but LESS SEVERE environmental impacts as to the proposed alternative in the Phillipsburg to Munson area. Also, are there any records available pertaining to the original abandonment of each of these rail beds. That record displays

EI-18295

Other Submissions

In order to process your filing, please fill out the following information. If you do not know the docket number, please leave it blank and we will fill it out for you.

Please fill out the following information to help us complete your filing:

Docket #: FD -35116 --
 Subject: * Draft EIS on the R.J. Corman/Pennsylvania Lines Inc. proposed rail line construction Wayne
 First Name: *
 Middle Name: *
 Last Name: *
 Address: * Yahn
 132 Beverly Drive
 City: * Beech Creek
 State: * PA
 Zip Code: * 16822-
 Email Address: * wyahn@embarqmail.com
 Group/Affiliation: * Central Mountains ATV Assoc. Inc. (CMATVA)
 Message: I am president of the Central Mountains ATV Assoc. Inc. We have nearly 100 members which would result in several hundred actual riders (due to family memberships). Our club schedules ATV Rides every month and many of them are started from the Gilestown Trailhead of the SSRTA (Snow Shoe Rails to Trails Association). In fact we recommend to all our members, that they become members of SSRTA in order to participate in these rides. We, of course, are only a small piece of the thousands of ATV Riders that use and enjoy the SSRTA Riding Trail. This trail is currently using a lot of the old rail road bed that the RJCP is proposing to build their rail line on. Included in this is the popular Peale Tunnel and the viaduct bridge that crosses the Red Mohannon River. These are both very high attraction and important sites for this ATV Trail.

My club has been riding this trail for a number of years now. We all know that a battle has been going on for a long time between Resource Recovery and the surrounding communities over the proposed Dump Site in the area. The latest approach of course, has been reactivating the RJCP Line to get to the proposed Dump Site since the proposed use of local highways and interstate met much resistance from many sides.

I am asking as representative of my club, that serious consideration be given to what the approval of this rail line development is going to do to existing and already developed use of this property. This existing trail is already contributing a significant impact to the local economy. One of the questions that comes to my mind is "why is the Resource Recovery already in the process of creating an Industrial Park in the area if they don't know yet whether or not they will be successful in development of the rail line and dump site".

Most of the surrounding communities have been using this land for ATVing for many years and they approve of the SSRTA use of this land. At the same time there is a lot of objection to the development of a huge dump site there. Do the wishes of the people

deterioration/reconstruction factors and potential claims for the original abandonments that may apply to this interest directly.

17. Had the Wallacetown to Munson Area Rail line been suspended, vacated or abandoned? Has the Wallacetown to Munson Rail line been Banked? The Phillipsburg to Munson Area was abandoned and sold to private property owners. The sale of property to private property owners is a much more defined detail than a rail line that has been temporarily suspended. The attempt to acquire property from private property owners, by a private company (R.J. Corman), will take much more negotiations and costs to settle claims, resulting in delays.

I appreciate your time and effort in reviewing these details. If you have further questions please let me know.

Mark Rusnak
 486 Rusnak Lane
 Phillipsburg, PA 16866

EI-18297



SURFACE TRANSPORTATION BOARD
Office of Environmental Analysis

Construction and Operation Exemption for the
R.J. Corman Railroad/Pennsylvania Lines Inc.
Clearfield and Centre Counties, Pennsylvania
Draft Environmental Impact Statement

COMMENT SHEET

Name: Michael Holmes
Address: 5265 Morrisdale, Allport Hwy
Morrisdale PA 16557
(814) 345-5310
Comments may be submitted tonight or mailed to
the address below by September 28, 2010:
Docket No. FD 35116
Surface Transportation Board
395 E Street, SW
Washington, DC 20423
Attn: Danielle Gosselin

Please provide any comments on the R.J. Corman Railroad/Pennsylvania Lines Inc. Draft EIS.

The primary proposed Action (Route) will affect ~155
properties, homes, and businesses. It appears the
alternative route affects ~30 homes, businesses.
It just makes good sense to minimize the impact
on the communities and homes/businesses in the community.
The alternative route minimizes community impact and
property values.

I would argue that the alternative train route and
roadway will minimize Transportation/safety issues, air
quality impacts (Dust) and socio-economic factors like
property value de-valuation.

I would also strongly argue that homes built along the
proposed railway will suffer greatly with noise, smell
and ↓ value of property.

carry any weight or is money doing all the talking? People are very concerned about
contamination of the land, water and air from a dump site, along with many other
concerns. Most do not want the Dump Site or the Rail Line Re-opened.

EI - 18299



SURFACE TRANSPORTATION BOARD
Office of Environmental Analysis

Construction and Operation Exemption for the
R.J. Corman Railroad/Pennsylvania Lines Inc.
Clearfield and Centre Counties, Pennsylvania
Draft Environmental Impact Statement

COMMENT SHEET

Name: Mary Welch
Address: 255 Smith
Chilpsburg Pa
Phone: 814-344-0717

Comments may be submitted tonight or mailed to
the address below by September 28, 2010:
Docket No. FD 35116
Surface Transportation Board
395 F Street, SW
Washington, DC 20423
Attn: Danielle Gosselin

Please provide any comments on the R.J. Corman Railroad/Pennsylvania Lines Inc. Draft EIS.

Not in favor of development of RR line
for waste management near watershed.
Proclamation is used for water water coming
it flows into the River

EI - 18298



SURFACE TRANSPORTATION BOARD
Office of Environmental Analysis

Construction and Operation Exemption for the
R.J. Corman Railroad/Pennsylvania Lines Inc.
Clearfield and Centre Counties, Pennsylvania
Draft Environmental Impact Statement

COMMENT SHEET

Name: Paul Fox
Address: 107 East Ave
S.C. Pa. 18801
Phone: 814-287-3200

Comments may be submitted tonight or mailed to
the address below by September 28, 2010:
Docket No. FD 35116
Surface Transportation Board
395 F Street, SW
Washington, DC 20423
Attn: Danielle Gosselin

Please provide any comments on the R.J. Corman Railroad/Pennsylvania Lines Inc. Draft EIS.

Let the old bridge alone! It has served it's purpose
and should die in peace.

We really don't need more trash in Centre County.

I don't need trash or trailers falling on me while
I am enjoying the Red Mountain Courts.

STB Incoming Correspondence Record

EI-18300



SURFACE TRANSPORTATION BOARD
Office of Environmental Analysis

Construction and Operation Exemption for the
R.J. Corman Railroad/Pennsylvania Lines Inc.
Clearfield and Centre Counties, Pennsylvania
Draft Environmental Impact Statement

COMMENT SHEET

Name: Ed Pawlman
Address: 708 W. Linn
Bellevue PA
Phone: 814-385-5690

Comments may be submitted tonight or mailed to
the address below by September 28, 2010:
Docket No. FD 35116
Surface Transportation Board
395 E Street, SW
Washington, DC 20423
Attn: Danielle Gosselin

Please provide any comments on the R.J. Corman Railroad/Pennsylvania Lines Inc. Draft EIS.

NOT SURE BUT I THINK THE WHOLE IDEA
BEHIND RE DOING THIS RAIL LINE IS TO
ENABLE THE RESERVE RECOVERY COMPOUND TO
JUSTIFY THE "LARGEST LANDFILL EAST OF THE
MISSISSIPPI" - I FEEL NEEDING THE LANDFILL
FOR THE RAILROAD REOPENING IS A GOOD
THING!
PLEASE DENY THE REOPENING OF THE RAIL LINE.
Thanks

#EI-18301

Surface Transportation Board
Incoming Correspondence Record

Correspondence Information	
Docket #: FD 35116 0	Date Received: 09/15/2010
Name of Sender: John Harpster	Date of Letter:
Group:	

Submitter's Comments
I believe this would be a great addition to the area. If we want to expand or grow the rail lines will help industry grow. Please consider my support of this project

http://www.stb.dot.gov/...correspondence.nsf/PublicIncomingByDocketNumber/329472E0664BCA3F8535779F004B11A5?OpenDocument[5/24/2011 12:09:17 PM]

STB Incoming Correspondence Record

Surface Transportation Board
Incoming Correspondence Record

#EI-18303

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	09/15/2010
Name of Sender:	Douglas Harpster	Date of Letter:	
Group:			
Submitter's Comments			
I am in favor of the Rail Project.			

STB Incoming Correspondence Record

Surface Transportation Board
Incoming Correspondence Record

#EI-18302

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	09/15/2010
Name of Sender:	J. Winston Harpster	Date of Letter:	
Group:			
Submitter's Comments			
in favor			

<http://www.stb.dot.gov/.../correspondence.nsf/PublicIncomingByDocketNumber/496F7EE4C244E9F8E2579F004F0F9D?OpenDocument> [5/24/2011 12:15:40 PM] <http://www.stb.dot.gov/.../correspondence.nsf/PublicIncomingByDocketNumber/C43E5BC07E85FA5A8E2579F0058EF31?OpenDocument> [5/24/2011 12:57:55 PM]



SURFACE TRANSPORTATION BOARD
Office of Environmental Analysis

Construction and Operation Exemption for the
R.J. Corman Railroad/Pennsylvania Lines Inc.
Clearfield and Centre Counties, Pennsylvania
Draft Environmental Impact Statement

COMMENT SHEET

Name: Douglas Mottin
Address: 260 Gorton Rd.
Moshannon, Pa 16859
Phone: 814-387-6625

Comments may be submitted tonight or mailed to
the address below by September 28, 2010:
Docket No. FD 35116
Surface Transportation Board
395 E Street, SW
Washington, DC 20423
Attn: Danielle Gosselin

Please provide any comments on the R.J. Corman Railroad/Pennsylvania Lines Inc. Draft EIS.

Approving this RR plan would be dangerous to every part of the environment. The track would feed a landfill that will pollute and destroy our part of a beautiful area.
It's a bad decision all around and my desire is that you not approve it.
Through representatives from their different groups at the Philaburc public meeting thousands do not want it and only a handful spoke in favor.
People don't want it! Let's use some common sense!

I thank You

(Signature)

EI-18304

EI-18305

September 14, 2010

Danielle Gosselin
Environmental Filing FD 35116
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

RE: Draft EIS
RJ Corman Railroad Company Petition

Dear Ms. Gosselin:

I am writing in regard to the RJ Corman Railroad Company's petition to reconstruct and operate a 20-mile section of rail line between Wallaceton, Pennsylvania and the Gorton area of Centre County, PA. I have reviewed the Executive Summary of the draft Environmental Impact Statement and agree that the modified proposed action should be pursued. I fully support the RJ Corman Railroad Company's proposal to reconstruct the rail line.

I have now been a resident of the Philipsburg area for almost twenty years. I have been working in community and economic development for twenty-nine years. One of the difficulties that we face in creating new employment opportunities is the lack of a four-lane highway in our immediate area, and the lack of rail service. State government officials provide us leads about companies wanting to locate in Pennsylvania but we are unable to respond to most leads because of two reasons: we lack existing buildings of over 100,000 square feet, and, we lack rail service. I am very excited by the RJ Corman Railroad Company's proposal to reestablish rail service in our region because the existence of this rail line will give us an opportunity to submit proposals to companies exploring the establishment of their businesses in this area of the state.

Another major issue that we deal with here on a daily basis is the thousands of trucks that move through the Philipsburg community on a daily basis. The Pennsylvania Department of Transportation has documented the large number of truck movements through the area on State Routes 322, 53, 504, and 350, all of which converge in the tiny borough of Philipsburg. We need to be doing everything that we can to reduce the volume of truck traffic in our area and the RJ Corman Railroad Company's proposal will provide us an opportunity to do just that.

To whom it may concern:

I'm sitting down to write this letter after I returned from my Labor Day weekend trip. Every summer my wife and I invite many friends to join us at our cabin in Mashannon Pa for some weekends fun and 4-wheeling. We also enjoy spending time at our cabin, which we would like to keep as it is. When our friends go riding with us they always enjoy the beauty of the Mountains and trails around the area. When we gathered at the camp this weekend, I told them what was proposed to take place and they were all disturbed about what landfill project. Nobody could understand who will benefit from the landfill, other than the land owner that is selling the land and the executives of the landfill. I feel the surrounding community will suffer because every weekend there is dozens and dozens of people coming to their cabins, riding the SRT trail system, hunting etc. In doing so they generate income in the business in the area. My cabin is located off of Gordon Road so we personally will most likely sell because I will be close to where the proposed landfill will be located and I don't feel I want to sit at my place and smell trash or

listen to all of the noise of the landfill when I'm there to relax and enjoy nature. I just wish that anyone who thinks this whole project is a good idea would come on any given weekend and see all the people that come to all of these small towns to enjoy their getaways and how many people it really affects in a negative way.

I think the whole project will also have a negative impact on our environment because of the water run off. Our streams have enough problems from all of the mining in the area. Not to mention trash that will be everywhere due to wind and what falls off of truck and train cars, and as I mentioned before the odor. I think we should try to improve waterways and the surrounding area, not make it worse. As I hunted this area as a kid I saw all the affects of mining and from the logging and as an adult I see the land healing from this, but with this project I don't think it will ever heal because the proposed area is so large they will just keep building new cells and expanding and never close.

In closing I would like every one to step back and really see all the negative things

FI-18306

page 2

Gosselin
September 14, 2010

I am hopeful that the Surface Transportation Board will rule in favor of the RJ Corman rail line reconstruction proposal. When weighed against all other options, it is clearly the best option. Thank you for your consideration.

Sincerely,


Stanley S. LaFuria
Executive Director

SML
surfacebtr910



Surface Transportation Board
Incoming Correspondence Record

Correspondence Information	
Docket #:	FD 35116 0
Name of Sender:	ed mc dade
Group:	
Date Received:	09/22/2010
Date of Letter:	
Submitter's Comments	
We don't need a trash train! Stop trashing Pa.!!	

Robert Lertz

SEP 26 2010
10:11 AM
ATTENTION: DORVILLE GOSSELIN
SECTION OF ENVIRONMENTAL ANALYSIS
ENVIRONMENTAL RELAY FD 357116
WASHINGTON, DC 20423
385 C Street, SW
Surface Transportation Board

STB Incoming Correspondence Record

Surface Transportation Board Incoming Correspondence Record

#EI-18333

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	09/23/2010
Name of Sender:	Anne Houck	Date of Letter:	
Group:			

Submitter's Comments
The proposed train reactivation will NEGATIVELY/ADVERSELY effect the entire Mountainop Region. The most damaging impact of the entire proposed project will be to our water system. It is essential that our environment be protected. It is of great importance to our lives and livelihoods that the water not be damaged and this project not move forward. It would destroy our protected species, and this is against the laws of PA. Please consider not only the impact now, but for the future, PA needs to protect this area. Please act wisely to prevent the devastation the proposed railline would cause in moving forward with the landfill, quarry, ethonoi plant. The water and environment of the area would be irreparably harmed. Thank you. Sincerely, Anne Houck

STB Incoming Correspondence Record

Surface Transportation Board Incoming Correspondence Record

#EI-18332

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	09/23/2010
Name of Sender:	Donald Yearick	Date of Letter:	
Group:	SSRT		

Submitter's Comments
I am writing this letter to show my concerns on the impact of this dump. We are totally against of this proposal of the dump. With private property being posted mere ad more, riding our av's on private ground is virtually impossible. With the SSRT ew can come and ride a trail system for over 30 miles of beautiful country in the Shoe Shoe area. This even keeps the young generation of kids occupied with something other than setting in front of a tv, computer or even away from the drugs. I have seen so many families together with there kids enjoying themselves together being a part of this trail system. I camp weekends at the trail head a I can see the benefit of this trail system. Please do not allow this dump to persue in the shoe shoe area. This would be devistated to the area and for the people living here

<http://www.stb.dot.gov/...correspondence.nsf/PublicIncomingByDocketNumber/C074311DEE36EA31852577A6007292B7?OpenDocument> [5/24/2011 1:03:20 PM]

<http://www.stb.dot.gov/...correspondence.nsf/PublicIncomingByDocketNumber/D8BF3DBD9FC8654E852577A6004CE221?OpenDocument> [5/24/2011 1:02:43 PM]

STB Incoming Correspondence Record

Surface Transportation Board Incoming Correspondence Record

#EI-18334

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	09/23/2010
Name of Sender:	Randy Stimer	Date of Letter:	
Group:			

Submitter's Comments
As a member of the Snow Shoe Rails to Trails, I oppose the reactivation of the railroad line requested to be used by Resource Recovery LLC. The railroad in question is an outdoor recreational playground for thousands of visitors including me, my family and friends. Why change something that thousands of people are using to accommodate ONE company and their few leaders? RRLC's request is not justified to change this area. The economic benefits of these thousands of visitors is immeasurable. They support the local stores, gas stations, taverns, restaurants, and other businesses. Many of them own cabins in this region and their property taxes benefit the Snow Shoe Borough and Snow Shoe Township. RRLC's business ventures support themselves and could not replace the economic support that visitors provide. Hopefully, the people who have appreciated this area for years, will have a voice in this matter. Thank you, Randy Stimer

STB Incoming Correspondence Record

Surface Transportation Board Incoming Correspondence Record

#EI-18335

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	09/23/2010
Name of Sender:	Betsy Howell	Date of Letter:	
Group:	Central PA CVB		

Submitter's Comments
I am writing on behalf of the Central PA Convention and Visitors Bureau, the tourist promotion agency representing Centre County. Tourism is the second largest industry in Pennsylvania and continues to grow. Centre County realizes millions of dollars in travel related expenditures annually and our mission is to make sure our area remains in a position for continued tourism growth. Visitors come here for a variety of reasons, but our outdoor recreation offerings are one of the primary motivators. Outdoor recreation in Centre County infuses hundreds of thousands of dollars into the local economy from visitors through their purchases of goods and services at our grocery stores, retail stores, gas stations, lodging properties, campgrounds, etc. We are concerned about the request to industrialize a remote wilderness area at the western edge of Centre County. This area is well known for its outdoor recreation opportunities and has been used by hunters, fishermen, paddlers, hikers, bicyclists, campers, and other outdoor enthusiasts for over 100 years. The very popular and unique Snow Shoe Trail traverses the project site and there are plans in the works with the Department of Conservation and Natural Resources to expand and connect this trail with others in the area. The Central Pennsylvania Convention and Visitors Bureau is opposed to the conversion of this area back to a rail line or any other industrial project which would have a major negative impact on the tourism product in Centre County, one that we have invested millions of dollars promoting.

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EI-18339



SURFACE TRANSPORTATION BOARD
Office of Environmental Analysis

Construction and Operation Exemption for the
R.J. Corman Railroad/Pennsylvania Lines Inc.
Clearfield and Centre Counties, Pennsylvania
Draft Environmental Impact Statement

COMMENT SHEET

Name: Raymond Mashannon
Address: P.O. Box 144
Mashannon, PA 16859
Phone: 814 387-6818

Comments may be submitted tonight or mailed to
the address below by September 28, 2010:
Docket No. FD 35116
Surface Transportation Board
395 E Street, SW
Washington, DC 20423
Attn: Danielle Gosselin

Please provide any comments on the R.J. Corman Railroad/Pennsylvania Lines Inc. Draft EIS.

What is the reason for the Landfill? Nobody else wants
the trash in their area. Why should we give up the snow shoe
Rail Trail for Resource Recovery, to build a rail line
for the trash train?
Subs!!! What kind? How many? Who will benefit?
We need different type of employment in this area -
not garbage.
Water quality in this area is poor. Why do we want to
add more problems?
I see no reason for a landfill that will haul trash
from other areas brought into Centre or Clearfield
County.
Save the Snow Shoe Rail Trail.

EI-18338



SURFACE TRANSPORTATION BOARD
Office of Environmental Analysis

Construction and Operation Exemption for the
R.J. Corman Railroad/Pennsylvania Lines Inc.
Clearfield and Centre Counties, Pennsylvania
Draft Environmental Impact Statement

COMMENT SHEET

Name: Stephen + Kim Nortek
Address: P.O. Box 102
Moshannon, PA 16859
Phone: 814-387-4443

Comments may be submitted tonight or mailed to
the address below by September 28, 2010:
Docket No. FD 35116
Surface Transportation Board
395 E Street, SW
Washington, DC 20423
Attn: Danielle Gosselin

Please provide any comments on the R.J. Corman Railroad/Pennsylvania Lines Inc. Draft EIS.

We are opposed to the construction and
operation of the R.J. Corman Railroad/Pennsylvania
Lines Inc. If the proposed railroad was solely
for the purpose of transporting environmentally
friendly items, that's one thing, but we are
too concerned that a land fill and even the
gas drilling in this area is going to have a
negative impact on groundwater tourism,
public safety, etc.

Thank you
Stephen W. Nortek 9/20/2010
Kim J. Nortek

STB Incoming Correspondence Record

Surface Transportation Board Incoming Correspondence Record

#EI-18340

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	09/24/2010
Name of Sender:	Joe Zimmerman	Date of Letter:	
Group:			

Submitter's Comments
It would be a disgrace and a real slap in the face to let the "Rich Man" poison this beautiful area in the name of profits. If this is allowed to happen I may consider leaving the area. My children and other family and friends helped to build a cabin that we thought we would enjoy for many generations. There are thousands of us with this same situation. I'll be praying for the sake of the environment and others that feel the way I do that the "Rich Man" will not get his way this time. Please help us!

STB Incoming Correspondence Record

Surface Transportation Board Incoming Correspondence Record

#EI-18341

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	09/27/2010
Name of Sender:	Thomas F. Weiss Jr.	Date of Letter:	
Group:			

Submitter's Comments
I finally found a great place to ride & enjoy myself along w/my family and fellow riders who respect each other and the property they have access to. Why would a Township ruin that by taking another states garbage is beyond me. Could it be GREED?

<http://www.stb.dot.gov/.../eCorrespondence.nsf/PublicIncomingByDocketNumber/445FCFDEE5C61E0F652577A800412955?OpenDocument> [5/24/2011 1:06:47 PM]

<http://www.stb.dot.gov/.../eCorrespondence.nsf/PublicIncomingByDocketNumber/CF3FF831C066FEFE852577A80046FEF7?OpenDocument> [5/24/2011 1:07:14 PM]

STB Incoming Correspondence Record

Surface Transportation Board Incoming Correspondence Record

#EI-18342

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	09/27/2010
Name of Sender:	Erik Weiss	Date of Letter:	
Group:			

Submitter's Comments
We finally have a great place to spend time with our kids and also watch other families doing the same it would be a tremendous loss to go through with the landfill. Do not take away a good place to go and spend quality time with the family. We have to stop this in it tracks!!

STB Incoming Correspondence Record

Surface Transportation Board Incoming Correspondence Record

#EI-18343

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	09/27/2010
Name of Sender:	Lisa Slimer	Date of Letter:	
Group:			

Submitter's Comments
I highly oppose the garbage dump and the trash train. The Trash Train to Nowhere will negatively impact this area. The area is established as a place to enjoy nature and to get away from it all. Why change something that thousands of people are using to accommodate ONE company and their few leaders? RRLC's request is not justified to change this area. Attached are pictures of the area affected. Thank you, Lisa Slimer

Image Attachment(s)
844465-R1-02-2A_003.jpg 844441-R1-22-22A_023.jpg 844465-R1-03-3A_004.jpg 844465-R1-18-18A_019.jpg

844465-R1-02-2A_003.jpg 844441-R1-22-22A_023.jpg 844465-R1-03-3A_004.jpg 844465-R1-18-18A_019.jpg

<http://www.stb.dot.gov/.../correspondence.nsf/PublicIncomingByDocketNumber/CF67D8975E3D17738E2577A800458ED8?OpenDocument> [5/24/2011 1:08:03 PM] <http://www.stb.dot.gov/.../correspondence.nsf/PublicIncomingByDocketNumber/60037814E8D389A5852577A80033E9C9?OpenDocument> [5/24/2011 1:08:35 PM]



ET-18344

TO: STB
 ATTN: Danielle Gosselin, Section of Environmental Analysis
 Environment Filing No. FD 35116
 DATE: September 20, 2010
 FROM: Susan R. Stimer, former resident of Snow Shoe, PA and a member of the Snow Shoe Rails to Trails

Dear Ms. Gosselin,

I oppose the activation of the rail line proposed by RRLLC. This entire region is a bountiful recreational wilderness area used by thousands of visitors every year. We ride 4-wheelers, bike, hunt, fish, camp, hike, etc. in this area and we admire the historical viaduct bridge and peale tunnel. I was 4 wheeling with some grade school children a few weeks ago. They were in awe of the peale tunnel. We were unable to travel to the viaduct bridge but that's where we'll go on our next trip. If RRLLC has their way, no one will be able to enjoy these historical structures. Also, Headwaters Charitable Trust and the members of the Snow Shoe Rails to Trails have spent a lot of time and money on the eastern section of the trail. People from all over Pennsylvania and surrounding states enjoy this trail. I have personally met people from the Pittsburgh area, Allentown, Dubois, Reading, Port Matilda, Philipsburg and numerous other areas. We are happy and appreciative to have a place to ride our 4 wheelers inexpensively and safely. RRLLC only sees dollar signs, not the beautiful way of life that we see.

Thank you.

Susan R. Stimer

Susan R Stimer
 1225 Allegheny St. P.O. Box 115
 Julian, PA 16844
 814-355-2162



EI-18345

QUEHANNA INDUSTRIAL DEVELOPMENT CORPORATION

P.O. BOX 94 KARTHHAUS, PA. 16845
September 22, 1010

Surface Transportation Board
Attn: Danielle Gosselin, Section
Environmental Filing FD 35116
395 East Street S.W.
Washington, D.C. 20423

Dear Danielle Gosselin:

The Quehanna Industrial Development Corporation located in Karthaus, Clearfield, County, Pennsylvania, requests the Surface Transportation Board approve the application for the R. J. Corman Railroad Company/Pennsylvania Lines to construct a Rail Line from Wallacetown, Clearfield County to Gorton, Center County. In past years a Rail Line operated in the same area.

The Rail Line is needed to bring employment to the area. The economy is very bad in our area and employment is needed. This Rail Line would result in a very much needed boost to this area.

This line would take many trucks from traveling through the area towns. This line would be very good for the environment, the traveling public and the area economy. QIDC would like to request that this application be approved without delay.

Thank you for your time and consideration.

Sincerely,
Raf Savel
Raf Savel
President

814-263-4418
E-Mail: qidc@pennswoods.net



United States Department of the Interior
OFFICE OF THE SECRETARY
Washington, DC 20240

EI-18346



9043.1
PEP/NRM

SEP 22 2010

ER10/662

Surface Transportation Board
Attention: Danielle Gosselin
Section of Environmental Analysis
Environmental Filing FD 35116
395 E Street, SW
Washington, DC 20423

Dear Ms. Gosselin:

The Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement (DEIS) for the R.J. Corman/Pennsylvania Lines Inc. (RJCP) Proposed Rail Line Construction, Operation, and Reactivation in Clearfield and Centre Counties, Pennsylvania, and hereby submits the following comments.

The Department acknowledges that you have consulted with the Pennsylvania Historical and Museum Commission and Bureau for Historic Preservation, and we agree with the following statement in the letter in Appendix B from the Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation, dated October 29, 2009: "There may be historic buildings/structures/districts/objects eligible for the National Register of Historic Places located in the project area. However, in our opinion, the activity described in your proposal should have no effect on such resources. Should the scope and/or nature of the project activities change, the Bureau for Historic Preservation should be contacted immediately." Therefore, we have no additional comments.

We also recognize that there is no Section 4(f) Evaluation in the DEIS.

We appreciate the opportunity to review this document. Should you have any questions about these comments, please contact Jennifer McConaghie at (215) 597-5194.

Sincerely,
Willie R. Taylor
Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

FI-18347

COOPER TOWNSHIP

PO BOX 208
KYLERTOWN, PA 16847

(814) 345-6571
Fax (814) 345-6069

September 27, 2010

Surface Transportation Board
395 East Street, SW
Washington, DC 20423

Dear Sir or Madam;

The Cooper Township Board of Supervisors is strongly opposed to the Rush Township landfill and the reactivation of the rail line for that purpose. Please be advised that this proposed project will create potential environmental catastrophes to the area. Impacting wetlands, water supplies, properties and personal safety to everyone involved.

Please consider our concerns when making your final decision.

The Cooper Township Board of Supervisors strongly opposes the proposed rail line and landfill for resource recovery.

These issues will strongly affect Cooper and neighboring townships NOT Rush Township where it is to be located!

Sincerely,


Wayne T. Josephson, Chairman
Cooper Township Board of Supervisors

FI-18348



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pennsylvania Field Office
315 South Allen Street, Suite 322
State College, Pennsylvania 16801-4850



September 28, 2010

Victoria Rutson, Chief
Surface Transportation Board
(ATTN: Danielle Gosselin
Section of Environmental Analysis
Environmental Filing FD 35116)

395 E Street, SW
Washington, DC 20423

RE: Docket No. FD 35116

Dear Ms. Rutson:

The Fish and Wildlife Service has reviewed the *Draft Environmental Impact Statement, Construction and Operation Exemption, Clearfield and Centre Counties, Pennsylvania* (dEIS) dated July, 2010. The R.J. Corman/Pennsylvania Lines, Inc. (Corman), proposes to construct and operate a new rail line on an abandoned 10.8-mile rail right-of-way between Wallacetown and Winburne in Clearfield County, Pennsylvania, and to reactivate a rail-banked section on a connecting 9.3-mile line between Winburne and Gorton in Clearfield and Centre Counties, Pennsylvania (Proposed Action). Alternatively, Corman proposes to replace the western-most section from Wallacetown to Munson, in Clearfield County, in the Proposed Action, by constructing a 4,000-foot connection to tie into another 5.8-mile abandoned rail line located near Philipsburg, in Morris Township, Clearfield County, Pennsylvania, running to Munson, and from that point continuing on the proposed route to Gorton (Modified Proposed Action). The purpose of the new rail line would be to service a proposed new landfill, a quarry, and an industrial park. Work would include activities such as 1) brush cutting and clearing; 2) roadbed grading; 3) culvert clearing; 4) bridge repairing or constructing; 5) updating road crossings; 6) utility relocating; and track installing. The Proposed Action would affect about 1.34 acres of wetlands and 1,570 feet of stream channel, while the Modified Proposed Action would affect about 3.36 acres of wetlands and 980 feet of stream channel.

The following comments are provided pursuant to the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) to ensure the protection of federally listed endangered and threatened species, the Migratory Bird Treaty Act (MBTA, 16 U.S.C. 703-712; Ch. 128, July 13, 1918; 40 Stat. 755, as amended) to ensure the protection of migratory bird species, and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*) to ensure protection of other fish and wildlife resources.

Federally Listed and Proposed Species

The Resource Recovery Landfill project is located within the range of the federally listed, endangered Indiana bat (*Myotis sodalis*). We have previously commented on this and other related components of this project by letters dated February 14, 2007 (landfill, rail line, local road system upgrade project, highway interchange, and industrial park), May 8, 2008 (Beech Creek Line from Wallacetown to Gorton), June 9, 2009 (Beech Creek Line alternative route), October 26, 2009 (Beech Creek Branch Line or the local road system upgrade alternative), January 8, 2010 (Beech Creek Branch Line or the local road system upgrade alternative). The applicant has identified 30-40 acres of forest to be impacted for the Beech Creek Branch Line or the local road system upgrade alternative. Based on this information, we found that the rail line alone is not likely to adversely affect the Indiana bat.

However, if other developments/components are proposed in relation to this project (*i.e.*, landfill, industrial park, highway interchange, quarry, or local road upgrades), further consultation with the Service will be necessary to evaluate all direct, indirect, and cumulative impact areas within the overall area.

These determinations are valid for two years from the date of this letter. If the proposed project has not been fully implemented prior to this, an additional review by this office is recommended. Should project plans change, or if additional information on listed or proposed species becomes available, this determination may be reconsidered.

Assessment of Risks to Migratory Birds

The Fish and Wildlife Service is the principal Federal agency charged with protecting and enhancing populations and habitat of migratory bird species, *i.e.* bird species that spend all or part of their lives in the United States. The Migratory Bird Treaty Act prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Department of the Interior. While the MBTA has no provision for authorizing incidental take, the Service recognizes that some birds may be killed even if all reasonable measures to avoid take are implemented. Unless the take is authorized, it is not possible to absolve individuals, companies or agencies from liability (even if they implement avian mortality avoidance or similar conservation measures). However, the Office of Law Enforcement focuses on those individuals, companies, or agencies that take migratory birds with disregard for their actions and the law, especially when conservation measures have been developed but are not properly implemented.

The potential exists for avian mortality from habitat destruction and alteration within the project boundaries. Site-specific factors that should be considered in project siting to avoid and minimize the risk to birds include avian abundance; the quality, quantity and type of habitat; geographic location; type and extent of bird use (*e.g.* breeding, foraging, migrating, etc.); and landscape features. We recommend minimization of land and vegetation disturbance during project design and construction. Keep new activities constrained to previously disturbed areas wherever possible (*e.g.*, road and utility line rights-of-way, agricultural fields, previously mined areas, etc.).

We offer the following general recommendations to avoid and minimize impacts to migratory birds within and around the project area:

1. Due to the difficulty in assessing the entire project site for all bird nests, we recommend that the clearing of natural or semi-natural habitats (*e.g.*, forests, woodlots, reverting fields, fencerows, shrubby areas) be carried between September 1 and March 31, which is outside the nesting season for most native bird species. Without undertaking specific analysis of breeding species and their respective nesting seasons on the project site, implementation of this seasonal restriction will avoid direct take of most breeding birds, their nests, and their young (*i.e.*, eggs, hatchlings).
2. Avoid permanent habitat alterations in areas where birds are highly concentrated. Examples of high concentration areas for birds are wetlands, State or Federal refuges, Audubon Important Bird Areas, private duck clubs, staging areas, rookeries, leks, roosts, and riparian areas. Avoid establishing sizable structures along known bird migration pathways or known daily movement flyways (*e.g.*, between roosting and feeding areas).
3. To conserve area-sensitive species, avoid fragmenting large, contiguous tracts of wildlife habitat, especially if habitat cannot be fully restored after construction. Maintain contiguous habitat corridors to facilitate dispersal. Where practical, concentrate construction activities, infrastructure, and man-made structures (*e.g.*, buildings, cell towers, roads, parking lots) on lands already altered or cultivated, and away from areas of intact and healthy native habitats. If not practical, select fragmented or degraded habitats over relatively intact areas.
4. To reduce habitat fragmentation, co-locate roads, fences, lay down areas, staging areas, and other infrastructure in or immediately adjacent to already-disturbed areas (*e.g.*, existing roads, pipelines, agricultural fields). Where this is not possible, minimize roads, fences, and other infrastructure. To minimize habitat loss and fragmentation, cluster development features (*e.g.*, houses, commercial buildings, roads) rather than distributing them throughout land parcels.
5. Develop a habitat restoration plan for the proposed site that avoids or minimizes negative impacts on vulnerable wildlife. Use only plant species that are native to the local area for revegetation of the project area.

Other Fish and Wildlife Resources

Based on our review of the dEIS, wetlands, streams and riparian communities occur within the boundaries of the proposed project. Regardless of the presence or absence of federally listed species, work in wetlands and streams requires permits from the Pennsylvania Department of Environmental Protection (State) and the Army Corps of Engineers (Corps). We recommend that the applicant contact the State and the Corps for information about permit requirements. Lists of the State and Corps offices, along with their areas of jurisdiction, are enclosed. We further recommend that the entire project, including all storage and stockpile areas, access roads,

laydown areas, staging areas, new trailhead facility, and utility line relocations be submitted to the State and the Corps for review, and that these areas be identified on project plans and in the dEIS. Siting of these areas should avoid all aquatic resources.

Riparian areas are a valuable natural resource and impacts to these areas should be avoided whenever possible. Riparian vegetation plays an important role in protecting streams, reducing erosion and sedimentation, protecting water quality, maintaining the water table, controlling flooding, and providing shade and cover. Any encroachment into these areas should be avoided and minimized. Impacts to streams should be assessed in terms of stream functions and values; linear feet of impact; vegetation type lost; and potential effects on wildlife, bank stability, and water quality. Measures to compensate for unavoidable losses of riparian areas should be developed and implemented as part of the project.

To reduce adverse effects that might be caused by project implementation, we recommend the use of best management practices when conducting work in or near streams, including working during periods of low flow, using sedimentation and erosion control devices, adequately and continually maintaining sediment and erosion control devices to insure effectiveness, expediting all revegetation efforts to reduce sedimentation and erosion run-off, stabilizing new construction as the project progresses, conducting stream work from the stream banks or bridges to minimize sedimentation and turbidity within the stream, and locating equipment staging areas outside of streams and riparian areas. All excavated materials from any earthmoving activities should be stored at a predetermined upland site and precluded from re-entry into any aquatic resource. Additionally, we recommend that the applicant maintain a vegetated riparian buffer with a minimum width of 50 feet directly adjacent to streams (e.g., Black Moshannon Creek, Moshannon Creek, and Laurel Run). Any vegetation in impacted areas should be re-established by using only plant species that are native to the local area.

Wetlands perform significant ecological functions which include: (1) providing habitat for numerous aquatic and terrestrial wildlife species, (2) attenuating flood flows, (3) improving water quality through retention and assimilation of pollutants from storm water runoff, and (4) recharging the aquifer. Wetlands also possess aesthetic and recreational values. The Service recommends measures be taken to avoid and minimize wetland losses in accordance with Section 404 of the Clean Water Act, and Executive Order 11988 (floodplain management) as well as the goal of "no net loss of wetlands."

To reduce adverse effects on wetlands that may be caused by project implementation, we recommend that the applicant install a physical barrier (like snow fencing or other visible demarcation) to protect existing wetlands from unintentional excursions by heavy equipment. If temporary wetland crossings are necessary for access to the project, we recommend that any heavy equipment crossing wetlands be placed on corduroy, chunkwood, or rubber mats or other measures to minimize disturbances and improve the soil's ability to support traffic. We recommend that the applicant establish a vegetated buffer with a minimum width of 50 feet around existing wetlands. Any vegetation in impacted areas should be re-established by using only plant species that are native to the local area.

Alternatives Analysis. The dEIS identifies several Alternatives, including the Proposed Action and the Modified Proposed Action as two "Build Alternatives." Although the dEIS lists three

"No-Build Alternatives," it is unclear why the I-80 Interchange was considered as an no-build alternative, as this proposal was eliminated from consideration years ago by FHWA as being contradictory to the regional land use and transportation plans. Similarly, it is unclear why the Black Bear Road was included since it is noted that the necessary subdivision plan was not approved by county officials. Thus, other than a No-Action alternative, only one legitimate alternative to the Proposed Action and Modified Proposed Action is offered (the Local Road System Upgrade). We recommend that additional options be considered for analysis as alternatives. Even within the "Build Alternatives" options, additional alternatives may include minimizing the right-of-way width (especially constricting it at stream crossings); minimizing lengths of stream enclosures; resetting perched culverts with a depressed subvert instead of merely cleaning them out (to allow for aquatic life movements); or replacing culverts with bridges (to allow for aquatic life movements and reestablish habitat connectivity).

Identification of Environmentally Preferable Alternative. The dEIS concludes that the Modified Proposed Action is the environmentally preferable alternative for this project, among the alternatives given meaningful consideration. It does not appear the information provided in the dEIS is sufficient to support this conclusion.

The explanation of impacts of the Modified Proposed Action in its selection as the environmentally preferable alternative focuses primarily on it having fewer public road and private driveway crossings, and fewer adjacent residential properties. While these may be relevant factors in determining the final action, we do not agree that these should be the driving factors for consideration of the environmental impacts of these alternatives. The dEIS notes that the Modified Proposed Action would have fewer watercourse impacts (980 feet versus 1,570), but greater wetland impacts (3.36 acres versus 1.34 acres), than the Proposed Action. The dEIS also explains that the Modified Proposed Action would result in less air quality and energy impacts because trains would be traveling one less mile than over the Proposed Action, describing an approximately 10% difference in fuel consumption for that portion of the rail line (the percentage would be smaller if the total project were included).

When identifying the Modified Proposed Action as the environmentally preferable alternative, construction of approximately 2,500 feet of new railroad corridor in habitat consisting of field and early successional forest is not addressed, especially the extent to which this contrasts with the Proposed Action occurring solely along previously-established railroad rights-of-way. In addition, while the Modified Proposed Action would affect fewer linear feet of watercourses, it does not address the quality of the impacted waterways. For example, it appears the Modified Proposed Action would cross at least three "cold water fisheries." Also, in comparison to wetland impacts, which are greater in the Modified Proposed Action, stream crossings – which are more numerous in the Proposed Action – may provide efficient and effective opportunities for mitigation. For example, the existing and previous rail beds presumably already cross those same streams, and old railway construction frequently involved culverts that impair aquatic resources. Incorporating culvert replacement as part of the new construction has the potential to benefit aquatic resources at such sites. Given the greater negative impacts of the Modified Proposed Action concerning wetland impacts and new railroad construction corridors, and the comparatively small differences between that alternative and the Proposed Action concerning impacts to waterways and fuel consumption, we do not agree that the information provided in the

dEIS supports selection of the Modified Proposed Action as the environmentally preferable alternative. We recommend additional analysis and explanation concerning the comparison of these two alternatives.

While the No Action alternative is considered within the dEIS, no explanation is provided regarding why it is not identified as the environmentally preferable alternative.

Single and Complete Project/Cumulative Impacts. As described, and as acknowledged in the dEIS statement of purpose for the project, the proposed R. J. Corman Railroad Line is directly related to the Centre County, Resource Recovery landfill, the quarry, and the industrial park. We disagree with the dEIS's interpretation of available information and conclusion that the proposed railway and other proposed development (e.g., the RRLJC landfill, the Hawbaker quarry, the industrial park, and the local road improvement project, etc.) are not interdependent. Consequently, we recommend that these projects be considered concurrently, since there may be additional associated environmental impacts (including wetlands, streams, fish and wildlife). It is difficult for reviewers to assess the adverse effects of a project (direct, secondary, or cumulative impacts) without a complete disclosure of all interrelated projects proposed for the same area; consequently, a full evaluation of potential effects requires that all such projects be considered.

Herbicide Use. We note that the applicant's plan for track maintenance includes the use of herbicides as a vegetation control method (Page ES-22, VM 21), but the dEIS did not provide details on which chemicals might be used. It is important to consider the effects on the aquatic community when spraying herbicides in the vicinity of a water body, especially due to the toxic nature of carriers or surfactants usually used in conjunction with herbicides. Surfactants, or carriers, can often be more environmentally detrimental than the treatment and more toxic and persistent in the environment than the herbicide itself. Certain commercial herbicides such as Roundup 7 (a form of glyphosate) and Garlon 7 (a form of triclopyr) can be successfully applied in upland areas, but may have limited use on near aquatic resources, due to potential toxicity to fish. We recommend that the applicant use the aquatic formulation of any herbicide chosen when herbicide use is anticipated around streams or wetlands. The aquatic formulations of Rodeo 7 or Renovate 37 (alternative forms of glyphosate and triclopyr, respectively) are acceptable, less toxic alternatives, and recommended for use around aquatic resources.

To avoid incidental spray drift during application of herbicides, we recommend targeted application, including painting the cut surfaces of freshly cut stumps and stubs, injecting through the bark of woody plants, making cuts with a hatchet and treating, girdling and treating, or basal bark and stem treatment methods, wherever possible.

Compensatory Mitigation. A Clean Water Act section 404 permit from the U.S. Army Corps of Engineers may be needed prior to project construction. In reviewing the applications for such permits, unless the activities fall under general or nationwide permits, the Service may concur, with or without stipulations, or object to the proposed work, depending on project effects on fish and wildlife resources which may be identified at that time. The Service would likely recommend that the Corps require compensatory mitigation for permanent wetland or riparian habitat losses (including permanent alteration of vegetative cover), and impacts to streams. We

offer these comments on the conceptual mitigation plan:

1. In the listed Voluntary Mitigation Measures (VMs), Corman has committed to comply with wetland and watercourse mitigation in accordance with its authorization from the U.S. Army Corps of Engineers and the Pennsylvania Department of Environmental Protection. However, as this simply restates legal obligations, it does not indicate what means of mitigation will be pursued. Other VMs describe avoidance and minimization measures that appear appropriate, but again offer little in the way of specifics, and therefore cannot be endorsed without additional information. In one VM, Corman offers to "evaluate the potential to provide wetland and watercourse mitigation" through an in lieu fee agreement with local, State, or Federal organizations, which does not provide sufficient commitment to merit review and comment. We recommend that the applicant develop a mitigation plan that includes wetland creation, enhancement, or preservation; stream restoration; riparian enhancement or restoration; or other options. We would appreciate an opportunity to review the mitigation plan once it is finalized.
2. The applicant should develop a planting plan for the revegetation of all wetland and terrestrial areas, using plant species that are native to the local to the area. The applicant should develop a plant species list or planting plan along with the mitigation plan. We request an opportunity to review the planting plan once it is developed.
3. We recommend that the applicant coordinate with related projects, such as the landfill, the quarry, the industrial park and the local road improvement project, to develop a Master Mitigation Plan. We request that the resource agencies have an opportunity to review the mitigation plan once it is developed.

Summary

We recommend that the Surface Transportation Board require the applicant to address all of the abovementioned recommendations (which may entail conducting appropriate field studies to obtain site-specific information). We expect that the STB will coordinate with the Fish and Wildlife Service throughout the permitting process. We request the opportunity to participate in any subsequent discussions regarding this project to assist in resolving the above concerns.

Thank you for the opportunity to comment on this permit and draft Environmental Impact Statement. Please contact Jennifer Kegel of my staff at 814-234-4090 if you have any questions or require further assistance regarding this matter.

Sincerely,

Clinton Riley
Field Office Supervisor

Surface Transportation Board Incoming Correspondence Record

#EI-18349

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	09/28/2010
Name of Sender:	Curt Ashenfeller	Date of Letter:	09/28/2010
Group:	Keystone Trails Association		
Submitter's Comments			
Danielle Gosselin Section of Environmental Analysis Dear Ms. Gosselin, The Keystone Trails Association would like to comment on Environmental Filing FD 35116 concerning a proposed rail line. The Keystone Trails Association is the statewide voice of Pennsylvania's hikers. A recent survey found that 3.5 million Pennsylvanians consider themselves hikers. Last year over 3,000 volunteer trail builders donated over 30,000 hours of their time and labor to Pennsylvania hiking trails. To learn more about the Keystone Trails Association please visit www.kta-hike.org. I am writing to you today about the negative impact of a proposed rail line to a land fill within view of the 40 mile long Allegheny Front Trail. The Allegheny Front Trail, a relatively new trail in western Centre County, Pennsylvania, was built collaboratively in the late 1990's by Penn State Outing Club, Ridge and Valley Outing Club, Quehanna Area Trails Club and the Keystone Trails Association, the umbrella group for trail maintainers. Today it is enjoyed by vast numbers of hikers annually for its pristine beauty. The trail provides a wide variety of forest environments, including views over valleys to the east, trout streams, and marshlands. What it does not include is a view over a landfill and a rail line delivering trash. If the proposed rail line is approved, the Allegheny Front Trail will lose its scenic and wilderness characteristics. The rail line moving unknown numbers of trains daily filled with mountains of garbage daily poses a threat of incalculable consequences to the trail. Who will want to hike the Allegheny Front Trail in future years when it becomes basically a landfill train trail hike? The answer is no one. Vast sums of tourist dollars will be lost. Hikers who now provide green economic development opportunities to nearby communities will visit more pristine trails. Additionally many people volunteered their time and labor to build this trail only 20 years ago in the belief that they were creating a scenic trail that would be enjoyed for generations. It is almost unbelievable that in the space of a single generation it may be lost forever. If the trash trains were in operation, a hiker could actually "walk with the train". The railroad tracks, the Red Moshannon Creek and the Allegheny Front Trail, are all parallel to each other for about 2 or 3 miles. If the proposed rail line is approved the Allegheny Front Trail will lose its scenic and wilderness qualities. These qualities are vital to the success of the trail. Noise, odor and the loss of scenic vistas will kill this trail. Unique trails, such as the Allegheny Front Trail, are sought by hikers for their remoteness and solitude specifically to escape civilization. This is not an urban neighborhood running oval. The Allegheny Front Trail's wilderness characteristics must be preserved, including the vistas, in order for the trail to maintain support and attract hikers. It is not merely a want for many, it is a psychological need, a calling, to escape civilization, which the Allegheny Front Trails qualifies provide.			

cc:

PA DEP North Central Regional Office
208 W. Third Street
Williamsport, PA 17701

Dave Spotts
PA Fish & Boat Commission
450 Robinson Lane
Bellefonte, PA 16823

Jamie Davis
Environmental Protection Agency
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Chinchilla, PA 18410

Jeff Lapp
Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029

Tracey Librandi-Mumma
PA Game Commission
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Harrisburg, PA 17110-9797

Mr. Jonathan Cunn
Federal Highway Administration
Pennsylvania Division
228 Walnut Street, Room 508
Harrisburg, PA 17101-1720

JoAnn Gillette
People Protecting Communities
P.O. Box 38
Clarence, PA 16829

Michael T. Savage
130 Teaberry Drive
Phillipsburg, PA 16866-9031

Readers File
Project File - Kagel
ES: PAFO:JKagel/jak:
Filename: P:\PROFFICE\Drafts\Drafts 2010\snow shoe-RJ Croman STB EIS.doc

8

The Keystone Trails Association strongly urges you to deny this permit. Thank you for your consideration.

Sincerely,
Curt Ashenfelter
Executive Director
Keystone Trails Association
717 238 7017

Surface Transportation Board Incoming Correspondence Record

#EI-18351

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	09/28/2010
Name of Sender:	Pat C Corey	Date of Letter:	09/28/2010
Group:			

Submitter's Comments	
9/27/2010	Danielle Gosselin & Vicki Rulson Surface Transportation Board Section of Environmental Analysis Environmental Filing FD35116 Dear Danielle Gosselin, Vicki Rulson & STB : Please do not approve the Trash Train to the proposed dump in Black Moshannon in Central Pa. This entire dump project being located here is contingent on this railroad line of garbage being permitted. This dump is being proposed as an economic benefit to the area (maybe for the private landfill company), but to the residents of this region it is viewed as an ecological disaster. Transporting toxic garbage from out of state to and through this pristine area via railway is a moral and ecological nightmare. This is our shared watershed for the entire Centre Region. Although the business folks and politicians might think this area is undeveloped, this land has been developed and preserved for camping, fishing, hunting, hiking, biking, and boating. This area is a haven for the remaining bears, deer, eagles, bobcats, birds, and other forest creatures. It is full of Indian relics and is a sacred and holy land to many of us who live or visit here. Building a railroad to build an intrastate dump (again a private company from outside the area who bought the land under questionable circumstances) to encourage this type of long distance transportation of highly questionable toxic trash is an ecological and security threat to the preservation of many species including humans. I am surprised that the current Chesapeake Watershed Restrictions allow this to be even considered placed in the heart of the woodlands that protect our water. Please stop this insane plan of building a trash railroad to a current non-existing dump. We need to consider the big picture and respect the area's real need, which is to develop green energy to preserve our precious water and forests. Thank you for your time. Sincerely, Pat C. Corey

Surface Transportation Board Incoming Correspondence Record

#EI-18352

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	09/28/2010
Name of Sender:	K. Alan Uhler, Jr., PE, PLS	Date of Letter:	09/28/2010
Group:	Cooper Township Municipal Authority		
Submitter's Comments			
Attn: Danielle Gosselin			
Please see attached correspondence forwarded upon request of the Cooper Township Municipal Authority.			
This attachment is intended to replace the blank attachment filed on 9/27/2010.			
Image Attachment(s)			
CTMA Comments.pdf			



CTMA Comments.pdf

KERRY A. UHLER & ASSOCIATES, INC.
Consulting Engineers and Surveyors

140 W. High Street
Bellefonte, PA 16823

Telephone: 814-355-0432
Fax: 814-355-8543



September 27, 2010

Surface Transportation Board
395 East Street, SW
Washington, DC 20423

Attention Danielle Gosselin
Section of Environmental Analysis
Environmental Filing FD 35116

Re: Cooper Township Municipal Authority

Dear Danielle:

We are contacting you upon the request of the Cooper Township Municipal Authority, and in response to the Draft Environmental Impact Statement prepared for the R.J. Corman Railroad Company / Pennsylvania Lines, Inc.

Upon review of the Environmental Impact Statement prepared for the R. J. Corman Railroad Company, we have noted that this document does not address the numerous public water and sewer lines owned and operated by the Cooper Township Municipal Authority which cross or run adjacent to the proposed alignments. Many of the water mains in question are old lines which in some cases may be over 100 years old and therefore fragile. Resuming rail service over these lines jeopardizes the integrity of the lines and therefore as a result, potentially endangers the general public.

Further, the public sewage collection system serving the area may have potential conflicts. While this collection system is not as old as the water distribution system, at the time of the installation of these lines, railroad loadings on the at the proposed crossings may not have been a consideration. Each line crossing will therefore need to be considered to determine weather the line installation is capable of withstanding an E-80 loadings.

We would request that the environmental document be amended to consider the potential affects upon the public water and sewer utilities within the

#EI-18353

Surface Transportation Board Incoming Correspondence Record			
Correspondence Information			
Docket #:	FD 35116 0	Date Received:	09/28/2010
Name of Sender:	Frederick Sepp	Date of Letter:	09/28/2010
Group:			
Submitter's Comments			
This proposal (FD #35116) is another attempt to fill central Pennsylvania with unwanted garbage, noxious odors, noise, dusty roads, truck traffic, and all environmentally degrading side effects. The proposed quarry could create irreversible problems for the pristine trout stream just below. Black Moshannon Creek is one of the few unspoiled (acid mine drainage) streams in the area. This stream is enjoyed by many people in many ways; it would be criminal to ruin this run of clean water.			

study corridor and discuss the potential resolution to these conflicts. My office is primarily responsible for all engineering matters related to the potable water system owned by the Cooper Township Municipal Authority, and may be contacted for detailed information regarding the water line crossings and other conflicts regarding the potable water system owned and operated by the Cooper Township Municipal Authority.

Wilson Fisher of Hess and Fisher Engineers who's contact information is listed below provides all engineering services to the authority with regard to the public sewage collection and treatment system. Mr. Fisher may be contacted in order to obtain more detailed information regarding the public sewage collection system.

Should you have any questions or concerns please feel free to contact us.

Hess & Fisher Engineers
36 North Second Street
Clearfield, PA 16830
814-765-7541

Very truly yours:



K. Alan Uhler, Jr., P.E., P.L.S.

Cooper Township Municipal Authority
Hess & Fisher Engineers – Wilson Fisher

ET-18354

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**



September 28, 2010

Victoria Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
395 E. Street, SW
Washington, DC 20423

Attn: Danielle Gosselin
Environmental Filing FD 35116

Re: Docket No. FD 35116, Draft Environmental Impact Statement
R.J. Corman Railroad Company/Pennsylvania Lines Inc, CEO #201010280

Dear Ms. Rutson:

In accordance with the National Policy Act of 1969 (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the above referenced project. The DEIS was prepared to meet the requirements of NEPA. The proposed rail line would be approximately 20 miles long, located in eastern Clearfield County, primarily in Morris and Copper Township, and in western Centre County, Rush and Snow Show Townships in Pennsylvania. The purpose of the proposed rail line is to service a speculative new quarry, landfill and industrial park currently being developed by Resource Recovery LLC. Other shippers identified along the line include the proposed Rex Energy Corporation, a facility that would use the line for the transportation of "frac water" used in the natural gas extraction process in nearby Marcellus Shale fields in Central Pennsylvania, and Robindale Energy Services which would use the line to ship coal.

The applicant, R.J. Corman Railroad Company (RJCR), analyzed the original proposed action, a modified preferred action (that is now the preferred alternative) and two options under the no build alternative. The Preferred Alternative will involve the reactivation of the rail banked Eastern segment that will result in the loss of approximately 9.3 miles of the Snow Shoe Multi-Use Rail Trail. Additionally, the Western segment of the project will require the construction and operation of 10.8 miles of an abandoned rail line between Wallacetown and Wilburn in Clearfield County, Pennsylvania. The preferred alternative will impact 3.36 acres of wetland and 980 linear feet of stream channel.

In accordance with NEPA, EPA is rating the Proposed Action as Environmental Concerns (EC). Insufficient Information (2) because of it potential impacts to irretrievable environmental resources. For more information on our rating guidelines go to: www.epa.gov/compliance/nepa/comments/ratings.html

The following paragraphs are for your consideration when developing the final EIS:

- The entities that will be serviced by this railroad are, to EPA's understanding, still in the early developmental stages without a realistic timeframe for completion. What is the timeframe to construct the rail line and if these projects were to fall through what will be the need for the rail line?
- Rex Energy Corporation estimates it could potentially ship and receive 250-300 carloads of water per month via the proposed rail line. Will the "frac water" be initially treated before being transported to the facility? What is the potential for growth within this facility to see more than the estimated number of cars carrying "frac water" and whereby increasing the number of trains running on the proposed line?
- Please provide additional information on the methods used to maintain the rail corridor through out the project area, specifically, the use of herbicides and pesticides. EPA is concerned that the use of these agents in the sensitive areas of the Moshannon State Forest and surrounding waterways can have detrimental environmental effects. Also include a discussion on the control of invasive species in the area and how to prevent their spreading along the rail corridor.
- If RJCR is planning to construct fencing along any sections of the corridor please provide those locations. EPA is concerned that excessive fencing may deter animal passage in the project area.
- Include information on where storage areas, access roads and construction pads will be located and any environmental impacts that may be associated with the actual construction sites along the corridor.
- The preferred alternative does have an increased amount of wetland impacts. The final EIS should address what additional minimization techniques can be used to further reduce the impacts to Waters of the U.S.
- The DEIS mentions the use of an in lieu fee program to mitigate for any impacts to wetlands. EPA would prefer to see RJCR submit a mitigation plan that includes the creation or enhancements of wetlands that replaces the functions and services of the wetlands that will be lost due to the rail line project.
- The loss of 9.3 miles of the Snow Shoe Rail trail is a significant recreational loss for the surrounding community. Please expand the discussion on plans to mitigate for this loss.

Surface Transportation Board Incoming Correspondence Record

#EI-18355

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	09/28/2010
Name of Sender:	Gary Thornbloom	Date of Letter:	09/28/2010
Group:	Sierra Club Moshannon Group		
Submitter's Comments			
Gary Thornbloom Chair, Sierra Club Moshannon Group 702 Hall Road Julian, PA 814-353-3466 bearknob@verizon.net September 28, 2010 Attention: Danielle Gosselin Section of Environmental Analysis Environmental Filing FD 35116 Re: Draft EIS Docket No. FD 35116 Dear Danielle Gosselin: The Moshannon Group of the Sierra Club has one thousand members and on their behalf I offer the following comments. Most of our membership lives, and finds solace in the State Forest lands and rural character that is typical of Central Pennsylvania – the area that will be adversely impacted by the proposed action. As to the rational for the proposed action: RJCP has explained, however, that if there is no rail service, trucks on local roads and highways would be used to provide the transportation at issue. It is estimated that RJCP's proposed rail line could keep up to 1,100 trucks per day (650 loaded and 550 empty) off the local road system. The rational is bogus because the 1,100 trucks per day are not on the road, and will never be there unless the actions proposed by RRLC are facilitated by your decision. The Draft EIS is also defective in that it fails to include RRLC plans – some would say pipedreams – in its analysis. The "No-Action Alternative" is the most reasonable alternative that addresses the concerns about impacts to the current use of the area and its surrounding rural and public lands. The Draft EIS description of what is referred to as the Eastern Segment is described in this way: ...land use within the Eastern Segment is much more uniform, consisting almost exclusively of undeveloped forestland and reverting strip mine areas, including an approximate 4,400-foot section of the Moshannon State Forest. There are no public roads or private driveway crossings within; nor are there any residential, commercial, or industrial buildings adjacent to, the 9.3-mile Eastern Segment. The 9.3-mile rail banked Eastern Segment also functions as part of the Snow Shoe Multi-Use Rail Trail. The "No-Action Alternative" is the only alternative that protects current use. The section on Environmental Impacts (Transportation and Safety) fails to include the "No-Action Alternative" – why? The section on "...Hazardous Materials Transport" states "RJCP does not plan to ship any hazardous materials over the proposed rail line. And then goes on to include "...fec water from natural gas drilling activities." It would seem to border on			

EPA appreciates the opportunity to comment this DEIS. We remain committed to addressing environmental concerns for this project as well as future projects that will be serviced by the rail line. If you should have any questions regarding these comments, please feel free to contact Ms. Jamie Davis at 570-842-1044 or by email at davis.jamie@epa.gov.

Sincerely,



Barbara J. Rudnick
NEPA Team Leader
Office of Environmental Programs

cc: US ACE Wade Chandler, State College PA
US FWS Jen Kagel, State College PA



Gary Thornbloom
Chair, Sierra Club Moshannon Group
702 Hall Road
Julian, PA
814-353-3466 bearknob@verizon.net

September 28, 2010

Attention: Danielle Gosselin
Section of Environmental Analysis
Environmental Filing FD 35116

Re: Draft EIS Docket No. FD 35116

Dear Danielle Gosselin;

The Moshannon Group of the Sierra Club has one thousand members and on their behalf I offer the following comments. Most of our membership lives, and finds solace in the State Forest lands and rural character that is typical of Central Pennsylvania – the area that will be adversely impacted by the proposed action.

As to the rational for the proposed action:

RJCP has explained, however, that if there is no rail service, trucks on local roads and highways would be used to provide the transportation at issue. It is estimated that RJCP's proposed rail line could keep up to 1,100 trucks per day (550 loaded and 550 empty) off the local road system.

The rational is bogus because the 1,100 trucks per day are not on the road, and will never be there unless the actions proposed by RRLLC are facilitated by your decision. The Draft EIS is also defective in that it fails to include RRLLC plans – some would say pipedreams – in its analysis.

The “No-Action Alternative” is the most reasonable alternative that addresses the concerns about impacts to the current use of the area and its surrounding rural and public lands. The Draft EIS description of what is referred to as the Eastern Segment is described in this way:

...land use within the Eastern Segment is much more uniform, consisting almost exclusively of undeveloped forestland and reverting strip mine areas, including an approximate 4,400-foot section of the Moshannon State Forest. There are no public

total incompetence to conclude that “rac water” is not a “hazardous material”. Please document what is in “rac water” – and then evaluate whether it is hazardous or not.

After stating that cumulative impacts will be considered, the “SEA’s Preliminary Environmental Mitigation Measures” is limited to RJCP actions. This is deficient and the full cumulative impacts should be addressed. The Draft EIS states RJCP responded by letter on April 28, 2009, and again on July 28, 2009, indicating that RRLC’s proposed landfill would be developed and operated regardless of the rail line. ...In sum, the two projects are not interdependent, and the rail line is not the proximate cause of the landfill; thus, the landfill should not be included as part of the proposed action in the environmental review, and it would be inappropriate to consider the landfill to be a direct or indirect effect of this rail transportation project. We strongly disagree with this – without rail access there is no evidence that the proposed landfill plans could be carried out. If it could proceed, the developers would have proceeded. Without the development schemes of RRLC this rail line would never have been proposed for reactivation. Therefore the two are connected and the Draft EIS is deficient in not recognizing and addressing this.

The section “Identification of Environmentally Preferable Alternative” fails to demonstrate why the “No-Action Alternative” is not the environmentally preferable alternative.

The Moshannon Group of the Sierra Club believes that the Draft EIS is inadequate, and that it will remain so without addressing the associated cumulative impacts that will occur with the RRLC plans.

Sincerely,

Gary Thornbloom
Chair
Sierra Club - Moshannon Group

Image Attachment(s)

[10.09.28.sib.ea.msh.grp.comments.pdf](#)



[10.09.28.sib.ea.msh.grp.comments.pdf](#)

Surface Transportation Board Incoming Correspondence Record

#EI-18356

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	09/28/2010
Name of Sender:	Robert B. McKinstry, Jr.	Date of Letter:	09/28/2010
Group:	People Protecting Communities		
Submitter's Comments			
Filing on behalf of PPC			
Image Attachment(s)			
PPC Filing & Exh.PDF			


[PPC Filing & Exh.PDF](#)

roads or private driveway crossings within; nor are there any residential, commercial, or industrial buildings adjacent to; the 9.3-mile Eastern Segment. The 9.3-mile rail banked Eastern Segment also functions as part of the Snow Shoe Multi-Use Rail Trail. The "No-Action Alternative" is the only alternative that protects current use.

The section on Environmental Impacts (Transportation and Safety) fails to include the "No-Action Alternative" – why?

The section on "...Hazardous Materials Transport" states "RJCP does not plan to ship any hazardous materials over the proposed rail line." And then goes on to include "...fracturing water from natural gas drilling activities." It would seem to border on total incompetence to conclude that "fracturing water" is not a "hazardous material". Please document what is in "fracturing water" – and then evaluate whether it is hazardous or not.

After stating that cumulative impacts will be considered, the "SEA's Preliminary Environmental Mitigation Measures" is limited to RJCP actions. This is deficient and the full cumulative impacts should be addressed. The Draft EIS states *RJCP responded by letter on April 28, 2009, and again on July 28, 2009, indicating that RRLLC's proposed landfill would be developed and operated regardless of the rail line. ...In sum, the two projects are not interdependent, and the rail line is not the proximate cause of the landfill; thus, the landfill should not be included as part of the proposed action in the environmental review, and it would be inappropriate to consider the landfill to be a direct or indirect effect of this rail transportation project.*

We strongly disagree with this – without rail access there is no evidence that the proposed landfill plans could be carried out. If it could proceed, the developers would have proceeded. Without the development schemes of RRLLC this rail line would never have been proposed for reactivation. Therefore the two are connected and the Draft EIS is deficient in not recognizing and addressing this.

The section "Identification of Environmentally Preferable Alternative" fails to demonstrate why the "No-Action Alternative" is not the environmentally preferable alternative.

The Moshannon Group of the Sierra Club believes that the Draft EIS is inadequate, and that it will remain so without addressing the associated cumulative impacts that will occur with the RRLLC plans.

Sincerely,

Gary Thornbloom
Chair
Sierra Club - Moshannon Group

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September 28, 2010

Danielle Gosselin
Section of Environmental Analysis
Surface Transportation Board
395 E. Street, SW
Washington, DC 20423

Re: Draft Environmental Impact Statement, FD 35116

Dear Ms. Gosselin:

We are writing on behalf of People Protecting Communities ("PPC") to provide comments in response to the Draft Environmental Impact Statement ("EIS"), Docket No. FD 35116, issued July 23, 2010 by the Surface Transportation Board, Section of Environmental Analysis ("SEA"). PPC is a regional coalition of concerned residents and business owners committed to protecting and preserving the health and safety of citizens and preserving the environment for sustainable uses in Pennsylvania. PPC would like to submit the following comments on the EIS:

1. Comment on Section 1.9, Appropriate Analysis of Landfill. The Proposed Action and proposed Resource Recovery LLC ("RRLC") landfill are connected actions, and a complete analysis of all potential impacts associated with the development and operation of the landfill should be included in the EIS. SEA's decision to the contrary relies on an inappropriately narrow interpretation of the National Environmental Policy Act ("NEPA") and ignores the *factual* reality that the railroad and the proposed landfill are functionally and economically interdependent. Without the landfill and industrial park, the proposed project will be the "Railroad to Nowhere," a boondoggle aimed at generating development entirely inconsistent with state and county plans that are aimed at creating a tourist oriented economy in the Pennsylvania Wilds. Either there is no need whatsoever for this rail line or it is intended to facilitate the development of a landfill and associated facilities that will not occur without the rail line.

SEA relies on *Dep't of Transp. v. Public Citizens*, 541 U.S. 752 (2004) for its conclusion that the effects of the landfill need not be considered in the environmental review process. *Public Citizen*, however, does not govern the scope of the "alternatives" analysis. It concerns a matter not in dispute here – whether a "major federal action" had occurred sufficient

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to require preparation of an environmental impact statement. Thus, *Public Citizen* is inapposite and the appropriate inquiry is the "but for" test employed by the SEA in past proceedings. See EIS at 1-16. Under the "but for" test, the landfill and the industrial park should be included in the analysis because neither can proceed without the proposed rail line.

The SEA's conclusion that the landfill and industrial park can proceed without reactivation of the rail line does not reflect reality of the situation. There is no adequate access to the site of the proposed landfill and industrial park without either the railroad or the new interchange. Access would be through Snow Shoe Township and the uses and transportation are inconsistent with the Snow Shoe Township Zoning Ordinance, as well as both the Township and County Comprehensive Plans. The current access roads are dirt roads and Snow Shoe will not permit modification of the roads to service an inconsistent use. The EIS even concludes that the Local Road System Upgrade alternative would be "the least environmentally preferable alternative" and identifies a number of environmental obstacles that would make it impossible for this alternative to proceed. EIS at 2-21. The landfill proposal was originally premised on obtaining approval from the United States and Pennsylvania Departments of Transportation for the construction of a new exit from Interstate I-80. SEA recognizes that the I-80 interchange is not considered to be a feasible and reasonable alternative. See EIS at ES-10. Because authorization for the road access cannot be given due to inconsistent land use, the landfill cannot proceed without rail access. Indeed, the very fact that the EIS considered alternative access routes for the landfill and industrial park is an implicit admission that the actions are interconnected. It is inconsistent with the requirements of NEPA to fail to consider the possibility of alternative sites for the landfill closer to the New Jersey and New York markets that it will service.

This situation, where multiple federal approvals will be required for actions that are interrelated, is the quintessential situation where the actions should be treated as connected, and alternatives to the interrelated actions will need to be considered in conjunction with one another. Indeed, by letter dated November 5, 2005, the United States Fish and Wildlife Service ("USFWS") recommended to a representative of the RRLC, the landfill owner, that all phases of the project, landfill, industrial park, rail spur, interchange, landfill expansion be treated as a single and complete project for agency review. See Exhibit A. The Department of Transportation, through the Federal Highway Administration ("FHA") appears to have agreed with that recommendation and to have determined that impacts of the landfill including wetlands impacts and landfill alternatives would be considered in connection with the application for an interstate interchange. By letter dated January 19, 2007, FHA indicated that the Corps would likely be the lead agency in the NEPA process for both the landfill and the interchange. See Exhibit B. Thus, it appears that the Department of Transportation determined that the interchange and the landfill should be treated as a connected action. An identical conclusion is warranted with respect to the alternative rail access. SEA has failed to explain why it has now reached a different conclusion. For these reasons the landfill and the railroad are part of a single connected action and should be considered as such in the NEPA process.

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2. Comment on Section 4.2, Land Use Impacts. The EIS incorrectly concludes that the Proposed Action is consistent with the long-range land use plans and objectives of Clearfield and Centre Counties. The analysis is flawed from the beginning because SEA refused to conduct any analysis of consistency issues associated with the proposed landfill. SEA reviewed the Comprehensive Plans solely for consistency with the proposed rail project and concluded that because the plans encourage use of rail, the project is consistent. This is both factually wrong and inconsistent with all reasonable standards for reviewing the consistency of transportation projects with comprehensive land use plans. A transportation project that encourages growth where a county land use plan calls for conservation is generally considered inconsistent with the plan. It also underscores the fundamental problem of not including the landfill as a part of the project. If the rail project were serving an *existing* development and moving traffic onto rail, it would be consistent with the land use plans. However, this is not the case. The proposed project will facilitate a project that both the Clearfield and Centre County officials have found to be *inconsistent* with their land use plans. See EIS at 4-17; see also Letter from Centre County Planning Office, July 19, 2005, attached as Exhibit C.

In addition, both the rail line and the landfill/industrial park are inconsistent with the plans of the Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, which has designated the area traversed by the proposed railway as part of the Pennsylvania Wilds, where the wild and natural aspects of the environment are intended to promote tourism. The proposed landfill and industrial park are located at the natural gateway to the Pennsylvania Wilds. See <http://www.pawildsresources.org/index.html>. The rail project will remove an important trail that is part of this program and the landfill/industrial park are inconsistent with these state land use plans for the state forests and state parks. SEA has wholly failed to consider consistency with the Commonwealth of Pennsylvania's regional planning for land use and economic development.

Furthermore, the Surface Transportation Board's approval here and certainly any wetlands permit will require a water quality certification under section 401 of the Clean Water Act, 33 U.S.C. § 1341. Section 401 requires any applicant for a federal license or permit to conduct any activity that may result in the discharge of a pollutant into waters of the United States to obtain certification from the state in which the discharge occurs. The Pennsylvania Department of Environmental Protection ("PADEP") has designated its Chapter 105 regulations as providing the standard for granting a section 401 certification. In granting permits, including 401 water quality certification, PADEP must consider comprehensive plans, such as the Centre County Comprehensive Plan – Phase I (2003). See PADEP Document No. 012-0200-001, Policy for Consideration of Local Comprehensive Plans and zoning Ordinances in DEP Review of Authorizations for Facilities and Infrastructure. Here, the inconsistency with the Centre County Plan would necessitate denial of the section 401 water quality certification.

SEA's contrived and superficial analysis of land use plans is arbitrary, capricious and unsupported by evidence in the record.

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3. Comment on Section 4.6.2, Impact to Vegetation and Wildlife. The EIS fails to consider the impact of the rail line in fragmenting habitat. The rail line will be a major fragmenting feature with multiple impacts, including impacts on passerine birds, introduction of invasive species and disruption of migration routes. The EIS summarily dismisses any impacts from reactivation of the old rail line because the graded roadbed of the former railroad already serves as an existing linear corridor between adjacent habitat types. SEA assumes, without providing anything to substantiate that assumption, that the impacts of an active rail line will be the same as a graded roadbed. This conclusion appears to be inconsistent with applicable science. The EIS also completely fails to discuss fragmenting in the context of the proposed new connection where there is no existing graded roadbed and the impacts will undoubtedly be more severe. We suggest that this issue be referred to Pennsylvania's Department of Conservation and Natural Resources' Ecosystem Management Advisory Committee, which routinely reviews proposals affecting Pennsylvania's State Forest System and includes Pennsylvania's leading experts in landscape ecology and conservation biology.

4. Comment on Section 4.7.2, Impacts to Wetlands. The EIS recommends the alternative with the greatest impact on wetlands. Under EPA's 404(b)(1) guidelines, 40 C.F.R. Part 230, the applicable regulations of the Army Corps of Engineers, 33 C.F.R. Part 320 and Pennsylvania wetlands regulations, 25 Pa. Code § 105.18a, projects must avoid wetlands before mitigating. Far from avoiding wetlands, SEA proposes the alternative that most disrupts wetlands. Further, the EIS fails to include the wetlands that will be impacted by the landfill and industrial park. See Comment on Section 5.2.7, below.

5. Comment on Section 4.8.4, Impacts to Parks and Recreation Facilities. The EIS does not adequately consider the impacts to state parks and recreation. The SEA does not provide an adequate basis for disagreeing with the conclusions of the District Manager of Moshannon State Forest that the proposed rail line would potentially impact the "ambiance" of the area and the recreational experience of hikers using the Allegheny Front Trail. The SEA provides no support for its opinion that the impact of two trains a day would be "nominal," especially in these circumstances, where there are no developed recreational facilities within this section of the Moshannon State Forest. The SEA also does not even attempt to explain its nonsensical conclusion that eliminating the Snow Shoe Multi-Use Trail and the noise generated by ATVs and replacing it with railroad tracks and trains will "enhance" the recreational experience of hikers using the Allegheny Front Trail. The trash on the trains and in the landfill will generate odors that will have an adverse impact on recreation. These impacts are significant and cannot be ignored.

6. Comment on Sections 4.4 and 5.4, Air Quality Impacts. The air quality impacts analysis in the EIS fails to include any discussion of increases to greenhouse gas emissions as required by NEPA. See 40 C.F.R. §§ 1502.16, 1509.8; see also Council on Environmental Quality, Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions, February 2010. While rail transportation is generally considered to reduce greenhouse gas emissions, the proposed project seeks to locate waste

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facilities remotely from their sources which would not have the effect of reducing greenhouse gas emissions. If the rail displaced existing truck traffic, there would be a positive impact. However, this rail line is intended to generate development in an entirely new area, remote from the site of waste generation. This will increase greenhouse gas emissions.

7. Comment on Section 5.2.2, Cumulative Impacts to Land Use. The analysis of cumulative impacts to land use in the EIS is cursory, at best, and fails to acknowledge that the reasonably foreseeable landfill-incinerator-industrial park complex will incontrovertibly change the character of the surrounding area. SEA points out that likely cumulative impacts include the "loss of several hundred acres of undeveloped forestland," among other impacts, but dismisses any long-term effects by claiming that large-scale projects "typically require some form of site restoration as mitigation." EIS at 5-5. But even SEA recognizes that this mitigation will not revert the land use and land cover back to predevelopment conditions. SEA's conclusion that there will be no adverse impacts to state forests and parks from a cumulative land use perspective is similarly unsubstantiated. As noted above, state and county land use call for maintenance of these areas as natural open space areas. The EIS fails to identify how the impacts could be mitigated and what mitigating measures there might be.

8. Comment on Section 5.2.7, Cumulative Impacts to Water Resources. The EIS also fails to consider the cumulative wetlands impacts by glossing over the fact that additional wetlands will be taken by the landfill and industrial park. SEA acknowledges that there will be reasonably foreseeable cumulative impacts that quantitatively exceed the wetland and watercourse impacts of the proposed rail line alone, but refuses to provide any legitimate analysis of those impacts claiming that they are "impossible to quantify without exact locations and specific limits of disturbance." EIS at 5-9. However, state and federal officials have already commented on the proposal for the landfill/industrial park project. For example, in a letter dated February 14, 2007, USFWS commented on RRLC's section 404 permit application for the landfill/industrial park project and stated that the project "will permanently affect nearly 11 acres of wetlands...and destroy and fragment valuable wildlife habitat." See Exhibit D. USFWS also disapproved of RRLC's proposed compensatory mitigation and objected to issuance of the permit. Similarly, in a letter dated February 13, 2007, the U.S. Environmental Protection Agency ("EPA") stated that it is "very concerned that the project as proposed has not demonstrated that impacts to waters of the United States have been avoided or minimized to the greatest extent practicable as required by the Section 404(b)(1) Guidelines." See Exhibit E. EPA recommended that the permit application be withdrawn. Failure to consider these cumulative effects at the planning stage, in an EIS, is simply inexcusable.

9. Comment on Chapter 7, Short-Term Use Versus Long-Term Productivity of the Environment. The EIS offers no evidence to support the conclusion that economic loss from the Snow Shoe Trail or the Pennsylvania Wilds will be offset by fiscal benefits from the landfill and other industrial operations. PPC conducted an independent analysis of RRLC's claimed economic benefits for the landfill that involved a survey of 18 Pennsylvania landfills

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with an average daily volume similar to the proposed RRLC landfill, an examination of 35 host agreements for Pennsylvania landfills, conferring with the Chief Tax Assessor for Centre County and the Centre County Solid Waste Authority to obtain the local waste disposal numbers, and comparing RRLC's benefit claims with those of the proposed similar-sized landfill (Camp Hope Run) 18 miles west of the RRLC site. PPC's analysis reveals that RRLC's claimed waste disposal benefits, real estate tax benefits and new employee salary and local wage tax benefits are exaggerated by three to four times. Regardless of whether RRLC's or PPC's calculations are used, RRLC's owners and investors will take away five to eight times the income that Rush Township, Snow Shoe Township, the Phillipsburg Oseola School District and Centre County combined will receive for assuming 100 percent of the harms of the landfill. Furthermore, SEA cannot claim benefits from the landfill/industrial park to offset the loss of Snow Shoe Trail when SEA refuses to consider the full extent of the impacts and harms from the landfill/industrial park project in its EIS.

Thank you for the opportunity to review and provide comments on the Draft EIS. We hope that the SEA takes these comments into careful consideration in preparing the Final EIS.

Very truly yours,



Robert B. McKinstry, Jr.
Marlene S. Gomez

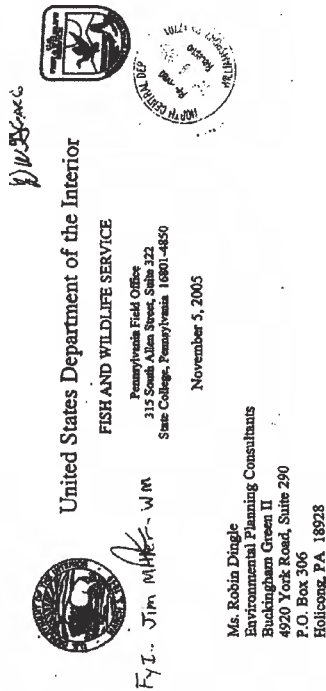
RBM/
Enclosures

cc: Honorable John Quigley

Ronald A. Lane, Esquire
Jeffrey D. Lapp, U.S.E.P.A., Region III
Jennifer Kagle, U.S. Fish & Wildlife Service
Michael Dombroskie, U.S. Army Corps of Engineers
Jonathan P. Crum, Federal Highway Commission
Robert P. Jacobs, Director, Centre County Planning and Community Dev. Office
Ms. Nancy Sutley, Chair Council on Environmental Quality
Daniel A. Devlin, Director Bureau of Forestry
Ms. JoAnn Gillette

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DMEAST #12880158 v1



Ms. Robin Dingle
Environmental Planning Consultants
Buckingham Green II
4920 York Road, Suite 290
P.O. Box 306
Kolicong, PA 18928

Dear Ms. Dingle:

This responds to your letters of December 3, 2004, and March 20, August 29, and September 13, 2005, which provided the Fish and Wildlife Service with information regarding the landfill project proposed by Resource Recovery, LLC (RRLC), located in Rush Township, Centre County, Pennsylvania. The following comments are provided pursuant to the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) to ensure the protection of federally listed endangered and threatened species, and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*) to ensure protection of fish and wildlife resources.

Threatened and Endangered Species

As mentioned in our letter of June 9, 2004 (copy enclosed), the proposed landfill project is located within the range of four federally listed species, the threatened bald eagle (*Haliaeetus leucocephalus*), endangered Indiana bat (*Myotis sodalis*), endangered northeastern bluebird (*Sialia aestiva*), and threatened small-whorled pogonia (*Isoetes medeoloides*). Surveys for these species, following our recommended survey guidelines, have been conducted on the 500-acre landfill portion of the 6000-acre property.

A field survey for small-whorled pogonia was conducted by David Santillo from July 27 to July 29, 2004. All plant communities considered to be potential habitat were searched; however, no small-whorled pogonia were found.

On March 15, 2005, you conducted an aerial survey for the bald eagle. Suitable nesting and foraging locations, such as stream corridors, open water, and forest interior habitats were searched for individuals and nests. No bald eagles or nests were observed within the 500-acre project area, or within a two-mile buffer around this area.

EXHIBIT A

This can be attributed largely to proper site selection and impact minimization through project reconfiguration.

In early alternatives analyses, RRLIC focused on previously-disturbed lands, in conjunction with highway and rail access, as the main criteria for site consideration. Accordingly, many sites were eliminated or not even considered because of a lack of highway or rail access. Since the resource agency meeting of May 13, 2005, highway access at the Rush Township site via a new interchange has become uncertain due to local highway issues. In fact, in the open letter to the community that appeared in the June 19, 2005, *Centre Daily Times*, RRLIC stated that, should plans for an interchange not be approved, RRLIC "... will be compelled to accept access to the development via the existing roadway network." That said, the previous alternatives analysis that rejected sites due to a lack of highway access cannot be considered valid. RRLIC should conduct a new alternatives analysis, focusing on previously disturbed lands.

Single and Complete Project. The resource agencies have consistently recommended that all aquatic resources within the entire 6000-acre parcel be properly identified and mapped. To date, aquatic resources have only been identified within the direct footprint of the proposed landfill, without any regard to future development plans for the remainder of the parcel. With plans for a future industrial park, rail spur, landfill expansion, and a possible highway interchange, all resources existing on this entire 6000-acre tract should be identified to allow a complete evaluation of site plan configurations that could minimize environmental impacts. For example, we note that RRLIC's June 19 open letter describes the proposed industrial park as being "... integral to the overall development." It appears that the future industrial park would not erode, but for the presence of the proposed landfill. Consistent with the Department and Corps of Engineers regulations, the various development phases of this project should be presented as a single and complete project for agency review.

Summary

The 404(b)(1) guidelines require that discharging fill into waters of the U.S. not be permitted if there are practicable alternatives that would result in less environmental damage. We believe that there are practicable alternatives to filling aquatic resources for landfill and related developments, such as changing the project configuration or alternative siting on degraded (i.e., brownfield or recently surface-mined) properties. If RRLIC is now considering using local roads to access the proposed landfill property, then the alternatives analysis presented at the last meeting no longer applies, and RRLIC must consider other parcels of land that do not have direct highway access. Finally, the full project configuration should be presented for agency review as a single and complete project.

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Miss-nest surveys for the Indiana bat were conducted by John Changer of Bat Conservation and Management, Inc., between June 1 and 6, 2005. Four sites were surveyed using 13 nets for a total of 26 net-nights (minimum recommended level of effort was 16 net-nights). Four species of bats, including northern long-eared (*Myotis septentrionalis*), eastern red (*Lasiurus borealis*), little brown (*Myotis lucifugus*), and big brown (*Eptesicus fuscus*) were captured, totaling 97 individuals; however, no Indiana bats were captured.

Joe Isaac, a botanist qualified to identify northeastern bulrush, conducted field surveys on August 24 and 25, 2005. All 28 delineated wetlands within the landfill portion of the property and potential mitigation areas were surveyed for this species; however, no northeastern bulrush were found.

Based on our review of these four survey reports and their negative results, we conclude that implementation of the proposed 500-acre landfill project will not have a direct adverse effect on the northeastern bulrush, small-whorled pogonia, Indiana bat, or bald eagle. However, if other developments are proposed for this site, surveys should be conducted for the above species within all direct and indirect impact areas, as we previously recommended to you (see enclosed copy of joint comment letter from the Pennsylvania Department Environmental Protection, dated June 14, 2005). For example, we are in receipt of correspondence dated July 1, 2005, from Timothy Falkenstein of Retlaw, requesting clearance for impacts to listed species in the area of the proposed Interstate 80 interchange. It is not clear whether surveys for the federally listed species cited above have been conducted in the area to be affected by this interchange. Accordingly, please provide maps and project plans comparing the areas surveyed for each of the above species to the areas that will be affected by all project related features, including the interchange, landfill, and associated facilities. Additional surveys may be necessary if all areas affected by such facilities have not been adequately surveyed.

Other Fish and Wildlife Resources

Since our June 9, 2004, letter, we met with RRLIC and other resource agencies to discuss potential wetland and stream encroachments associated with project construction. We subsequently provided comments to the Pennsylvania Department Environmental Protection, which were also included in their June 14 comment letter. To date, our concerns stated in that letter remain unaddressed. It appears that the RRLIC project will permanently affect nearly 11 acres of wetlands, and will also destroy and fragment valuable wildlife habitat. We offer the following summary of our concerns for your consideration.

Alternatives Analysis. Landfill and industrial park development are not water-dependent activities, and RRLIC has not adequately justified destroying aquatic resources for developing the landfill and related facilities. RRLIC should explore alternatives that are less environmentally damaging, such as alternative site plan configurations that minimize wetland fills and alternative site locations with lower habitat quality. According to the Pennsylvania Department of Environmental Protection, since 1988, the State has authorized only one landfill having impacts to aquatic resources greater than six acres (the Alliance Sanitary Landfill in Lackawanna County; 6.18 acres). Other new landfills and expansions have affected no more than 2.9 acres for any single project (12 landfills affecting a total of 13.69 acres of wetlands).

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Thank you for the opportunity to comment on this project. Please Jennifer Kagel of my staff at 814-234-4090 if you have any questions or require further assistance regarding this matter.

Sincerely,



David Deansmore
Supervisor

Enclosures

cc:
Comps - Pluto
PFBC - Sports, Urban
EPA - Walsh
PGC - Koert
DEP - Means

ARM Group, Inc
(Attn: Ned Whaler, Bill Tafudo, Amy Gilden)
1125 West Governor Road
Hershey, PA 17033-0797

Retlaw
Timothy Falkenstein
3020 Columbia Avenue
Lancaster, PA 17603

Readers file
Project File - Kagel, Dombroskie
ES: PAFO:Kagel/jacrp.11/9/05
Filename: 2005-0589 landfill

Enclosures include:

- 1) FWS letter dated June 9, 2004
- 2) DEP letter dated June 14, 2005

EXHIBIT B

Per the discussion with your office, it is understood that the USACE will likely serve as the lead Federal Agency for the undertaking consistent with the CEQ regulations (40 CFR 1500-1988) implementing the National Environmental Policy Act (NEPA). At the appropriate time, we would like to discuss with your agency the project scope and the appropriate Federal agency roles in order to ensure that the NEPA study serves the needs of our respective actions. Please contact either David Cough at 717-221-1411 or Deborah Lucia Smith at 717-221-1785 to establish a time to meet or conference.

Sincerely yours,
/s/ David W. Cough
James A. Cheatham,
Division Administrator

cc: Kevin Kline, P.E., PennDOT District 2-0
Karen Michael, P.E., PennDOT District 2-0
Dary: Kerns, P.E., PennDOT HQAD
Brian Harte, P.E., PennDOT HQAD
Kim Bartoo, PennDOT District 2-0

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January 19, 2007
In reply refer to:
HEV-PA-1

Center County, Pennsylvania
Rush Township
GENAD-CP-RPA
Resource Recovery LLC
04-32142-8

Dr. Jon Zaluski
U.S. Army Corps of Engineers
State College Field Office
1631 South Atherton, Suite 102
State College, PA 16801

Dear Dr. Pluto:

The Pennsylvania Division of the Federal Highway Administration (FHWA) is in receipt of the Public Notice issued by the U.S. Army Corps of Engineers (USACE), Baltimore District for the referenced proposed undertaking. Upon review of the Notice, the Division office contacted your staff on January 18, 2006 to discuss the status and various aspects of the proposed project.

An Interstate Point of Access (POA) report was prepared for a new interchange location on Interstate 80 and recently transmitted for approval to this office by the Pennsylvania Department of Transportation (PennDOT). That document locates a proposed interchange immediately adjacent to the area described in the USACE Notice. Further, it defines the transportation purpose and need for a new interchange as access for the proposed landfill and other potential future development. Various meetings with state, county and industry representatives regarding this proposed project have further documented the correlation between the proposed interchange and landfill. FHWA final approval of the proposed new interchange will be withheld pending the outcome of the NEPA studies.



County of Centre



BOARD OF COMMISSIONERS
C. CHRIS EXARCHOS, Chairman
STEVEN G. DERSHEM
H. SCOTT CONKLIN

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DIRECTOR
ROBERT B. JACOBS
ASSISTANT DIRECTOR
CHRISTOPHER M. PRICE

TO: Centre County Planning Commission
FROM: Robert B. Jacobs, AICP, Planning Director
SUBJECT: Consistency Review with Local, Regional, and County Land Use and Transportation Plans for the Rush Township Point of Access Study
DATE: July 19, 2005

EXHIBIT C

Background and Status

Rush Township, at the direction of the Federal Highway Administration (FHWA), is requesting Centre County to complete a consistency review for the proposed landfill/industrial park/interstate access interchange with local, regional and County plans. This request must be completed prior to the FHWA's acceptance of a Point of Access Study (POA), which is required when an application is made to construct an access interchange to the US Interstate system.

The specific access interchange request is from Interstate 80 in Rush Township, Centre County approximately 7 miles west of the existing Exit 147 (Snow Shoe) Interchange. Rush Township, in partnership with Resource Recovery LLC, is proposing a landfill and industrial park on land north of Interstate 80. Secondary access for the access interchange would be provided from Gorton Road, which is a Snow Shoe Township facility (T325), which begins in the Village of Moshannon at the intersection of State Routes 144 and 53 and follows in a southerly direction approximately four (4) miles to the Rush Township municipal boundary.

Gorton Road (through Snow Shoe Township) is the only means of public access to the area of Rush Township where the landfill is proposed. The section of Gorton Road that extends into Rush Township (Peale Road, T325) has not been maintained and has been proposed for abandonment by Rush Township. Currently, State Route 504 is the nearest public roadway in Rush Township to the proposed landfill and at its closest point is approximately four (4) miles south of Interstate 80.

The Centre County Planning Office received a letter from Rush Township on June 10, 2005 requesting a consistency review with the Centre County Comprehensive Plan. The following review will consider local, regional, and county land use planning in accordance with Federal Highway Administration requirements. The requirements in part state:

- Policy – It is in the national interest to maintain the Interstate System to provide the highest level of service in terms of safety and mobility. Adequate control of access is critical to providing such service. Therefore, new or revised access points to the existing Interstate System should meet the following requirements:*
5. *The proposal considers and is consistent with local and regional land use and transportation plans. Prior to final approval, all requests for new or revised access must be consistent with the metropolitan and/or statewide transportation plan, as appropriate, the applicable provisions of 23 CFR part 450 and the transportation conformity requirements of 40 CFR parts 51 and 93.*

This review will also be in accordance with the Pennsylvania Municipalities Planning Code (PA MPC), Act 247, as amended; the Centre County Comprehensive Plan, the Centre County Comprehensive Plan Consistency and Compatibility Analysis, the Centre County Long Range Transportation Plan, the Snow Shoe Township Comprehensive Plan, and the Snow Shoe Township Zoning Ordinance. Although not part of this review, Clearfield County has an adopted Comprehensive Plan that should be considered in any future planning activities by Rush Township.

In May of 2004, Rush Township approved and signed a host agreement with Resource Recovery LLC for a proposed landfill on lands located north of Interstate 80. This property is also within and adjacent to Snow Shoe Township to the northeast and is adjacent to Clearfield County to the northwest (Moshannon Creek is the boundary between Centre County and Clearfield County). The 5,761.5 acre property, owned by CLOG of Lancaster PA, is located in the two (2) municipalities, Rush Township (2,691.7 acres) and Snow Shoe Township (3,069.8 acres).

Resource Recovery LLC approached Snow Shoe Township in April of 2004 with the landfill proposal. This proposal included a host agreement and a request to rezone the portion of CLOG property within the Township. Following municipal review and discussion by Snow Shoe Township, including a presentation by Resource Recovery LLC in June of 2005, Resource Recovery LLC (citing municipal and citizen opposition) withdrew the rezoning request. The Snow Shoe Township Supervisors subsequently denied the request at an advertised and regularly scheduled public meeting in July of 2004 as a way of procedurally closing out the public hearing/ review and comment process.

With the Rush Township host agreement still in effect, Resource Recovery LLC modified its proposal in September 2004 and limited the proposed landfill activity to the portion of CLOG property in Rush Township.

Rush Township, on behalf of Resource Recovery LLC, submitted a Point of Access Study (POA) for an access interchange to the proposed landfill from Interstate 80 in September 2004 to the PennDOT Central Office in Harrisburg. This study is currently under review by PennDOT and Federal Highway Administration. Based on the POA submittal and the Federal regulations cited above, the Centre County Planning Office and the Centre County Metropolitan Planning Organization (staffed by members of the Centre Regional Planning Agency and the Centre County Planning Office) are responsible for developing this review. Prior to submittal of this review to the Federal Highway Administration, comment and approval will be required by the Centre County Commissioners, Centre County Planning Commission, and the Centre County Metropolitan Planning Organization as outlined in the June 14, 2004 Briefing Paper (see attachment).

Local, Regional, and County Planning

Adopted comprehensive plans and land use controls (such as zoning and subdivision/land development ordinances) vary across the 36 municipalities in Centre County. For planning purposes, Centre County is divided into seven (7) regional planning areas. These planning regions coincide with geographic and socioeconomic factors, municipal boundaries, and to the degree possible, school district boundaries. There are two (2) planning regions specific to this proposal, Moshannon Valley and Mountaintop.

Rush Township

Rush Township along with Philipsburg Borough and South Philipsburg Borough are located within the Moshannon Valley Planning Region. Currently, Rush Township has no adopted comprehensive plan nor do they have an adopted zoning ordinance (although Rush Township has indicated in their June 10, 2005 correspondence that they are in the process of preparing a comprehensive plan).

Of the three (3) municipalities in the Moshannon Valley Planning Region, Philipsburg Borough is the only municipality with a comprehensive plan and zoning ordinance. The Centre County Planning Office provides subdivision / land development review services to all three (3) of the Moshannon Valley municipalities.

In addition to Rush Township not having any adopted land use controls such as zoning, they further abdicated any local land use rights now and into the future within the area of the proposed landfill (all Rush Township land north of Interstate 80). Contained within the signed host agreement between Rush Township and Resource Recovery LLC is a clause entitled *Obligations of the Township*, which in part states:

"Township agrees that in consideration of this agreement and payment received under the Agreement, Township will not interfere with or oppose the permitting, re-permitting, or permit modifications (to the extent that such permit modifications are not inconsistent with this Agreement) of the Landfill, or pass any ordinances or regulations regulating or interfering with the operation of the Landfill".

County Planning

In 2003, Centre County adopted the Centre County Comprehensive Plan, Phase I. This plan includes background studies and inventories of existing conditions along with the goals, objectives, and recommendations that serve as the foundation for Phase II, Growth Management and Community Development Strategies (currently in development). As with any comprehensive plan, the guidance provided for the development of the County plan came from the PA MPC.

Pennsylvania Municipalities Planning Code, Act 247 Guidance

The PA MPC details the rights and responsibilities of municipalities and counties regarding the preparation, adoption, implementation, and interpretation of planning and land use ordinances, regulations, policies, and procedures. Of particular note to this consistency review is the MPC's Article III – Comprehensive Plan. The following review identifies relevant MPC requirements that assist in the determination of consistency.

One of the key elements of this consistency review involves the responsibilities of adjacent municipalities and the County regarding land use planning near municipal boundaries. Section 301.4(a)(5) notes that municipal and county comprehensive plans shall include

"a statement indicating that the existing and proposed development of the municipality is consistent with the existing and proposed development and plans in contiguous portions of neighboring municipalities or a statement indicating measures which have been taken to provide buffers or other transitional devices between disparate uses".

In addition, the same section notes that municipal plans shall provide:

"a statement indicating that the existing and proposed development of the municipality is generally consistent with the objectives and plans of the county comprehensive plan".

Further, Section 301.4 notes that:

"municipal comprehensive plans which are adopted shall be generally consistent with the adopted county comprehensive plan".

Finally, Section 306(1) notes that

"when a municipality having a comprehensive plan is located in a county which has adopted a comprehensive plan, both the county and the municipality shall each give the plan of the other consideration in order that the objectives of each plan can be protected to the greatest extent possible."

Unlike zoning where the local municipality has all of the authority to amend zoning ordinances under the PA MPC, Rush Township is tied to its host agreement and thus limited to any modifications or future land use controls at the proposed site, unless Resource Recovery LLC agrees.

Snow Shoe Township

The Mountaintop Planning Region is also comprised of three (3) municipalities, Snow Shoe Township, Snow Shoe Borough, and Burnside Township. Snow Shoe Township and Snow Shoe Borough both have adopted comprehensive plans and zoning ordinances. Burnside Township does not have either.

Snow Shoe Township adopted their comprehensive plan in 1991 which provided goals, objectives, and an inventory of existing conditions which was then followed by a set of recommendations for future land use. These components became the foundation for the zoning ordinance, adopted in 1998. The zoning districts of that ordinance are based on the recommendations from that adopted comprehensive plan.

More specifically related to the landfill proposal, Snow Shoe Township included this area within the Forest/ Open Space Zoning District. This purpose of the district is as follows:

"This district recognizes the value of conserving land as a natural resource, and the problems which can be created as a result of over-utilization or development of certain areas with unusual or fragile characteristics. Certain lands within the Township have unique characteristics with regard to matters such as potential soil erosion and water supply contamination. Other lands within the Township present the possibility of preserving the aesthetic values and rural character of the Township, preserving wild areas, wetlands, forests, and other natural environments beneficial to wildlife. Within this district, development is either largely uneconomical due to the condition of the land, or undesirable due to the fragile nature of the area, or the need to preserve areas in a natural state"

During the initial stage of the landfill proposal by Resource Recovery LLC, a rezoning request from the Forest/ Open Space District to Industrial (or a similar "by right" zoning district) was submitted to Snow Shoe Township. As stated earlier in this review, the request was withdrawn by Resource Recovery LLC.

Regional Planning

In regards to multi-municipal planning efforts made possible through amendments to the PA MPC, neither planning region, Moshannon Valley and Mountaintop have entered into multi-municipal regional comprehensive plans or zoning ordinances.

Centre County Consistency and Compatibility Analysis

The following analysis outlines the planning activities that were performed by the County Planning Office pursuant to the MPC sections identified above that are directly related to this consistency review. During the preparation of the County's Comprehensive Plan, the Planning Office prepared the *Centre County Comprehensive Plan Consistency and Compatibility Analysis, March 22, 2001* and its purpose was to identify:

- 1) municipal comprehensive plan consistency with the county comprehensive plan,
- 2) inconsistencies between municipal comprehensive plans, municipal zoning ordinances, and the Centre County existing land use map, and
- 3) existing and future development incompatibilities in contiguous portions of neighboring municipalities.

This document has provided guidance to development of the County Comprehensive Plan and various municipal and regional comprehensive plans developed throughout the County. This document identified no inconsistencies or incompatibilities between existing and future development between Rush and neighboring Snow Shoe Township.

As stated earlier in this review, only Snow Shoe Township has land use controls. Snow Shoe Township has both an adopted Comprehensive Plan and an adopted zoning ordinance. Pursuant to the MPC, the Planning Office must consider Snow Shoe Townships adopted Comprehensive Plan when making this consistency determination. As previously noted, the Snow Shoe Township Comprehensive Plan and zoning ordinance designates the area as Forest/Open Space. This matches the existing land use designations in the adjacent area located in Rush Township.

Developments of Regional Significance

The MPC also notes that special planning review and consideration should be given to large-scale developments that may have impacts on municipalities outside of the jurisdiction within which the proposed development is to be located. To ensure that developments of regional significance and impact are adequately planned for, Section 301(a)(7)(i) of the MPC requires that County Comprehensive Plans:

"identify current and proposed land uses which have a regional impact and significance, such as large shopping centers, major industrial parks, mines and related activities, office parks, storage facilities, large residential developments, regional entertainment and recreation complexes, hospitals, airports, and port facilities".

The proposed landfill and industrial park clearly falls within this category, particularly given its proximity to Snow Shoe Township, and as such deserves additional planning review to ensure that adequate protections are in place for all impacted municipalities.

The MPC provides the tools to plan for such activities and, in fact, encourages land use planning and infrastructure planning activities be coordinated to maximize resources and minimize development impacts. Section 301.7.d. notes that

"the municipal, multi-municipal or county comprehensive plan may identify where growth and development will occur so that a full range of public infrastructure services, including sewer, water, highways, police and fire protection, public schools, parks, open space and other services can be adequately planned and provided as needed to accommodate growth."

Consistency with the Centre County Comprehensive Plan

The Centre County Comprehensive Plan, Phase I, provides specific goals, objectives and recommendations that provide guidance for coordinated growth management throughout the County. The following analysis provides an overview of specific findings in the plan that relate to the proposed land use in Rush Township.

Through this review, there are elements of the Centre County Comprehensive Plan goals, objectives, and recommendations that appear to be consistent with the proposed land use and access interchange. For example, the Forest Chapter notes that illegal dumping is an environmental threat and states that:

"garbage that should have been recycled or dumped in a landfill poses many threats to our public and private lands."

In addition, the Groundwater Section recommends the encouragement of:

"proper handling and disposal of all wastes to prevent groundwater pollution".

It should be noted that existing locations in Rush Township and neighboring municipalities have been the target of environmental programs for remediation. The siting of a landfill may ameliorate some existing and potential problems associated with illegal dumping and the associated environmental impacts.

The Community Facilities and Services; Energy and Communications Section also provides some guidance to this consistency review. One recommendation encourages:

"public awareness and citizen participation regarding the placement of utility lines or energy production sites".

In so much as the proposed land use potentially includes an energy production facility or facilities, this consistency review may help to raise public awareness and increase citizen participation regarding the siting and operation of such a facility. In addition, the Comprehensive Plan recommends support for:

"policies to identify and implement alternative fuels as a viable energy alternative" (although the plan does encourage such planning to occur on a regional basis).

The primary purpose of this review is to examine the proposal in its entirety, including the development of an interstate access interchange to accommodate the considerable traffic to be generated by the proposed use. It should also be noted that the Economic Development Chapter identifies capital facilities planning as a chief component of sound land use / economic development planning and states that:

"access to high-quality comprehensive transportation networks is one component to business location decisions".

The Plan further notes that the identification of available sites located near such networks, served by supporting infrastructure (e.g. water and sewer service), and situated away from conflicting land uses is an important function of local economic development activities. While the present proposal may maximize the region's transportation infrastructure, it does not meet the other key element of that statement; i.e. the location of such development away from conflicting land uses, which is at the center of the present discussion. The proposed landfill/ industrial park/ interstate access interchange is not a compatible land use given the nature and scale of the development adjacent to Snow Shoe Township. Most importantly, the secondary impacts from the proposed use will create traffic impacts due to the fact that all local access to the site is from Snow Shoe Township through the Village of Moshannon.

Further, the proposed use appears to be inconsistent with several elements of the County Comprehensive Plan. To assist in the review and consideration, some of the relevant plan goals, objectives, and recommendations are outlined below and are arranged by three broad themes: growth management, environmental protection, and community and economic development taken primarily from the Natural Resources, Community Facilities and Services, and Economic Development Chapters.

Growth Management

Forest Objectives:

- Protect watershed features such as surface and underground water supplies, stream, floodplains, forested riparian areas, wetlands, fish and wildlife habitats, and aquifer recharge areas
- Use identified natural resource areas and public open spaces to provide guidance with land development activities
- Develop strategies that provide for growth while maintaining a balance with the County's natural resources: forest lands, ag lands, sensitive environmental areas, steep slopes, floodplains, scenic views, and high quality surface and ground waters.

Forest Recommendations:

- Protect forested land in Centre County from development pressures and degradation by guiding land development activities in forested areas.

- Encourage through incentives the protection, preservation, and management of forest resources for their economic and environmental benefits.

- Support protection and wise land use management of mountain ridges to protect sensitive features, i.e., groundwater recharge areas, wildlife habitats, and scenic vistas.

Sewer Service/ Systems Objectives

- Encourage the efficient use of utilities and services such as water, sewer, electric, gas, and telecommunications in existing and planned growth areas.

Sewer Service/ Systems Recommendation

- In cooperation with the municipalities and respective planning regions, identify future growth areas consistent with County and local plans, land use regulations, and with the efficient use of existing and proposed sewer service areas.

Transportation Goal

- To provide a multi-modal transportation system, which includes air, bicycle, highway, pedestrian, public transportation, and rail facilities to maximize the efficient, safe, economical and convenient movement of people and goods while minimizing the adverse impact the system will have on natural and cultural resources, as well as people.

These goals, objectives, and recommendations set the stage for Phase II of the County Comprehensive Plan, Growth Management and Community Development Strategies. The Planning Office began the Phase II process this May by introducing a growth boundary depicting appropriate areas for future growth and development based on existing and planned infrastructure. In the coming months, the Planning Commission will have the opportunity to review and comment on detailed information for Phase II of the County Plan as developed by the Planning staff.

Environmental Protection

Natural Resources Goal:

- Identify, preserve, and monitor Centre County's environmental natural resources for the benefit of present and future generations.

Forest Objectives:

- Promote the wise use and management of the County's natural resources that include prime agricultural lands, forested areas, and mineral resources.

Flood Plains and Wetlands Recommendations:

- Protect wetlands within Centre County from alteration and degradation by guiding land development activities to upland areas.

- Promote vegetative buffers around inland wetlands especially Exceptional Value wetlands.
- Protect the hydrology of wetland areas.

The environmental protection section of the Plan provides these guidelines and suggests further investigation for proposed development activities. This section also complements the Snow Shoe Township Comprehensive Plan and the adopted zoning ordinance that implements the recommendations of both plans.

Community and Economic Development

Energy and Communications Recommendations:

- Promote public awareness and citizen participation regarding the placement of utility lines or energy production sites.

Surface Water Objectives:

- Promote and preserve the County's natural areas for scenic, educational, historic, environmental, recreational, and tourism purposes

Surface Water Recommendations:

- Make the protection of water resources a priority through regulations for any major land development activity including highway development.
- Integrate local land use planning and watershed planning
- Support the conservation of forested mountain slopes

Economic Development Recommendations:

- Understanding that growth in one sector of the economy impacts other sectors (positively and negatively), potential secondary economic impacts should be identified when making economic development policy decisions.
- The County's historic and cultural resources should be inventoried and promoted as part of a coordinated economic development/tourism strategy.
- Unique cultural and historic resources should be cataloged and promoted as part of a comprehensive County economic development strategy
- Municipalities should identify locally important resources for inclusion in such a plan and should identify related retail opportunities.

- Land use regulations should recognize the relationships between tourism activities and retail opportunities and promote such opportunities (e.g. bed and breakfasts, historic preservation districts, etc.) consistent with sound planning practices.

- The County's recreational amenities should be inventoried with related retail opportunities identified

- Linkages between recreational opportunities (e.g. trail interconnections, greenways) should be identified and promoted.

The text of the Plan also provides some additional guidance regarding the importance of our forested areas for economic development. For example, the Lumber Heritage Region of which the County is a member, seeks to link forests, parks, historic resources, and communities to allow residents and visitors to explore our vibrant culture and contribute to a vital economy. Other programs (e.g. Pennsylvania Wilds Program) seek to maximize the region's rural character for tourism and economic development purposes.

The Economic Development Chapter recommends continued pursuit of Heritage Tourism opportunities to identify, catalog, and market the unique historic, cultural, and recreational opportunities of the County and its municipalities. In addition, the Plan recognizes the growing trend in nature tourism and the many economic opportunities afforded to our municipalities through outdoor activities including hunting, fishing, camping, hiking, etc. Such activities are a key component of the County's economic development plan and are a vital component to the Mountaintop Region's economy and quality of life.

The development of a landfill/ industrial park/ interstate access interchange in this location would likely have a negative impact on this region's ability to market itself to outdoor tourism. The proposal also includes the reactivation of a rail line that would cut off an existing rail-trail project designed to provide connectivity to this region for outdoor enthusiasts.

The effects of deterioration to the Mountaintop Region's economy would be particularly severe. In fact, the majority of the Region's growth during the 1990's was due to growth in seasonal housing development. While the applicant has proposed both a landfill and industrial park, which would add to the region's employment opportunities, public disclosure of the number of employees proposed at the site vary. A total of 35 employees were cited in a recent permit application filed by Resource Recovery LLC to the PA Department of Environmental Protection. In a recent public advising campaign in local newspapers, again by Resource Recovery LLC, a total of 750 employees was cited. This inconsistency alone makes it difficult to evaluate the economic impacts relative to economic and quality of life costs.

In Rush Township, the Mid-State Airport facility located near the Black Moshannon State Park has been identified as an important component of the regional economy. Given its importance, the Planning Office recommends that the Mid-State Airport Authority investigate any potential impacts to their long range development plans.

RECOMMENDATIONS

The Centre County Planning Commission has an obligation under the MPC to ensure compatibility in land use planning between adjacent municipalities. With Snow Shoe Township's existing planning and land use controls, in addition to the numerous inconsistencies with the goals, objectives, and recommendations of the Centre County Comprehensive Plan, the Planning Office recommends that the Planning Commission find the proposed landfill/ industrial park/ Interstate access interchange proposal inconsistent with the Plan.

Land use and transportation are inextricably linked, and it cannot be more apparent than with this proposal. Regardless of the final determinations of this review, a second set of recommendations will be prepared by the MPO staff for review by the MPO Coordinating Committee. These recommendations will focus on local and regional traffic/ transportation system impacts. However, the Planning Office maintains a deep concern about the ability of the applicant to mitigate traffic impacts in Snow Shoe Township.

This recommendation should not be interpreted that the Centre County Planning Office prefers the use of the local road network as has been asserted by Rush Township and Resource Recovery. The present issue placed before the Planning Commission by Rush Township at the direction of the Federal Highways Administration is a matter of Comprehensive Plan review for land use consistency, not approval/disapproval on the proposed access interchange. If the proposed land use were to be forwarded to the permit application review process and approved at the State and Federal levels, the Planning Office recommends that the only acceptable access would be from Interstate 80.

In addition to a request for consistency review with the existing County Comprehensive Plan, Rush Township has also requested that the Plan be amended to include the proposed development. As has been previously noted, Rush Township is in the process of preparing a municipal Comprehensive Plan. It should be stated that given the considerable impacts likely to be experienced by Snow Shoe Township, it may be difficult for Rush Township to demonstrate an ability to mitigate potential impacts through the development of a municipal Comprehensive Plan alone.

Therefore, if Snow Shoe Township elects to maintain their existing land use controls as they exist today and the Centre County Planning Commission elects to ensure consistency of the landfill proposal with the County Comprehensive Plan, the Planning Office recommends the following steps that could be taken by Rush Township and Resource Recovery to plan for and mitigate potential negative impacts:

- **Rush Township** – prepare and adopt a Comprehensive Plan (consistent with the County Comprehensive Plan) that plans for appropriate infrastructure to serve the intended use and provides adequate transitional devices, as required by the MPC, to protect the residents of Snow Shoe Township.
 - **Rush Township** – prepare and adopt local land use controls (e.g. zoning ordinance) to implement the adopted Comprehensive Plan.
 - **Rush Township** – advance the proposed interchange as a locally sponsored and privately funded project through the MPO's Long Range Transportation Plan process. This process ensures that both the Technical Advisory Committee and the Coordinating Committee can review all potential area-wide impacts (including impacts to the existing interstate system) and make an appropriate determination that identifies and mitigates potential impacts
 - **Resource Recovery** – execute a host municipality agreement with Snow Shoe Township and/or Centre County identifying potential impacts and detailing a plan to mitigate those impacts. This host agreement will also be recorded with any subsequent subdivision and/or land development plans.
- The preparation of these comprehensive and coordinated land use controls and agreements involving both Rush Township and Resource Recovery with input from Snow Shoe Township and Centre County (as required by the MPC) appear necessary to provide the protections that an individual municipality alone cannot. For example, Rush Township has previously attempted to identify and mitigate some of the potential impacts associated with this development proposal, including the development of an interstate access interchange to minimize traffic impacts on Snow Shoe Township.
- In fact, one of the conditions identified in the host agreement between Rush Township and Resource Recovery is the construction of an access interchange from Interstate-80. Further, the Initial Point of Access Study submitted by Rush Township to PennDOT bolstered Rush Township's assertion that significant negative traffic impacts could be experienced by neighboring Snow Shoe Township if the local road system were to be utilized. The POA study clearly demonstrates an understanding by both Rush Township and Resource Recovery that the local road network is incapable of handling the anticipated traffic and was not planned, intended, or designed to accommodate the anticipated traffic or the required improvements (e.g. condemnations).
- Recently however, Rush Township and Resource Recovery have expressed an interest in amending the host agreement to allow for the use of the local road network to serve the proposed development, to the detriment of Snow Shoe Township. In addition, they have requested PennDOT to evaluate a potential Highway Occupancy Permit (HOP) for access to the proposed landfill from the existing State Route system in Snow Shoe Township. This is counter to the current agreements in place and cause for concern in regards to Snow Shoe Township.

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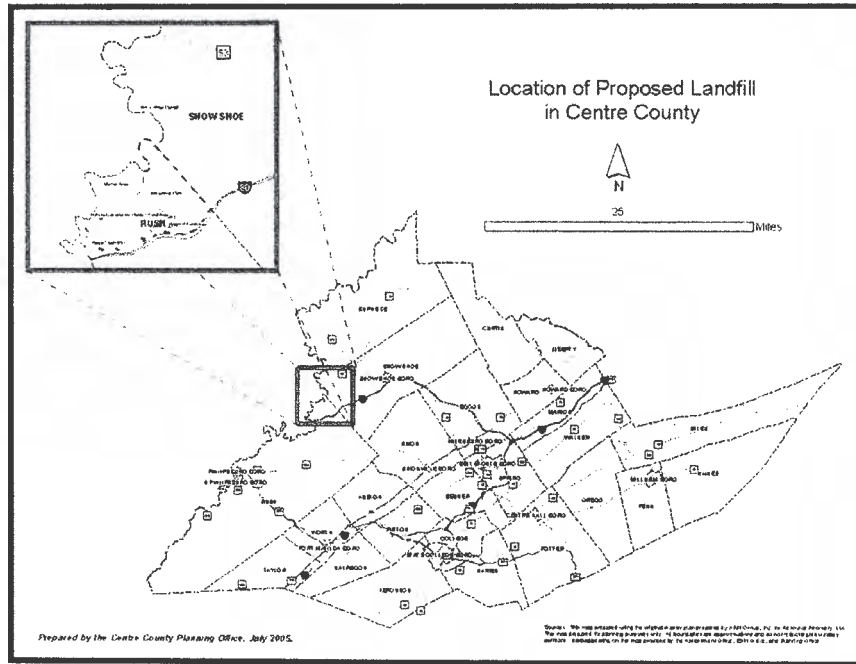
The adoption of local land use controls by Rush Township to implement the Comprehensive Plan should serve to provide for some of the transitional devices required by the MPC. The execution of a host agreement with Snow Show Township and/or Centre County to be recorded with all subsequent plans will serve to ensure that said protections are maintained.

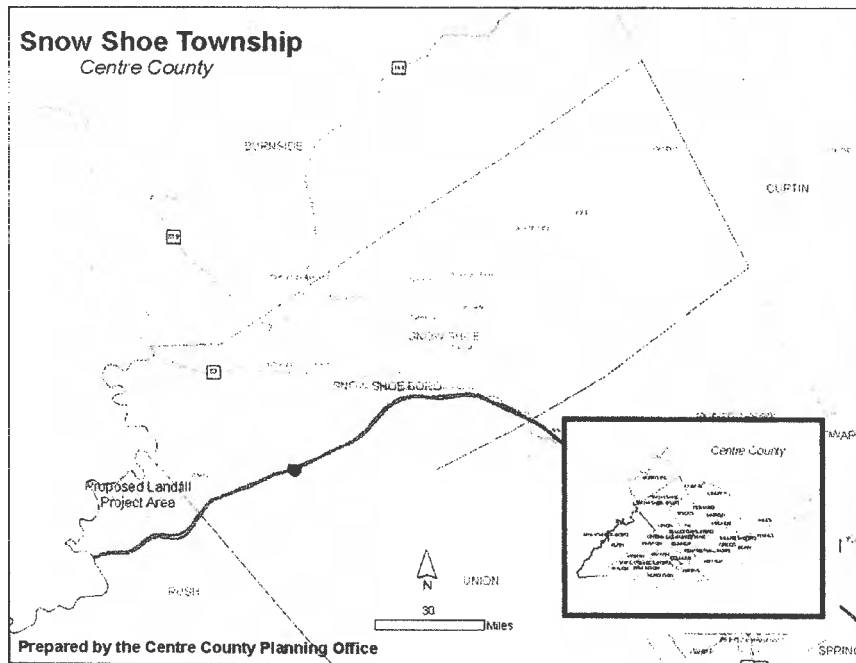
Ultimately, it will be the determination of the Centre County Planning Commission and Board of Commissioners to decide consistency of this proposal with the Comprehensive Plan now and in the future.

map enclosures

pc: Centre County Board of Commissioners
Timothy T. Boyde, Centre County Director of Administrative Services
Christopher M. Price, AICP, Assistant Planning Director
Robert A. Crum, Director, Centre Regional Planning Agency
Thomas P. Zilla, AICP, Centre County MPO Transportation Planner
Mike Bloom, Centre County MPO Transportation Planner

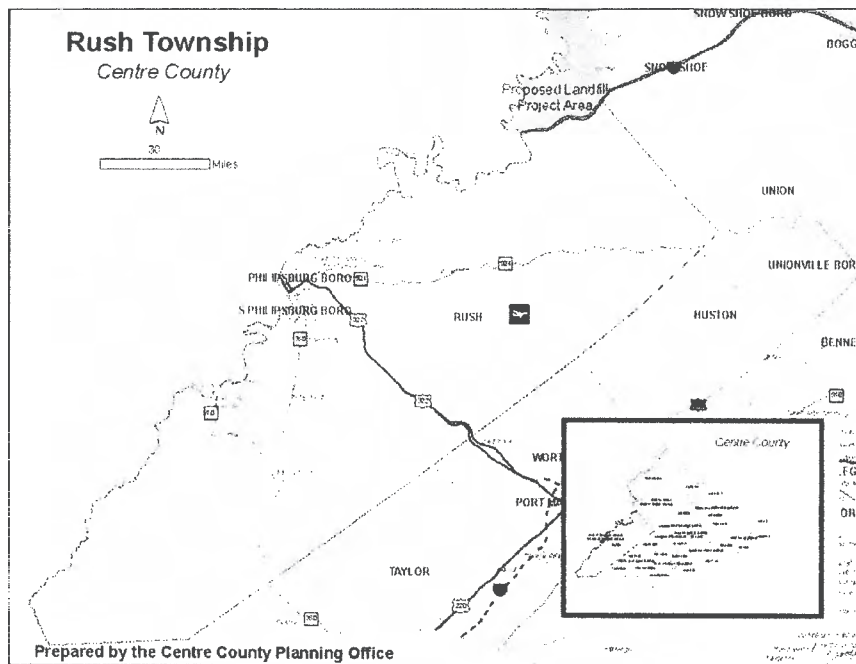
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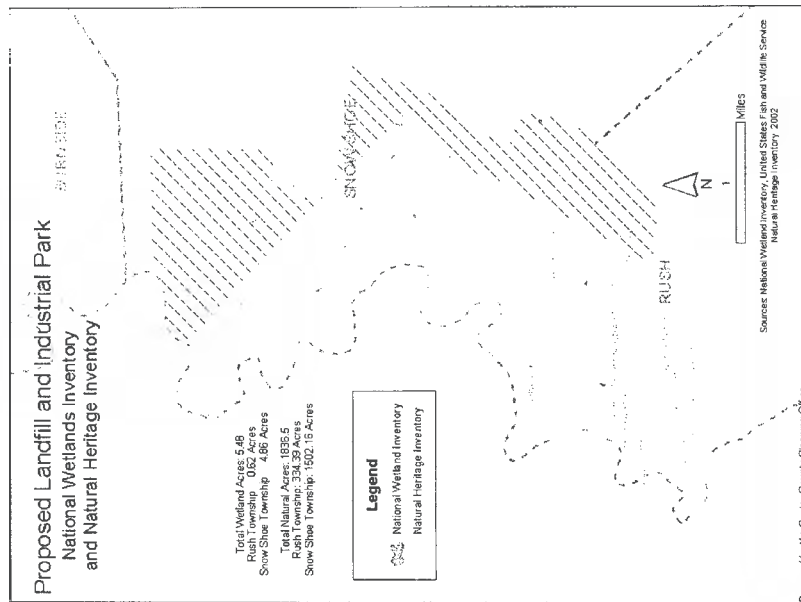
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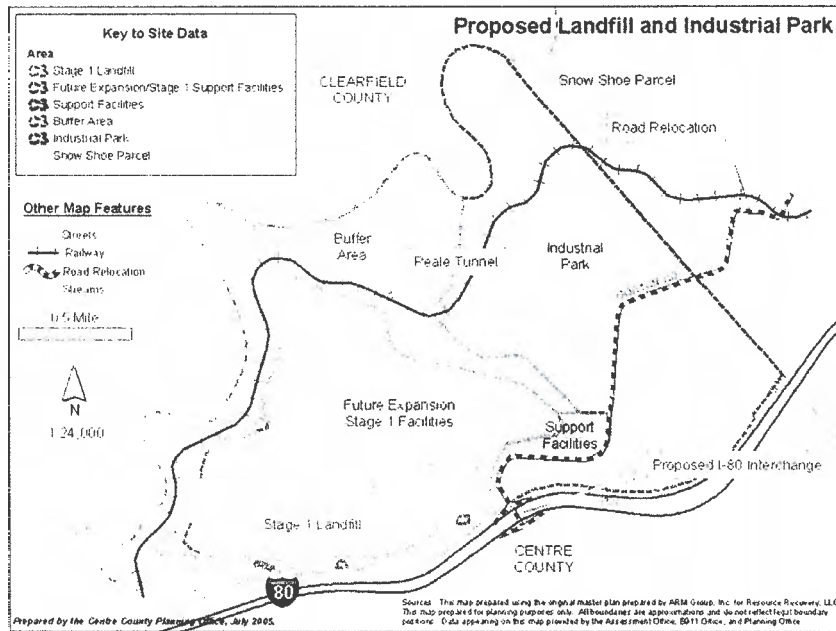
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United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pennsylvania Field Office
315 North Allen Street, Suite 322
State College, Pennsylvania 16801-4850



February 14, 2007

Colonel Peter W. Mueller, District Engineer
(ATTN: Tom Phiso)
U.S. Army Corps of Engineers
Baltimore District
P.O. Box 1715
Baltimore, MD 21203-1715

Dear Colonel Mueller:

The Fish and Wildlife Service has reviewed Public Notice Number CENAB-OF-RPA-04-02142-8 (PN 07-06), dated January 16, 2007. Resource Recovery, LLC (RRLC), proposes to construct a municipal waste landfill and supporting facilities in Rush Township, Centre County, Pennsylvania. The project would result in impacts to 3.64 acres of federally regulated (jurisdictional) wetlands and 7.01 acres of isolated wetlands (non-jurisdictional pursuant to section 404 of the Clean Water Act). Jurisdictional wetland impacts include fill in 2.89 acres of palustrine forested/palustrine emergent (PFO/PPEM) wetlands, 0.69 acre of palustrine scrub-shrub/palustrine emergent (PSS/PPEM) wetland, and 0.06 acre of palustrine emergent (PEM) wetland. Additional wetlands may be affected by a proposed highway interchange. As compensatory mitigation, the applicant has proposed creating about 12 acres of wetlands on-site (a 1:1 replacement ratio) to offset all wetland impacts (both jurisdictional and non-jurisdictional), 440 linear feet of riparian plantings, and 5.8 acres of upland habitat enhancements.

These comments are prepared in accordance with the requirements of the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e) and the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). They are to be used in your determination of Section 404(b)(1) Guidelines compliance (40 CFR 220) and in your public interest review (33 CFR 320.4) as they relate to protection of fish and wildlife resources. We have previously commented on this project in letters dated October 23, 2006 (to the Pennsylvania Department of Environmental Protection), November 5, 2005 (to the applicant's consultant), June 14, 2005 (joint letter with the Department), and June 9, 2004 (to the applicant's consultant) (copies enclosed). Aside from complying with the procedural requirements of the Endangered Species Act for the landfill site, the applicant has not modified the project to address any of our previous comments, so we are incorporating those comments herein by reference.

We offer the following summary of our previously-stated concerns:

EXHIBIT D

- **Wildlife Habitat Values.** The RRLC project will permanently affect nearly 11 acres of wetlands (jurisdictional and non-jurisdictional), and destroy and fragment valuable wildlife habitat. Despite past logging and strip mining impacts the 6,000-acre property supports diverse forest habitat (including mature and early successional red maple, aspen, birch, white oak, pin oak, ash, dogwood, and pine) and a well-developed understory (including northern spirebush, blueberry, greenbriar, fire cherry, sweet fern, and sumac), and is capable of supporting a diverse assemblage of wildlife.
- **Threatened and Endangered Species.** Surveys for four federally listed species (bald eagle, Indiana bat, northeastern buntush, and small-whorled pogonia) have been conducted on the 533-acre landfill portion of the 6,000-acre property, and we have concluded that the footprint of the proposed landfill will not adversely affect federally listed endangered and threatened species. However, we have further recommended that the applicant conduct surveys for these species within all direct and indirect impact areas for the entire 6,000-acre parcel. To our knowledge, this has not been done.
- **Alternatives Analysis.** We have repeatedly requested that RRLC explore alternatives that are less environmentally damaging (e.g. alternative site plan configurations, alternative site locations with lower habitat quality and existing highway access, and dry-lighting and lining former deep mines for landfill pit construction). In addition, RRLC has focused on lands with highway and rail access, eliminating from further consideration those sites which lacked transportation access. More recently, however, RRLC has indicated that local roads are acceptable for landfill access. Therefore, the previous alternatives analysis that rejected sites without highway access is no longer valid. To date, RRLC has not responded to our request for a new alternatives analysis, nor have they attempted to minimize project impacts on-site (project impacts have not changed since the initial pre-application meeting).
- **Single and Complete Project.** We have consistently recommended that all aquatic resources within the entire 6,000-acre parcel be properly identified and mapped. To date, aquatic areas have only been identified within the footprint (533 acres) of the proposed landfill, without regard to likely future plans for developing the remainder of the parcel (e.g. the industrial park, rail spur, landfill expansion, Gordon Road expansion, and a possible highway interchange). RRLC has not combined these project-related components into a single and complete project proposal for agency review.
- **Compensatory Mitigation.** Proposed compensatory mitigation sites are unlikely to succeed as such because of unsuitable soils, questionable hydrology, and floodplain siting (making them vulnerable to erosion and deposition from overbank flooding); or they would cause additional, unacceptable loss of valuable forest habitat. The applicant has not responded to our recommendations to investigate alternative sites that are likely to achieve long-term success in replacing the wetland functions lost at the proposed development site. Furthermore, our October 23, 2006, letter recommends that wetland replacement ratios correspond to the affected wetland type (e.g., PFO – 2:1, PSS – 1.5:1, or PEM – 1:1). To date, these recommended replacement ratios have not been incorporated into the project plans.

Finally, based on a recent site visit, we note that a stream exists in what would become landfill cells 5 and 6. This stream was not previously documented, and should be properly delineated and included as a project impact. Should the Corps decide to authorize this project, additional compensatory mitigation for impacts on this stream should be required.

Summary

The 404(b)(1) guidelines require that discharging fill into waters of the United States not be permitted if there are practicable alternatives that would result in less environmental damage. Again, we believe that there are practicable alternatives to filling aquatic areas for the landfill and related developments, such as changing the project configuration, alternative siting on degraded (i.e., brownfield or recently surface-mined) properties, or daylighting deep-mined areas to use for the landfill pit. If RRLC is now considering using local roads to access the proposed landfill property, then the original alternatives analysis no longer applies, and RRLC must consider other parcels of land that do not have direct highway access. In addition, all project-related actions should be presented as parts of a single and complete project.

The proposed wetland mitigation sites sacrifice forest cover for the construction of PEM wetlands, may be subject to sedimentation and erosion, and rely on uncertain hydrology. Therefore, we recommend that the applicant explore alternative areas to site their compensatory wetland mitigation work, and do so at appropriate replacement ratios. We ask further than any impacts to streams also be compensated in-kind.

Until these deficiencies are resolved, the project should not be authorized as proposed, and we continue to object to permit issuance.

Thank you for the opportunity to comment on the proposed project. Please Jennifer Kage of my staff at 814-234-4090 if you have any questions or require further assistance regarding this matter.

Sincerely,



David Deansmore
Supervisor

Enclosures

cc: DEP – Steven Meas
 PFBC – David Spotts, Chris Urban
 EPA – Maria O'Malley-Walsh
 PGC – Jeff Kost
 Centre County Conservation District
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Ms. Michele L. Barbin
 P.O. Box 142
 Snowshoe, PA 16874-0142
 Ms. Terri Burbridge
 221 Gordon Road
 Mohamnon, PA 16859
 Readers File
 Project File – Kagel
 ES files, archive – Dombroskie
 ES: PAFOJKagel/jak:1/23/07
 Filename: Y:\PROFFICE\Drafts\Drafts 2007\snow shoe landfill Corps IP IL.doc
 Enclosures include:
 1) FWS letter dated June 9, 2004
 2) DEP letter dated June 14, 2005
 3) FWS letter dated November 5, 2005
 4) FWS letter dated October 23, 2006



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

February 13, 2007

Mr. Irwin Garskoff
Chief, Pennsylvania Section
U. S. Army Corp of Engineers
Baltimore District
1631 South Atherton
State College, PA 16801

re: CENAB-OP-RPA (Resource Recovery, LLC) 04-02142-8

Dear Mr. Garskoff,

The U.S. Environmental Protection Agency (EPA) has reviewed the above referenced permit application in accordance with Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. The applicant, Resource Recovery, LLC, proposes work in wetlands adjacent to unnamed tributaries to Moshannon Creek and Laurel Run in Rush Township, Centre County, PA.

The applicant proposes to discharge dredge or fill material into approximately 3.64 acres of Federally regulated jurisdictional wetlands associated with the construction of a municipal landfill and supporting facilities. The jurisdictional wetlands to be impacted include 2.89 acres of palustrine forested/palustrine emergent (PFO/PEM) wetlands, 0.69 acre of palustrine scrub-shrub/palustrine emergent (PSS/PEM) wetlands, and 0.06 acre of PEM wetlands. An additional 7.01 acres of isolated, non-jurisdictional wetlands are proposed to be impacted. The construction of approximately 12.0 acres PFO wetlands on-site is proposed as mitigation. Additional on-site mitigation proposed includes 440 linear feet of riparian planting and 5.8 acres of upland habitat enhancement.

Information from a U.S. Fish and Wildlife Service field visit on February 7, 2007 indicates the previously mined site is primarily second growth forest with mature hardwoods. An on-site stream having a boulder-gravel substrate was shown to support aquatic life. The existing stream channel is flanked by riparian wetlands. The site would be expected to support a variety of wildlife and migratory birds. The project as proposed would result in the loss of stream channel and associated riparian habitat and permanently impact a total of 10.65 acres of wetlands including 3.64 acres of jurisdictional wetlands. EPA is concerned that the project as proposed would result in the irretrievable loss of valuable habitat that supports a variety of aquatic species, wildlife and migratory birds.

EPA is very concerned that the project as proposed has not demonstrated that impacts to waters of the U. S. have been avoided or minimized to the greatest extent practicable as required by the

Customer Service Hotline: 1-800-438-2474

EXHIBIT E

Surface Transportation Board Incoming Correspondence Record

#EI-18357

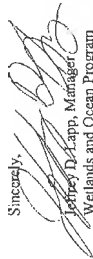
Correspondence Information			
Docket #:	FD 35116 0	Date Received:	09/28/2010
Name of Sender:	Jenn Shufman	Date of Letter:	
Group:			
Submitter's Comments			
Sarah Palin and her bridge to nowhere have nothing on this project. Per paragraph one of Virginia Rouson's opening letter to "Dear Reader", the Draft EIS states that the proposed rail line would serve a NEW quarry, landfill and industrial park currently being developed by RRLLC. Let us take a look at the status of these three projects so we can clearly see what that term "being developed" means. To date, there is no new quarry and there is not even an application filed with D.E.P for a quarry. Permit application #14-10-10-01 filed by Glenn O. Hawbaker, Inc. is for a borrow area which means the applicant intends to use a small area to remove a little material and perhaps store a little material; not ship material. Earlier this year, Glenn O. Hawbaker, Inc. had an exploratory permit for possible stone quarrying on the RRLLC site. When the exploratory work didn't yield quality stone, the area was closed. At this point, the permit documentation does not support the applicant's claim of a quarry as a viable rail user. What quarry? The landfill has been in the development phase for over four years and not one permit has been issued. The landfill application with the Pennsylvania Department of Environmental Protection was placed in "suspense" in October of 2006 and has remained there. Permit applications necessary to support the landfill permitting process have been withdrawn or denied as follows: Sewage Planning Module – submitted and withdrawn Wetlands Encroachment Permit – submitted and withdrawn Highway Occupancy Permit and Federal Highway Approval – denied by FHWA In the past four years, the access issues with developing the remote RRLLC site have presented many challenges. When the use of local roads didn't fly, the access was then going to be a new I-80 interchange. Now that the interchange isn't flying, the access is going to be a rail line. RRLLC never tried to pretend to the FHWA that the interchange was not a connected action to the proposed landfill. Without the proposed landfill, there would never have been a proposed I-80 interchange. And, just as with the interchange, if it were not for the proposed landfill, there would be no proposed rail activation. The prepared draft EIS treats the two projects as connected the entire way through the document. Under what technicality then is the STB making a decision that the two projects are not connected and should not be evaluated as a connected action? How can our governmental agencies justify segmenting these very connected projects instead of admitting that they are truly connected and evaluating the impact from both? To this "dear reader" of the draft EIS, these projects are clearly connected. All one needs to ask is: if there isn't a landfill, do we need rail service to this area? Obviously not since this area hasn't had rail service for years. The only reason this is coming up is because of the proposed landfill which remains unpermitted and thus another phantom project. In fact, RRLLC keeps changing the definition of what the rail line will serve. Although the original landfill permit has not been withdrawn, in recent press releases, RRLLC is now stating that they intend to use the site for a trash to ethanol project which is experimental at best. Are they trying to put lipstick on a pig? Is the STB really prepared to approve a rail to nowhere to serve an unpermitted moving target of a project? Now, for the big carrot, the mythical industrial park which does not show up on any material submitted by RRLLC to permitting agencies or municipalities to date. Lots of talk to the press and the citizenry about this coming industrial park on a site with absolutely no infrastructure but nothing on paper anywhere. If RRLLC has some industry to bring to the area, they need to speak to the Mo Valley Economic Development Director about locating to the already existing industrial park served by Route 322 where there are lots of empty spaces with brand new infrastructure just waiting for use. The bottom line to this discussion is that there are no permits, there are no contracts, and thus there is no need for this rail line and any of the impacts such activation would bring to the area.			

Section 404(b)(1) Guidelines. An alternatives analysis that examine both off-site and on-site alternatives that meets the requirements of the Guidelines needs to be performed. The alternatives analysis should include the primary, secondary, and cumulative impacts that could be expected to occur from construction of such a facility. It appears that impacts from the current proposal are considered only for the footprint of the landfill. Impacts that can be expected to occur from accessing the site, potential expansion of the facility and construction of other associated facilities, i.e. an industrial park, must be considered. In sum the alternatives analysis must consider the project as one single and complete project.

We are also concerned that the referenced permit application does not include specific information on the location and type of wetlands to be constructed as compensatory mitigation. A site specific detailed drawing of the location, type, and extent of all proposed mitigation measures must be furnished.

We recommend that the permit application for the proposed project be withdrawn. Additional information must be provided for informed decision making. Thank for the opportunity to review and comment. You can contact Maria O'Malley Walsh at (570) 628-9685 when additional information becomes available for this project.

Sincerely,


Jeffrey D. App, Manager
Wetlands and Ocean Program

cc: Cindy Tibbit, USFWS, State College, PA

Surface Transportation Board Incoming Correspondence Record

#EI-18358

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	09/28/2010
Name of Sender:	Dave Coleman	Date of Letter:	
Group:			

Submitter's Comments
Concerning Resource Recovery's proposal to revitalize an industrial rail link to serve a proposed landfill and associated facilities: I object to this project in that it is ill-conceived and is inappropriate for the environment in which it is being considered. It will adversely impact state park land, a high quality watershed, newly acquired recreational facilities and in general mess up a real special place of Central Pennsylvania. Our country needs much more incentive to find alternative means to deal with solid waste than to simply bury it. We need more recycling. We need more local responsibility in dealing with our waste streams. We don't need to truck, rail and otherwise haul it away from our urban areas. This is too easy and unfair and unsustainably burdens our open areas and vanishing wilderness. It is bad enough that a new rails-to-trails recreational facility will be taken with this proposal, but to even consider a quarry and haul road right next to the high quality stream Black Moshannon Creek displays a severe lack of understanding and care on the part of the applicant. I hope to move back to this part of Central PA someday, but am afraid that if this project goes through, there will be no point. Please deny RRC's application. Thank you Dave Coleman

Surface Transportation Board Incoming Correspondence Record

#EI-18359

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	09/28/2010
Name of Sender:	Mike Savage	Date of Letter:	
Group:	North Run Homeowners Association		

Submitter's Comments
September 24, 2010 Surface Transportation Board 395 E Street, SW Washington, DC 20423 Attention: Danielle Gosselin Section of Environmental Analysis Environmental Filing FD 35116 RE: Environmental Filing FD 35116 Dear Ms. Gosselin: This is a follow up to the oral comments I made at the September 14, 2010, public meeting. As I stated at the meeting, I am extremely disappointed with the Draft Environmental Impact Statement (EIS), most of which is based on incomplete or outdated information. Following are my concerns with the Draft EIS: 1. The assertion is made that the U.S. Corps of Engineers (COE) and the Federal Highway Administration (FHWA), along with the Surface Transportation Board (STB) have prepared the EIS. However, there is no documentation in the Draft EIS to support this degree of involvement by the COE or FHWA. In fact, I am aware that as of September 1, 2010, the COE has officially notified the STB that they have withdrawn as a Cooperating Agency for the EIS. The FHWA will probably limit its comments to highway related matters. 2. The STB refuses to recognize that the potential environmental impacts of the rail construction, reactivation, and operation and the proposed uses are connected actions under the National Environmental Policy Act (NEPA). This view is shared by many of the other federal agencies and I am confident that several will make this point in their comments. I don't think anyone believes that the railroad would be built if not for the landfill and associated uses. 3. To support its analysis, the Draft EIS treats the proposed uses as though they are set in stone. On page E-1, it states: "these facilities are currently being developed." Although there are proposed uses, there is NOTHING "currently being developed"—no landfill, no industrial park, no wastewater treatment plant, no 200,000 tons-per-year quarry, no coal mining operations, and no infrastructure of any kind. Resource Recovery, LLC has tried for six years without success to get the necessary permit approvals from local, state, and federal agencies to move their project forward. And now they are starting over. An article published August 31, 2010, in the local area newspaper, the Centre Daily Times, reported that: The developer who had proposed building a landfill in Rush Township said the project has changed direction and the company is now working on plans for a waste to ethanol plant. Further, the Draft EIS states that 99 rail road cars of frac water could be transported daily; however, the frac water plant that is mentioned in the Draft EIS has never been permitted. 4. No mention is made in the Draft EIS of the possibility of gas well drilling on the site. Yet, numerous wells are either planned for the area or operating in the vicinity. As we all know, mountain hydrology is not an exact science. Possible spills of frac water and piercing of underground aquifers point to the possibility of unmitigated disasters. These potential adverse consequences are not addressed in the Draft EIS. Black Moshannon State Park Lake is only three miles from the proposed site and Cooper Township's municipal water supply is close by. These issues should be addressed in the EIS section dealing with Water Resources. Given all of the unknowns, how can the Draft EIS conclude that there are only moderate environmental impacts? I urge the

STB staff to take these issues under consideration before issuing the final EIS.

Thank you for considering my comments.

Michael T. Savage
130 Teaberry Drive
Phillipsburg, PA 16866

Surface Transportation Board
Incoming Correspondence Record



#EI-18360

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	09/28/2010
Name of Sender:	Michele L. Barbin	Date of Letter:	
Group:			
Submitter's Comments			
ATTN: Danielle Gosselin Section of Environmental Analysis Environmental Filing FD 35116			
Image Attachment(s)			
stbCommentEIS_FD_35116.doc			



[stbCommentEIS_FD_35116.doc](#)

Michele L. Barbin
PO Box 142 • Snow Shoe, PA 16874-0142
814-387-4509 • mbl10@verizon.net

15 September 2010

Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Attention: Danielle Gosselin
Section of Environmental Analysis
Environmental Filing FD 35116

RE: Environmental Filing FD 35116

Dear Ms. Gosselin:

I am disappointed in the Draft Environmental Impact Statement (DEIS) submitted to the public for review. The DEIS does not adequately address the following issues:

1. Connected Action

The primary purpose of this rail line is to run trash trains from large New York and New Jersey cities to a giant landfill proposed by RRLC. The funding source and co-petitioner of this rail line is RRLC. In fact, without RRLC's initiative and funding there would be no petition before the Surface Transportation Board (STB).

RRLC's successive attempts to get the proposed landfill permitted by the Pennsylvania Department of Environmental Protection (DEP) have failed. From 2004, when RRLC first announced plans for the landfill, primary access was to be by a new I-80 interchange complemented with rail service in the future. Although RRLC proposed to fund and build the new I-80 interchange, they failed to get the necessary approvals needed from Centre County Commissioners, Planning Office, Metropolitan Planning Organization: PennDOT; and the Federal Highway Administration (FHWA). As a result, DEP suspended the RRLC landfill permit application in October 2006 until RRLC could provide proof of adequate access to their proposed landfill site. RRLC's needs this rail line approval to prove access to the site to satisfy DEP's requirements, thus approval of the rail line will trigger a larger action.

During the review process for the I-80 interchange, the FHWA of the U.S. Department of Transportation considered the proposed interchange and the proposed landfill as a *connected action*. How can the Surface Transportation Board (STB), an agency under the same U.S. Department of Transportation umbrella, fail to recognize a rail line that would serve the same purpose (access) for the same proposed landfill as a connected action?

To provide a truly fair and thorough Environmental Impact Statement, alternative landfill sites should be explored.

2. The DEIS Does Not Address the Need for Intermodal Competition

How will the requirement for intermodal competition be met with regards to this project? Based on comments in the Point of Access Study referenced in the DEIS, it is quite clear that the local road system is inadequate for the volume and size of vehicles projected for the proposed landfill. Without local road upgrades, the rail line lacks intermodal competition.

Michele L. Barbin
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3. The DEIS Fails to Adequately Assess Environmental and Economic Impacts

The DEIS fails to recognize our local existing economic base that depends on the undeveloped environmental strengths that will be irreparably degraded by the proposed industrialization. The seemingly superficial rather than careful deliberative analysis of impacts to rural and remote outdoor recreation will cost our local communities economically and business-wise much more than our communities could possibly gain in the short-term from a full-time landfill and a part-time railroad.

Because the proposed landfill "benefits" are projected (and highly exaggerated), the harms to our outdoor recreation economy should be adequately and accurately projected based on historical growth, and given equal weight and should include loss of revenue to all the mom-and-pop businesses that cater to the area's visitors. To date, the only local attraction the DEIS recognized is 9.3 miles of the Snow Shoe Rail-Trail. That indicates a severe flaw and deep misunderstanding of this region's economy by those who compiled the DEIS!

The DEIS must adequately address the environmental and economic impacts including, but not limited to:

- All residences, seasonal, and recreational properties within five miles of train horns, ingress and egress of roads that will carry "support" traffic, and industrial noise produced by a fully developed single and complete proposed industrialization – not just the "foot in the door" landfill and/or gas industry. The noise is industrial and negatively affects the aesthetics and psychological feel of rural properties.
- Impacts on businesses, residences, and seasonal properties, including loss of wilderness aesthetics and sense of remoteness from road "improvements," track and horn noise, odors, emissions, and other proposed industrial activities. All property owners – especially those who live in this area -- deserve respect – especially because *the proposed industrialization by RRLC (an outside developer) is not consistent with local zoning and land use planning*. Additionally, seasonal property owners pay full property taxes to our schools and require little to no support services, such as police and fire. Unlike industrial development, seasonal property owners are low-impact, part-time residents.
- All traditional recreation activities and events that bring visitors to this region, including but not limited to:

Snow Shoe Rail-Trail visitor revenues and investments, especially the loss of ATV rider revenue. This well-managed and well-recognized Rail-Trail is unique in the fact that it is a multi-use trail with over 3,000 members who support and maintain the trail. ATV use is highly restricted in Pennsylvania—this is one of the rare linear park locations where registered ATVs are legal, which makes the loss of half the 19-mile trail even more detrimental. Motorized users spend more money per capita than walkers, birders, hikers and bikers. Many of our small businesses will lose a significant source of income if connectivity and mileage is sacrificed for this proposed rail line. This aspect of reactivation has yet to be considered an impact in this low-income region.

Red Mo Downriver Race (est 1967) is a nationally recognized qualifier race for Junior Olympics and destination for other recreational paddlesport on the Great Moshannon Creek. This rail line will loom over it, degrading the remote wilderness aspects and attractiveness of this destination. Nonmotorized boaters and floaters utilize local caterers and facilities.

Surface Transportation Board Incoming Correspondence Record

#EI-18361

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	09/28/2010
Name of Sender:	Mark Rusnak	Date of Letter:	
Group:			
Submitter's Comments			
Submitting comments by September 28, 2010 for Docket FD 35116 concerning the Draft EIS. Revisions were made to my first submittal.			
Affiliation : Self individual and citizen group			
Image Attachment(s)			
RJ Corman Mfg 9.14.10.docx			


[RJ Corman Mfg 9.14.10.docx](#)

Michele L. Barbin
PO Box 142 • Snow Shoe, PA 16874-0142
814-387-4509 • mbl10@verizon.net

Impacts on wildlife, including game and nongame species and interior forest inhabitants, including availability of foraging, breeding and migration. It has already been determined that the landfill will be detrimental to existing timber rattlesnake populations and hibernacula. Timber rattlesnakes require undeveloped areas to successfully breed, forage and hibernate.

Impacts on anglers. The Black Moshannon is a HQ-CWF with a WILD trout population and is a fishing mecca. Any proposed development along the rail line beyond the Peale Tunnel will adversely impact the Black Moshannon watershed – one of the few remaining fishing streams not affected by acid mine drainage (AMD) in this area.

Seasonal Properties (mentioned above with residential properties)

Hikers, bikers, walkers, backpackers, birders and others who visit and utilize not only the Rail-Trail, but have invested time and energy in the Allegheny Front Trail, Black Moshannon Park, and the adjacent Moshannon State Forest.

This short list is merely the tip of the iceberg – and it supports the argument for a much more holistic approach to the DEIS. The loss of dependable long-term outdoor recreation revenues to this region as a result of industrial degradation facilitated by approval of the proposed rail line will easily our distance any short-term proposed landfill–rail line “job” projections.

There is a need, and demand, for rural recreation opportunities so people can unwind and enjoy nature, escape the stresses of civilization and industrialization, get exercise and have the opportunity to enjoy solitude. This environment is part of our past, our present, and our key to a bright future.

The DEIS has overlooked the majority of our communities' natural heritage, historic and cultural aspects, aesthetics, existing land use, land-use planning, rural economic strengths and how much our communities depend on the undeveloped environment.

This proposed landfill–rail line–industrialization is not the best interest of our rural communities. We have already discovered our community, environmental, and economic strengths in the absence of such development. Another site for the proposed landfill activities, closer to the producer of the waste, as opposed to our prime, highly valued, recreational and wild areas should be selected. This contiguous forest and wild area provides an existing, ideal setting for our communities' substantial and rapidly growing, outdoor recreation-based business economy.

Respectfully submitted this 28th day of September 2010 via email,

Michele L. Barbin
PO Box 142
Snow Shoe, PA 16874-0142
814-387-4509

REVISED

September 14, 2010

STB Finance Docket No. 35116, RJ Corman Railroad Co.; Beech Creek Branch Line - Construction and Operation Between Phillipsburg Area to Gordon, Pennsylvania, Alternative Route Evaluation

Surface Transportation Board
395 E. Street, SW
Washington, DC 20423

Attention : Danielle Gosselin
Section of Environmental Analysis
Environmental Filing FD 35116

Dear Ms. Danielle Gosselin,

I am concerned with the proposal of the Phillipsburg to Munson Area and asking the Surface Transportation Board's Environmental Review to review several comments I have made looking at the Environmental Impact Statement.

1. The proposed route from Phillipsburg to Munson Area would be located entirely within floodplains, floodways, and significant wetlands associated with Laurel Run, Moshannon Creek and their tributaries. This whole area was looked at during the SR 322 Corridor OI study showing the concern for floodplains, floodways, and significant wetlands and was determined that there was too severe impacts and the whole area was avoided. The Wallace to Munson Area would avoid these issues and requirements. 1940's mapping shows a rail line in this area, however that rail line had been removed by the 1960's mapping and has been completely dismantled and former Right of Way sold. Was this line previously removed related to these same concerns and issues related to floodplains and floodways.
2. In some areas Acid Mine drainage will also be an issue for these floodplains, floodways, and significant wetlands along with stability and subsidence issues.
3. The Graham Station area to Phillipsburg area has been completely dismantled, bridges totally gone, no railroad bed remaining, drainage gone. This would require total reconstruction and the grade would have to be raised dramatically due to all the significant wetlands, floodplains and floodways in the area. Major bridges would have to be built and a lot of fill needed to create the bed lining, which would destroy much habitat in this area. The build-up of this rail bed will also affect the transition into any proposed at-grade crossings affecting the roadway approaches. The build-up of roadway approaches ultimately requires fill areas which then affect neighboring wetland and associated environmental issues. Resolution of wetland and associated environmental issues can be costly. Also, rail road maintenance would become costly to maintain a sufficient rail bed in an area prone to flooding.

4. Wetland impacts with this alternative in the Phillipsburg Area are 4 times greater and floodplain impacts are 7 times greater than the Wallace to Munson Alternative.

- Wetland Impacts
Wallaceton to Munson = 27,500 sq. ft
Phillipsburg to Munson = 115,450 sq. ft
DIFFERENCE 4 times higher
 - Floodplains
Wallaceton to Munson = 2,960 ft
Phillipsburg to Munson = 19,810 ft
DIFFERENCE 7 times higher
5. Permitting requirements would be extensive especially with feasible avoidance/minimization alternative available.
 6. Within this area many signs of life have shown up over the years such as, but not limited to: largemouth bass, black crappies, green sunfish, bluegills, pumpkinseed sunfish, bait fish, lots of little spawn fish, turtles, deer and bear. Nesting sites within the proposed alternative include but are not limited to: blue herons which are endangered, various types of snakes, muskrats, turtles, beavers, lilly pads, and various grass plants.
 7. Frequent flooding in this proposed area by elevated flows in the surrounding streams and wetlands.
 8. This proposed area will require two (3) NEW crossings Private drive/business drive, SR 53, and Ninth Street. Serious concerns about the configuration and geometry at this intersection and traffic impacts at new upgraded intersection. One will affect my Excavation Company from getting in and out of the property. There is no other access to get big equipment and triaxles in and out of property. With the two new crossings so close together how does the state and PUC get involved with controlling traffic and causing bottle necks. This crossing scenario on SR 0053 and SR 2043 will also create an area of concern for Emergency Responders.
 9. In obtaining this **PRIVATE** property by a private company (RJ Corman) eminent domain does not come into play.
 10. With the abandoned rail corridor hazardous/residual waste materials could be impacted with this alternative.
 11. With the abandoned rail corridor historic could be impacted with this alternative **to be** determined by PHMC?
 12. There is question in the value of an incomplete EIS package when the entire area was never truly examined in detail to show what there really is out in the field? **Refer to Pages 91 and 92**
 13. Has the CORP of Engineers, PA Fish and Boat, and DEP reviewed this entire corridor and been given the opportunity to comment?
 14. Since the STB is going to review this and it is a request from RJ Corman this is a private company's Environmental Impact Study and referring to number 13 what are the state's comments?? I would like to review and comment on those.
 15. Has PENNDOT been involved on the access issues, traffic impact issues, and related shared right-of-way issues?
 16. In reviewing the EIS package the Wallace to Munson Area Rail bed is existing, there are some bridges that may have to be built but **LESS SEVERE** environmental impacts as to the proposed alternative in the Phillipsburg to Munson Area. Also, are there any records available

Surface Transportation Board Incoming Correspondence Record

#EI-18362

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	09/28/2010
Name of Sender:	Richard Dixon	Date of Letter:	
Group:			
Submitter's Comments			
The scale of the combined trash train, landfill, ethanol plant, and treatment plant is far too great for this region, especially with the proposed roads to move among these facilities.			
The site in Rush Township is too close to a beautiful state park, Black Moshannon State Park; especially with the threat to the groundwater and streams in the park and surrounding state forest.			
The number of possible new jobs is far too few to justify the great environmental impact.			
With a vacation home near the state park, I have seen a resurgence in the use of the park and the state forest. The train and the rest of the project with irreparably damage this renewed resource.			
The very real possibility of Marcellus shale exploration combined with the landfill, trash train, and treatment plants will overwhelm the region as a great natural resource.			
Regards, Richard Dixon Littleton, MA and Phillipsburg, PA			

pertaining to the original abandonment of each of these rail beds. That record displays deterioration/reconstruction factors and potential claims for the original abandonments that may apply to this interest directly.

17. Had the Wallaceton to Munson Area Rail Line been suspended, vacated or abandoned? Has the Wallaceton to Munson Area Rail line been Banked? The Phillipsburg to Munson Area was abandoned and sold to private property owners. The sale of property to private property owners is a much more defined detail than a rail line that has been temporarily suspended. The attempt to acquire property from private property owners by a private company (RJ Corman) will take much more negotiations and costs to settle claims, resulting in delays.

I appreciate your time and effort in reviewing these details. If you have further questions please let me know

Mark Rusnak
486 Rusnak Lane
Phillipsburg, PA 16866

FROM SEPTEMBER 14, 2010 MEETING AND NOTES THAT WERE ADDED

18. During the meeting a spokesperson from Skelly and Loy (Phil Glass) stated that the Phillipsburg to Munson Area was better environmentally because of air quality and noise vibration? What is the data showing this. This statement by an Environmental consultant did not include talking about what their document actually states about the floodplains and wetlands see number 4 in this letter.
19. During the meeting a Rush Township Supervisor stated that he received approximately \$ 300,000 plus from Resource Recovery is this true? When the STB board looks at this project objectively from all the opposition of people with good representation and a lot of questions and concerns about an incomplete documents, etc. I saw more people against this than for it. Also, this affects many areas including the active rail line in other areas that townships were not even invited .
20. They discussed that Resource Recovery was working on permits? How can that be with an incomplete EIS as I have stated in number 12.
21. The Rail to Trails people have a valid concern about their trail and who will pay back those federal funds for the work that was done on this trail.
22. Is the Landfill really funded? RJ Corman will not pursue if Resource Recovery does not have money .
23. The typical section that was shown at the meeting for the Railroad Line was for perfect cross section. It does not truly show what happens going through the flood plains, wetlands, and etc.

#EI-18363

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	09/28/2010
Name of Sender:	JoAnn Gillette	Date of Letter:	
Group:			

Submitter's Comments
Surface Transportation Board 395 E Street, SW Washington, DC 20423 Attention: Danielle Gosselin Section of Environmental Analysis Environmental Filing FD 35116 RE: Environmental Filing FD 35116 Dear Ms. Gosselin: The proposed Resource Recovery, LLC (RRLC) landfill will not proceed without rail access. The No-Build Alternative (Local Road System Upgrade) carried forward in the Draft Environmental Impact Statement (EIS) cannot be considered as a legitimate alternative. The Point of Access Study referenced in the Draft EIS clearly demonstrates that the local road network is incapable of handling the anticipated traffic and was not planned, intended, or designed to accommodate the anticipated traffic or the required improvements that would be necessary for the No-Build Alternative (Local Road System Upgrade). Given that the improvements are inconsistent with local and regional transportation plans, particularly Snow Shoe Township, the Local Road System Upgrade would not receive the approvals necessary to implement the upgrades (e.g., condemnations). There is also an agreement in force between RRLC and Snow Shoe Township (Cooperation Agreement, February 2006) in which RRLC agreed not to use Gorton Road for trash hauling. Because the No-Build Alternative (Local Road System Upgrade) is not a legitimate alternative, the only access that could accommodate the projected uses (1,100 truck trips per day) is one of the Build Alternatives. Without access, the proposed landfill cannot advance past its suspended status (effective October 2006) and cannot be approved, constructed, or operated. Approval of the proposed rail line project would provide access. Thus, the proposed landfill is dependent on the rail line project taking place. The approval sought by the Surface Transportation Board for the proposed rail line can reasonably be said to cause the related actions of landfill approval, and subsequently, construction and operation. Therefore the rail line and landfill should be considered a connected action and alternatives for the landfill must be considered to ensure a comprehensive and just environmental review. Thank you for considering my concerns.

September 24, 2010

Surface Transportation Board
395 E Street, SW
Washington, DC 20423
Attention: Danielle Gosselin
Section of Environmental Analysis
Environmental Filing FD 35116

RE: Environmental Filing FD 35116

Dear Ms. Gosselin:

There are some very fundamental problems with the Environmental Impact Statement (EIS) for the R.J. Cornman/Pennsylvania Lines Inc. proposed rail line construction, operation, and reactivation in Clearfield and Centre Counties, Pennsylvania.

1. Compare the assessments of the 12 environmental impacts as a group with the assessment of demand or need for the railroad, both key pieces of this EIS. The assessments of the environmental impacts tend toward objective, quantitative, and fact-based analyses, not without flaws. Nevertheless, the assessment of the environmental impact, however flawed, is far stronger than the assessment of demand or need for this railroad.
2. Instead the railroad need and demand assessment is subjective, unsubstantiated, and undocumented except for a few noncommittal testimonial letters, and one minor exploratory quarry permit. There are no existing contracts, and otherwise no permits, particularly for the most critical activities needed to justify this railroad. Much of the author's supporting argument depends on establishment of Resource Recovery, LLC's (RRLC) landfill and affiliated facilities which they presume to be a done deal. It isn't! Consider this fact; RRLC formally submitted their landfill application and plan to the PA Department of Environmental Protection on May 5, 2006, with construction to be completed by 2008, and operations to be started by 2009. They not only never accomplished these published goal commitments, but are starting over, which means they have gone backwards. Because RRLC's projections have been proved not to be credible, why would the EIS authors base the railroad demands and need assessment primarily on RRLC's projections? If built, there is a great risk this becomes the railroad to "no where."

3. Because the environmental assessment has value, and the railroad demand and need assessment does not, it changes this EIS in fundamental ways. One, it converts this assessment to a sales pitch for the petitioners, albeit an indefensible one. Two, the logically deduced best option is the No-Action Alternative because this causes the least adverse environmental impact as shown on Summary Tables 2-2 and 4-1. Thus, it argues for disapproval of the petition.



Harry Pionke
606 West Hamilton Avenue
State College, PA 16801

EI-18364

EI-18366

County of Centre



PLANNING AND COMMUNITY
DEVELOPMENT OFFICE

Willowbank Office Building
420 Holmes Street
Bellefonte, Pennsylvania 16823-1408
Telephone (814) 355-6791
FAX (814) 355-6861
www.co.centre.pa.us

BOARD OF COMMISSIONERS
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September 28, 2010

Danielle Gosselin
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

RE: Environmental Filing FD 35116

Dear Ms. Gosselin,

The Centre County Planning and Community Development Office appreciates the opportunity to provide comments to the Surface Transportation Board (STB) regarding the Draft Environmental Impact Statement (EIS) STB Finance Docket 35116. The Planning Office is responsible for the review and coordination of local land use planning activities with the municipalities in Centre County. The following comments are intended to provide background information, clarification of recent actions, and highlight corrections that must be made to the Draft EIS as they relate to Centre County.

As stated in previous correspondence to the STB, our comments regarding the proposed reactivation of the Beach Creek rail line will include the impacts from the proposed land development activities that are the catalyst for this rail line reactivation. In that regard, the Planning Office still recommends that the STB's EIS include and provide an accurate evaluation for the rail line and the associated land development activities (i.e., the proposed landfill, industrial park, and quarry). Without the inclusion of these proposed activities in the EIS as a connected action, there would be no need for the rail line reactivation. It is also important to note that since the publication of the Draft EIS there appear to be inconsistencies with information presented in the document and with recent activity related to the development of the proposed landfill property.

EI-18365

Surface Transportation Board
Attention: Danielle Gosselin
Director of Environmental Analysis
Environmental Filing FD 35116
395 E Street, S.W.
Washington, DC 20423

Dear Ms. Gosselin,

I am writing to protest the reactivation of the railroad line requested to be used by Resource Recovery LLC's for many valuable reasons.

1. As stated in your findings, the **Peale Tunnel and Viaduct Bridge** structures are of great historical value to this region. To destruct or reconstruct these unique historical landmarks is not warranted by RRLC's unnecessary landfill, industrial park, or ethanol plant. I understand their land will be used for gas wells and I am sure they are acquiring plenty of money for that. That's what they have always wanted—a means to make big money on the proposed property.
2. The railroad in question is an **outdoor recreational playground for thousands of visitors**. Most are wheelers and are members of Rails to Trails. Why change something that thousands of people are using to accommodate ONE company and their few leaders? RRLC's request is not justified to change this area.
3. The **economic benefits** of these thousands of visitors is unmeasurable. They support our stores, gas stations, taverns, restaurants, and other businesses. Many of them own cabins in this region and their property taxes benefit the Snow Shoe Borough and Snow Shoe Township. RRLC's business ventures support themselves and could not replace the economic support that visitors provide.
4. The railroad would go through the **Moshannon State Forest**. The gas well developers are destroying so much of our forest land and water, we need to protect whatever forest land we can. This is a State forest and it should remain protected from a train carrying garbage! There are main fresh water streams, wildlife, and vegetation that should not be destroyed.

I also oppose RRLC using local Rts. 144 and 53 to transport garbage to the proposed site. The gas well industry vehicles have "taken over" our local roads; to add any more unnecessary traffic to these curvy mountainous roads would be a hazard to everyone driving on them.

Thank you.

Pauline H. Charnick

Pauline H. Charnick
Lifetime local resident
599 E. Snow Shoe Rd.
Snow Shoe, PA 16874

DRAFT EIS, List of Preparers

Chapter 9 must be modified to reflect that the US Army Corps is not a contributing agency in this document.

The Draft EIS in Chapter 1 attempts to make the point that the proposed rail line and proposed landfill are not interdependent and that the landfill could develop regardless of the construction of the rail line however, it is not inappropriate to consider the proposed landfill to be a direct effect of this rail transportation project. Without it, the rail line would not be financially feasible on its own. This document uses incorrect and out of date information regarding the proposed landfill project based on recent activities to justify reactivation of the rail line. The Planning Office recommends that the document be corrected to reflect current and accurate information. The investment of time, tax dollars, and volunteer efforts to improve the recreational amenities, historic elements, and natural resources in this area demands no less.

The Planning Office again would like to thank the Board for requesting our comments on this DRAFT EIS. Should you have any questions or require additional information, please let me know.

Sincerely,


Robert B. Jacobs, AICP
Planning Director

pc: Centre County Board of Commissioners
Susan B. Hannegan, Assistant Director
Mike Bloom, Transportation Planner

rbj

This requested rail line reactivation by R. J. Corman is solely intended to serve a proposed landfill in Rush Township, Centre County. The parcel intended for this use is located within both Rush Township and Snow Shoe Township, Centre County. At the present time, this landfill has not been approved or permitted by the PA Department of Environmental Protection (PA DEP). The permit application review by the PA DEP has been suspended since February 7, 2007.

As of August 6, 2010, Resource Recovery, LLC (RR LLC) withdrew its Joint Permit Application for wetlands with the PA DEP Williamsport Office and the US Army Corps of Engineers. This withdrawal potentially nullifies the proposed landfill information presented in the Draft EIS since the wetlands permit relates to the scope and size of the proposed landfill. By withdrawing the wetlands permit, it cannot be determined whether there will be a continued need for rail service to the site in Rush Township or if another revised permit will be submitted. The Draft EIS must be revised to reflect this change in permit status.

Draft EIS, Environmental Impacts - Centre County Comprehensive Plan

In 2005, Centre County determined that the proposed landfill was inconsistent with the County Comprehensive Plan, Snow Shoe Township's Comprehensive Plan, and Snow Shoe Township's Zoning Ordinance. This determination was in response to a request by the Federal Highway Administration as part of their review of the Point of Access Study (POA) for a proposed access interchange from Interstate 80 to the proposed landfill.

Because of that determination, Centre County disagrees with the Draft EIS analysis of the Centre County Comprehensive Plan as shown in Chapter 4 – Environmental Impacts, page 4-19. The document states "Section of Environmental analysis (SEA) has concluded that RUCP's proposed project appears to be consistent with the long range transportation goals of Centre County". The SEA was made aware of this inconsistency in previous correspondence from the County. Why would the SEA make this assumption in this document? The inconsistency determination was confirmed not only by Centre County but also by the Centre County Metropolitan Planning Organization. This must be corrected in the final EIS.

Draft EIS, Cumulative Impacts

The SEA identified proposed actions that are determined to be part of the cumulative impacts related to the proposed rail reactivation. Chapter 5, page 5-1 identifies the Glenn O. Hawbaker proposed sand/ gravel quarry. Since the granting of the small mining permit, the quarry activity has ceased operations and has been filled.

A recent site exhibit by RR LLC identifies a new quarry location in Snow Shoe Township. However, a recent Act 14 notice submitted to this office by the ARM Group on behalf of Williams Production Appalachia shows that same location to be used as a six (6) acre borrow area for road surfacing and fill material for their natural gas drilling operations on the RR LLC property.

EI-18367



SURFACE TRANSPORTATION BOARD
Office of Environmental Analysis

Construction and Operation Exemption for the
R.J. Corman Railroad/Pennsylvania Lines Inc.
Clearfield and Centre Counties, Pennsylvania
Draft Environmental Impact Statement

COMMENT SHEET

Name: Joanne Blazek
Address: 640 Buffalo Run
Bellefonte, Pa. 16823
Phone: (814) 353-8703

Comments may be submitted tonight or mailed to
the address below by September 28, 2010:
Docket No. FD 35116
Surface Transportation Board
395 E Street, SW
Washington, DC 20423
Attn: Danielle Gosselin

Please provide any comments on the R.J. Corman Railroad/Pennsylvania Lines Inc. Draft EIS.

"Please move your house beside the dump"

EI-18368



SURFACE TRANSPORTATION BOARD
Office of Environmental Analysis

Construction and Operation Exemption for the
R.J. Corman Railroad/Pennsylvania Lines Inc.
Clearfield and Centre Counties, Pennsylvania
Draft Environmental Impact Statement

COMMENT SHEET

Name: Phil Blazek
Address: 640 Buffalo Run
Bellefonte, Pa. 16823
Phone: (814) 353-8703

Comments may be submitted tonight or mailed to
the address below by September 28, 2010:
Docket No. FD 35116
Surface Transportation Board
395 E Street, SW
Washington, DC 20423
Attn: Danielle Gosselin

Please provide any comments on the R.J. Corman Railroad/Pennsylvania Lines Inc. Draft EIS.

"We as a family getting to ride ATV's.
Three generations, mother, daughter, & granddaughters.
We hope our fun can continue."



EI-18369

SURFACE TRANSPORTATION BOARD
Office of Environmental Analysis

Construction and Operation Exemption for the
R.J. Corman Railroad/Pennsylvania Lines Inc.
Clearfield and Centre Counties, Pennsylvania
Draft Environmental Impact Statement



COMMENT SHEET

Name: SYLVIA WELKE
Address: 295 Swamp Road
Howard PA 16841
Phone: 814-353-1923

Comments may be submitted tonight or mailed to
the address below by September 28, 2010:
Docket No. FD 35116
Surface Transportation Board
395 E Street, SW
Washington, DC 20423
Attn: Danielle Gosselin

Please provide any comments on the R.J. Corman Railroad/Pennsylvania Lines Inc. Draft EIS.

Seeing a lot of pleasures in the region
that so many of us enjoy, density
of quietness when we're not
watching birds. People say I don't
know - they may have 50 people
that the forest will be fresh out
of town - that are connected to
the railroad.

SURFACE TRANSPORTATION BOARD
Office of Environmental Analysis

EI-18370

Construction and Operation Exemption for the
R.J. Corman Railroad/Pennsylvania Lines Inc.
Clearfield and Centre Counties, Pennsylvania
Draft Environmental Impact Statement

COMMENT SHEET

Name: Ed Graft
Address: 1177 Pine Run Road
Abbottstown PA 17301
Phone: 717-259-6320

Comments may be submitted tonight or mailed to
the address below by September 28, 2010:
Docket No. FD 35116
Surface Transportation Board
395 E Street, SW
Washington, DC 20423
Attn: Danielle Gosselin

Please provide any comments on the R.J. Corman Railroad/Pennsylvania Lines Inc. Draft EIS.

To Whomever is Listening:
Why is it whenever a community comes together and sets a future
of fun and entertainment for entire families can someone come in and
destroy what they worked so hard to attain. And why is it that
a real nice area is destroyed by someone else's garbage. Find
another area where no one cares if you come or go!

An Avid Outdoorsman

EI-18372



September 27, 2010

Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Attention: Danielle Gosselin

Dear Ms. Gosselin,

We are writing to state our opposition to re-activating the R.J. Corman Railroad in Clearfield and Centre Counties.

It appears the sole purpose of this is to bring out-of-state trash to this area, while our own trash needs are adequately met.

This is not a feasible endeavor due to the close proximity of homes to this proposed line. This railroad line was abandoned many years ago and the landscape has changed considerably.

Gorton and the nearby surrounding areas are being used for recreation and have been for many years.

We strongly oppose this, it does not have a purpose.

Please make your decision carefully.

Respectfully yours,

Joan Guydosik
Joan Guydosik
Caroline Guydosik

EI-18371



PO Box 25
Bellwood, PA 16817
800-769-PROP
www.proprecycles.org

Attention: Danielle Gosselin

As a Snow Shoe Township supervisor who wholly supports the success

that the Snow Shoe Trails to Trails has become in my township, I urge you to

require R.J. Corman to compensate this trail system for the supposed

reactivation of 9.3 miles on the western end of the SSRT. I have been

~~involved~~ involved with the SSRT from it's merger beginnings and worked

with Harrisburg to designate some of our township roads as legal ATV riding

to attach to the SSRT. Without the guidance and education of the SSRTA,

Atv'ing activity in my township would be renegade. The trail has a good thing

going here in Centre County and has proven it's economic potential. Replace-

ment for the 9.3 miles should be part of the deal should reactivation

be granted - and connectivity to the towns segmented should be addressed

and corrected.

Rocky Paubert

Printed on Recycled Paper with Soy-Based Ink

EI - 18373

THE AVONDALE HOTEL

Ricky J. Ames - Sole Proprietor
612 Main Street
Winburne, PA 16879
Phone: 814.345.5918

September 28, 2010

Attn: Danielle Gosselin
Section of Environmental Analysis
Environmental Filing FD 35116

Dear Danielle,

I am writing in response to the proposed 20 mile rail line that will run through eastern Clearfield County and western Centre County.

Please do not allow this "Trash Train" in my backyard.

I recently purchased and reopened the historic Avondale Hotel. My new business sits along side a proposed section of this rail line just opposite the tracks where the Beech creek railroad's Ames Station sat on Main Street in Winburne, PA. I can't express enough how this will greatly impact my business and livelihood. I've only been opened for a few months now and things are going very well and getting better every week. I get a large amount of my business from people riding the rails to trails. I have great plans for restoring the historic Avondale Hotel and also to build a pavilion for outdoor entertainment. I have a very rare "garden license" which allows me to serve adult beverages in this portion of my yard and does give me an advantage over other establishments. The sight, the smell of garbage and the loud noise from a rail line 50 feet away would disgust any patron.

I can't express how terribly intrusive this train would be to surrounding community and businesses. Please help stop the "Trash Train"

I live in Lanse, which is just over the hill from Winburne/ with my three school age children. This business is my only income. I need to provide for my family.

Your time and consideration about this matter are greatly appreciated.

Sincerely,

Ricky J. Ames



EI - 18374



Centre Region Council of Governments
OFFICE OF ADMINISTRATION

2443 Gettysburg Drive, Suite 3 • State College PA 16801-3885
Phone: (814) 231-3077 • Fax: (814) 231-3083 • Website: www.crcog.net

September 22, 2010

Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Attention: Danielle Gosselin
Section of Environmental Analysis
Environmental Filing FD 35116

RE: Draft Environmental Impact Statement
R.J. Corman Railroad Company/Pennsylvania Lines Inc.
Docket Number FD_35116_0

Dear Ms. Gosselin:

The Centre Region Council of Governments (COG) is a voluntary organization comprised of elected officials representing over 85,000 residents in six municipalities located in Centre County, Pennsylvania. The COG's Transportation and Land Use (TLU) Committee is a subcommittee consisting of elected officials from each of the six participating municipalities and the Pennsylvania State University.

On September 15, 2010, the TLU Committee discussed the Draft Environmental Impact Statement (EIS) for the new construction/reactivation of approximately 20 miles of rail line by the R.J. Corman Railroad/Pennsylvania Lines Inc., a portion of which is located in Centre County. At the meeting, the TLU Committee noted that the Centre Region COG is on record as opposing the development of the landfill that would be served by the rail line because of the safety, environmental and economic consequences of the project.

The TLU Committee voted unanimously to forward COG's previous positions to the STB for consideration as it completes the Final EIS for the rail project.

Specific actions from COG include:

- January 2005 - The COG General Forum voted to recommend that the Commonwealth of Pennsylvania not financially support the construction of the proposed landfill because of significant safety, environmental, and economic concerns. The recommendation was sent to Governor Ed Rendell.
- February 2005 - The COG TLU Committee voted to request the Centre County Metropolitan Planning Organization (CCMPO) to not support the expenditure of \$8.5 million in state capital funds for transportation improvements that would service the proposed landfill.

Serving the Townships of College, Ferguson, Hallinwood, Harris, Patton and the Borough of State College

EI-18375



Surface Transportation Board
September 22, 2010
Page 2 of 2

SURFACE TRANSPORTATION BOARD
Office of Environmental Analysis

Construction and Operation Exemption for the
R.J. Corman Railroad/Pennsylvania Lines Inc.
Clearfield and Centre Counties, Pennsylvania
Draft Environmental Impact Statement



COMMENT SHEET

Name: Sonia Lomax
Address: 901 Fountain Rd
Snow Shoe, PA 16874
Phone: 814 387 6944

Comments may be submitted tonight or mailed to
the address below by September 28, 2010:
Docket No. FD 35116
Surface Transportation Board
395 E Street, SW
Washington, DC 20423
Attn: Danielle Gosselin

Please provide any comments on the R.J. Corman Railroad/Pennsylvania Lines Inc. Draft EIS.

I feel this reactivation of rail proposal would be very unsafe, a detriment to the area, especially for the wildlife and nature, and very unnecessary. I am a member of the Snow Shoe Rails to Trails and frequently ride the proposed "trail" track. The Peale Tunnel and the Viaduct Bridge are very old landmarks that I feel should not be used by loud trains because it would eventually destroy them. It would be very unsafe, potentially causing harm to the environment.

Since there are no permits for any industry in the proposed area, I feel this is a "Rail to Nowhere!" and should NOT happen. It's totally unnecessary and harmful to the area.

We need to preserve PA wilds areas, streams and rivers, plants and trees, and fish and animals. Running loud trains through them totally disrupts nature, and in this case, for no known good reason.

*Thank you,
Sonia Lomax*

The COG TLU Committee also noted that the CCMPO, which is responsible for countywide long range transportation planning and funding for roadway, bridge and public transit projects, previously took several actions about transportation items related to the proposed landfill:

- January 2005 and March 2005 - Following extensive discussions on January 25 and March 22, 2005, the CCMPO Coordinating Committee voted to continue supporting the expenditure of \$555,195 in federal Transportation Enhancements (TE) Program funds for the rehabilitation of the Peale Tunnel as part of the Snow Shoe Rail Trail. The CCMPO requested that DEP require a 300 yard buffer from the trail in any permit issued for the landfill. The Peale Tunnel is located along a section of the rail line proposed for reactivation.
- March 2005 - The CCMPO Coordinating Committee voted to recommend that state funds not be provided for the development of transportation improvements at the proposed landfill, including funding for the reactivation of a rail line traversing the landfill site; and construction of a new interchange on Interstate 80 to serve the proposed landfill. The recommendation was sent to Governor Rendell.
- September 2005 - The CCMPO Coordinating Committee voted to find that the proposed interchange on I-80 was not consistent with the CCMPO's adopted Long Range Transportation Plan. In a related action, in September 2005 the Centre County Board of Commissioners found that the proposed interchange on I-80 was not consistent with the Centre County Comprehensive Plan.

- March 2006 - The CCMPO Coordinating Committee voted to defer a request by Rush Township to include the proposed I-80 interchange on the LRTP until the Pennsylvania Department of Environmental Protection issues a permit for the proposed landfill.

The TLU Committee strongly reiterates the importance of the actions taken by the officials who comprise the COG and CCMPO, and urges the STB to carefully consider the position of elected officials who represent residents affected by the reactivation of the rail line and the development of the proposed landfill.

We urge the STB to support the desires of Centre Region municipalities by not approving the project.

Sincerely,

Jeff Luck, Chair
Centre Region COG TLU Committee

Copies: COG General Forum
James C. Steff, COG Executive Director
James J. May, CCMPO Secretary

BI-18377

September 26, 2010

Surface Transportation Board
395 E Street, SW
Washington, DC 20423

ATT: Danielle Gosselin
Section of Environmental Analysis
Environmental Filing FD 35116

Dear Ms. Gosselin:

As a regular hiker/trail maintainer and volunteer for the nearby Black Moshannon State Park, I adamantly oppose the reactivation of the rail line in Centre and Clearfield Counties.

The trains will not only help transform scenic vistas into trash vistas but will actually "follow" the hiker for about 3 miles along the Red Moshannon Creek.

Central Pennsylvania is home to the 41-mile long *Allegheny Front Trail*, which regularly attracts many area hikers as well as out of state hikers. The trail (encircling Black Moshannon State Park) has awesome features, one of which is the historic 103 foot-high Peale Viaduct, which the train plans to traverse. The AFT follows a remote section of the Red Moshannon Creek for about 3 miles, which the rail line also plans to follow. Conceivably, a hiker, a kayaker, and a mountain biker could simultaneously encounter each other along the same section of wilderness. Therefore, all wilderness recreational opportunities would be severely impacted by the site, noise, offensive odors and potential accidental derailments.

Another major negative impact for transporting trash by rail is the 40+-year-old *Red Moshannon Canoe Race*, which annually attracts over 200 entrants, locally and out of state. The race begins about one-mile downstream from the planned landfill site – the train's destination. (See note at end of this letter on race history.)

Also, the most obvious and insidious recreational loss would be the well-established, grant-funded Snow Shoe Rail Trail. The rail line would destroy 9 miles of exceptional historic and remote beauty, including the historic Peale Viaduct and Tunnel. (See Snow Shoe Rails to Trails Association)

Page 2
RE: Comments Draft EIS

In conclusion, please consider these many negative environmental impacts, present and future, in the Final EIS, and do not grant reactivation of the rail line. Toxic, track-hauled trash into our precious wild recreational areas is a disaster to the land and its citizens.

Sincerely,


Mary Ann Williams

CC: People Protecting Communities
Keystone Trails Association
Ridge & Valley Outing Club
Snow Shoe Rails to Trails Association
Tussey Mountain Outfitters

Enc: Section of Ben Cramer's Book on the Allegheny Front Trail
Pages 5, 8 & 9

Red Moshannon Downriver Race

This race is held in the Spring on a remote 7.5 mile section of Moshannon Creek. It starts at Peale Bridge near the town of Grassflat PA, and ends at the Route 53 Bridge near the town of Moshannon PA. At moderate levels, this section is rated Class II+.

There are classes for solo and tandem open canoes, kayaks, and decked canoes. Racers can also participate in the "poker race" by picking up cards along the race course – the best hand wins.

Race History

The Red Mo Race was begun in 1967. The Penn State Outing Club Canoe Division ran the race from 1967 to 1980. There was no race in 1976. The 1981 race was jointly sponsored by PSOC and Tussey Mountain Outfitters. TMO has run the race since 1982. Boat classes have varied over the years and the race history reflects the awards made in each year.

Day Hikes and Backpacking Trips

Thanks to its loop layout and many access points, the Allegheny Front Trail is great for both day hikes and extended backpacking trips. For the planning of hikes, this guide describes the entire AFT loop in a clockwise fashion, starting at the parking lot shared with the Rock Run Trails System (see the *Logistics* chapter below for details).

Both the starting point and direction of the measurements in this guide were completely arbitrary decisions. The hiker can start where desired, and can hike in either direction. Just note that when hiking the AFT loop in a counter-clockwise direction, all features will be "mirror images" of those described in this guide. For example, uphill becomes downhill, left turns become right turns, and the like. Also, there is no need to feel constrained by the four "sections" of the trail denoted in this guide, which were also created arbitrarily for readability and planning purposes. Day hikers are also encouraged to start at a point of their choosing and conduct a two-way "in and out" hike, in which you would hike for a certain distance away from your car and then turn around and hike back. Hikers are often surprised by how much scenery they can miss by following a trail in only one direction.

The adjacent Shingle Mill Trail, a very scenic footpath that follows Black Moshannon Creek north from Black Moshannon State Park and joins the northern section of the AFT, is also featured in this guide. The Shingle Mill Trail can be utilized for longer backpacking trips, and should also be considered for enjoyable day hikes as well.

The AFT is one of the most accessible trails in Pennsylvania for extended backpacking trips. Beginners who are considering taking their first serious backpacking trip should consider the wonders and convenience of the AFT. For starters, the AFT is never significantly removed from a road, including the paved Rattlesnake Pike (PA Route 504) and Julian Pike (also known as Beaver Road). The AFT is not especially rugged, except for the rocky sections along the edge of the Allegheny Front in the southeastern portion of the trail. There are also few significant climbs along the AFT, except for the extended climb away from Moshannon Creek in the northwestern corner of the trail, and some intermediate climbs away from Six Mile Run and Benner Run. Otherwise, the AFT mostly features gentle terrain, and makes up for its lack of ruggedness with delightful scenery and aesthetic variety. *note: not trail, not road, not backcountry*

Experienced backpackers may be able to complete the entire AFT in four days or less. Beginners, or those who prefer a more relaxed pace,



HIKING THE ALLEGHENY FRONT TRAIL

Introduction

The Allegheny Front Trail (AFT) is a 41.75 mile-long loop trail in Moshannon State Forest in western Centre County, Pennsylvania, that roughly circles Black Moshannon State Park. Except for the short distance within the state park boundaries, the entire length of the AFT is within the state forest. The nearest town is Philipsburg, about 8 miles to the west, and State College and Penn State University are about 20 miles to the southeast.

At the time of writing, the AFT has its own website featuring photos, maps, and a history of the trail. Visit the AFT site at: <http://alleghenyfronttrail.info>. The website is especially useful for up-to-date information on trail conditions and other matters of interest to hikers. The AFT is maintained and supervised by the Quehanna Area Trails Club (QATC), which can be reached by mail at 882 Rollingstone Road, Morrisdale, PA, 16858-8908.

Oct 07 10 09:34 AM Rush Township #14-342-0218 P.2

EI-18379

RUSH TOWNSHIP

P.O. Box 152
 Phillipsburg, PA 16866
 Phone: (814) 342-0514 – Fax: (814) 342-0218
rushtownship@juniata.net

October 6, 2010

Surface Transportation Board
 395 E. Street, SW
 Washington, DC 20423

Attention: Danielle Gosselin
 Section of Environmental Analysis
 Environmental Filing FD 35116

Dear Ms. Gosselin:

Regarding COG letter dated September 22, 2010 in reference to the Environmental Filing FD 35116. The Centre Region Council of Government (COG) is misinformed regarding the proposed economic development in Rush Township.

None of the COG Townships come close to Rush Township; none even touch Rush Township boundaries. They go off opposing a project that was proposed six years ago and has changed drastically. COG has not approached Rush Township to investigate what is being proposed in our Township, and the need for jobs and economic development outside their COG area.

Unfortunately in Centre County we have the "have and the have not's". COG sits in and around State College (Penn State) and is a prosperous area. We in Rush Township and our surrounding area have been dependent on the coal industry, which has declined substantially in the last three decades. With the installation of the proposed rail line, we have industry interested in investing in our area which we desperately need.

COG makes much noise about the proposed landfill, they fail to educate themselves that it is now a very small landfill and it will support an approximate 280 million dollar Waste-to-Ethanol plant that is proposed and a water treatment plant that will support the Marcellus Shale play in our area; along with a proposed quarry, coal companies are proposing to ship coal by this rail line, gas companies planning to ship pipe, sand and equipment by rail, all because of this needed rail line.

COG Townships have industries, we do not. The jobs alone will be of great benefit to our area and the tax base and spending will give us a much needed opportunity.

COG Townships sit on the other side of the mountain, approximately 20 miles from our Township lines. They are the "have's" and we are the "have not's". Please disregard their misguided attempts to control our opportunities and our future.

Sincerely,


 Patrick E. Couturiaux, Vice Chairman
 Rush Township Supervisors

can expect to complete the trail in four to six days. In all cases, planning such a trip on the AFT is easy, thanks to its many access points and easily-located campsite possibilities.

Camping

Since most of the AFT is in Moshannon State Forest, and water sources are conveniently located near most portions of the trail, primitive backpacking along the AFT is fairly easy and always pleasant. Some areas of the trail are easily reached by car, so the backpacker could park at one of the many access points and hike a short distance along the trail to a camping spot.

In Moshannon State Forest, statewide camping rules apply. According to the Pennsylvania Department of Conservation and Natural Resources (DCNR), which manages the State Forests, camping is separated into three categories: primitive camping, car camping, and group camping. There are no officially designated car campsites along the trail, so anyone who parks nearby for convenience, and backpacks a short distance, is also considered a "primitive" camper.

For most backpackers, the rules for primitive camping will apply.

Pennsylvania utilizes camping permits, which are mostly used for recordkeeping and safety purposes, and are free of charge at the time of this writing. Also at the time of writing, primitive backpackers are not required to apply for a camping permit for Moshannon State Forest, except if one or more of the following conditions applies:

- An emergency point of contact is desired.
- You plan to stay at the same site for more than one night.
- A campfire is planned during the spring or fall fire seasons.

Small groups and individuals are not required to apply for a camping permit except under the above conditions. For the AFT, you can obtain permits from the Moshannon State Forest district office near the Mid State Airport. You can also obtain permits online. If there is enough lead time, permits can be mailed to your home in advance; otherwise you can pick them up at the State Forest office.

Large groups of ten or more campers are always required to apply for a permit, and must also obtain a letter of authorization from the district forester. This process is designed to control the damage that could result from large numbers of campers in sensitive areas.

EI - 18401

STEVENS & LEE
LAWYERS & CONSULTANTS

17 North Second Street
16th Floor
Harrisburg, PA 17101
(717) 234-1090 Fax (717) 234-1099
www.stevenslee.com

Direct Dial: (717) 255-7356
Email: cms@stevenslee.com
Direct Fax: (610) 371-7368

October 26 2010

Surface Transportation Board
Attn: Danielle Gosselin
Section of Environmental Analysis
395 E Street, SW
Washington, DC 20423

Rc: STB Finance Docket # 35116

Dear Ms. Gosselin:

This firm represents Resource Recovery, LLC (Resource) with respect to land use and development issues regarding its property in Centre County, Pennsylvania, which is the subject of the above-referenced docket.

This letter is submitted in response to comments provided by JoAnn Gillette, on or about September 28, 2010, concerning the No-Build Alternative (Local Road System Upgrade) set forth in the Draft EIS.

Ms. Gillette first claims that the local road network is incapable of being used to access Resource's property because improvements necessary to accommodate anticipated traffic are "inconsistent" with local and regional "transportation plans" and would not be approved. As such, she claims that the Local Road System Upgrade is not a "legitimate alternative". Ms. Gillette's assertions are incorrect, not supported by facts or law, and should be disregarded.

The Draft EIS states that the No-Build Alternative was considered because the road upgrades are "feasible from an engineering perspective and because RJCP views it as the default access alternative should the Proposed Action be denied." (Draft EIS, p. 2-18). As Ms. Gillette does not identify how the upgrades are allegedly inconsistent with local and regional transportation plans, the precise basis for her claims is unclear. However, all of the roads in question are existing public roads that are capable, from an engineering perspective, of being upgraded.

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Williamsport • Wilkes-Barre • Princeton • Cherry Hill • New York • Wilmington
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SL1 1030874v1/103072.00001

Surface Transportation Board
October 26, 2010
Page 2

STEVENS & LEE
LAWYERS & CONSULTANTS

The proposed upgrades will be consistent with the standards set forth in Snow Shoe Township's Road Ordinance and Pennsylvania Department of Transportation regulations. Additionally, the Snow Shoe Township Comprehensive Plan specifically envisions construction of transportation upgrades in areas where existing minor streets provide inadequate access to major routes. (Snow Shoe Tp. Comp. Plan, p. 33). In any event, even if the proposed upgrades were "inconsistent" with future municipal transportation plans (which is not the case), such plans are merely guidelines, not legally binding municipal regulations. See, *Saenger v. Planning Commission of Berks County*, 308 A.2d 175 (Pa. Cmwlth. 1973). Further, the actions of a governing body cannot be challenged or invalidated on the basis that they are inconsistent with the provisions of a comprehensive plan. 53 P.S. § 10303(c). Thus, if upgrades proposed with the No-Build Alternative are determined to be necessary, they can receive required approvals, notwithstanding any alleged inconsistencies with local and regional transportation plans.

Furthermore, in Pennsylvania, the right to access a property abutting a public road is recognized as an incident of ownership or occupancy of the land, and is a constitutionally protected property right. *Wolf v. Commonwealth of Pennsylvania*, 422 Pa. 34, 220 A.2d 868 (1966). As such, an abutting owner's right of access right cannot be taken by a local municipality unless just compensation is made under the law. *Id.*, 220 A.2d at 871. The ability of the municipality to curtail this right of access through exercise of the police power has been recognized only where other access exists and the owner has been afforded the opportunity to be heard. See, *Hardee's Food Systems, Inc. v. Department of Transportation*, 495 Pa. 514, 434 A.2d 1209, 1211 (1981).

In this instance, Resource has a continuing constitutionally protected right to access its property using Gorton Road, an existing local road abutting its property. To the extent that Gorton Road, or other local roads, will require improvement to accommodate future use, such improvements can feasibly be made. Thus, Ms. Gillette's implication that the property cannot be accessed using the local road system is incorrect.

Finally, Ms. Gillette's claim that an agreement between Resource and Snow Shoe Township precludes use of Gorton Road for trash hauling is incorrect. The Cooperation Agreement Ms. Gillette is referring to was terminated in or about September of 2008, and is no longer in effect. Even if the agreement were still in effect, it was a private agreement between two parties capable of being revised, altered or terminated by the parties. In short, it is not relevant to the Board's consideration of the No-Build Alternative in the Draft EIS.

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STEVENS & LEE
LAWYERS & CONSULTANTS

Surface Transportation Board
October 26, 2010
Page 3

Thank you for your consideration of this response.

Sincerely,

STEVENS & LEE



Charles M. Suhr

cc: Resource Recovery, LLC
Kevin Stamer

Surface Transportation Board
Incoming Correspondence Record

#EI-18427

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	11/30/2010
Name of Sender:	JoAnn Gillette	Date of Letter:	11/29/2010
Group:			
Submitter's Comments			
November 29, 2010			
Surface Transportation Board 395 E Street, SW Washington, DC 20423 Attention: Danielle Gosselin Section of Environmental Analysis Environmental Filing FD 35116			
RE: Environmental Filing FD 35116			
Dear Ms. Gosselin:			
I am providing additional information in regard to my earlier comments submitted September 28, 2010. In my September 28 letter I referenced an agreement between Snow Shoe Township and Resource Recovery, LLC (RRLC) in which RRLC agreed not to use Gorton Road, the No-Build Alternative (Local Road System Upgrade), for trash hauling. In his letter of October 26, 2010, Mr. Charles Suhr of Stevens & Lee stated this agreement was terminated. In January 2009 the Snow Shoe Township Supervisors sued RRLC for terminating the agreement. This lawsuit is pending and will not come before the court until February 2011 (see attached). The outcome of this lawsuit may be relevant to the legitimacy of the No-Build Alternative (Local Road System Upgrade).			
Respectfully,			
JoAnn Gillette			
Image Attachment(s)			
20101129 Attachment.pdf			



20101129 Attachment.pdf

SL1 1010874v1/03/02.00001

6/14/12
1:01:55



IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

SNOW SHOE TOWNSHIP
Plaintiff

vs.

RESOURCE RECOVERY, LLC
Defendant

No. 2009-0237

ORDER

AND NOW, this 11th day of May, 2010, the above referenced case is being transferred to the February, 2011 term of Court.

Civil Pre-Trial Conference will be scheduled for January, 2011.

BY THE COURT:

Bradley P. Lunsford, Judge

Louis Glantz, Esquire
Ronald M. Lucas, Esquire

FILED FOR RECORD
2ND MAY 13 P 12:40
DEBRA C. IMHIEL
PROCLAMATORY
CENTRE COUNTY, PA



IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

SNOW SHOE TOWNSHIP,
Plaintiff

vs.

RESOURCE RECOVERY, LLC,
Defendant

No. 2009 - 237

- IN REM

Type of Pleading: Contract

Filed on behalf of: Snow Shoe Township

Counsel of Record for this Party:

Louis T. Glantz, Esquire
GLANTZ, JOHNSON & ASSOCIATES
1901 East College Avenue
State College, PA 16801
(814) 238-2491
Fax: (814) 238-8016
louis.glantz@gmail.com
PA ID: Number: 31657

FILED FOR RECORD
201 JUN 23 A 10:22
DEBRA C. IMHIEL
PROCLAMATORY
CENTRE COUNTY, PA

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FILED FOR RECORD
2009 JAN 26 A 10 22

SNOW SHOE TOWNSHIP, Plaintiff
vs. No. 2009 - 237
RESOURCE RECOVERY, LLC, Defendant - IN REM

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by an attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claims in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE.
IF YOU DO NOT HAVE A LAWYER OR CAN NOT AFFORD ONE,
GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO
FIND OUT WHERE YOU CAN GET LEGAL HELP.**

Court Administrator's Office
Centre County Courthouse
Belleville, PA 16823
814-355-6727

Respectfully submitted:

GLANTZ, JOHNSON & ASSOCIATES

BY:  Louis T. Glantz, Esq. #31657
1901 E. College Ave.
State College, PA 16801
(814) 238-2491
(814) 238-8016 fax
louis.glantz@gmail.com

Dated: 1/23/09

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FILED FOR RECORD
2009 JAN 26 A 10 22

SNOW SHOE TOWNSHIP, Plaintiff
vs. No. 2009 - 237
RESOURCE RECOVERY, LLC, Defendant - IN REM

COMPLAINT

1. Snow Shoe Township, hereinafter referred to as "Township" is a Pennsylvania second class township doing business at 268 Oldside Road, Clarence, PA 16829.
2. Resource Recovery LLC, hereinafter referred to as "Resource", is a Pennsylvania limited liability corporation who's registered address is 3925 Columbia Ave., Mountville, PA 17554-0525.
3. On or about February 8, 2006, the parties, Resource and Township, entered into a Cooperation Agreement which is attached as Exhibit "A" and made a part by this reference.
4. Upon signing the Agreement, to the present day, the Township has honored its commitments under the Agreement specifically Township has supported Resource in securing permits and approvals for construction of the I-80 interchange.
5. On or about August 1, 2008, Attorney Mark Bradshaw wrote to the Township a letter titled "Notice of Material Breach and Opportunity to Cure." A copy of the letter is attached as Exhibit "B" and made a part by this reference.
6. In response to the Bradshaw letter, the Township solicitor, Louis Glantz, replied by letter dated August 15, 2008 wherein the Township made it clear it was willing to continue to

honor its obligation to support an I-80 interchange but not in any way support a landfill as expressly provided, in bold type, in #2 of the Cooperation Agreement. A copy of the Township's response dated August 15, 2008 is attached as Exhibit "C" and made a part by this reference.

7. By letter dated September 24, 2008, Resource, by its attorney Mark Bradshaw, advised Township it intended to not honor its obligations under the Agreement and not make any further payments to Township.

8. Resource is in violation of the Cooperation Agreement in the following particulars:

- A. Failing to continue to pay the impact host fee of \$500 per month as provided for in #3 of the Cooperation Agreement (Exhibit "A");
- B. Resource has failed to take all reasonable actions to secure approvals for and to construct a new interchange on I-80 as provided for in #1 of the Cooperation Agreement (Exhibit "A");
- C. Resource has submitted plans to the County Planning Office indicating its intention to use Gorton Road as an access route to the site in direct violation of #1 of the Cooperation Agreement (Exhibit "A");
- D. Resource remains obligated to improve Gorton Road as provided for in #2 of the Cooperation Agreement (Exhibit "A");
- E. Resource, by its breach of the Agreement, has expressed its refusal to pay all other fees, including the host impact fee set forth in #3 of the Cooperation Agreement (Exhibit "A").

COUNT I

9. Paragraphs 1-8 above are hereby incorporated by this reference.
10. The actions of Resource constitute an actionable breach of the Cooperation Agreement between the parties (Exhibit "A").
11. Township has incurred losses including:

- A. \$500 per month beginning in October of 2008 and continuing to the present;
- B. Reasonable attorneys fees incurred by Township in fulfilling its obligation pursuant to Paragraph #2 of the Cooperation Agreement (Exhibit "A");
- C. One thousand (\$1,000) Dollars for each truck that may use Gorton Road as access to the site in direct violation of #1 of the Cooperation Agreement (Exhibit "A").

WHEREFORE, Township demands judgment against Resource in an amount exceeding \$25,000 plus interest and costs of this action and such other relief as deemed appropriate by this Court.

COUNT II IN REM

12. Paragraphs 1-11 above are hereby incorporated by this reference.
13. The Cooperation Agreement between the parties, Exhibit "A", impose significant restrictions upon the use of lands of Resource including, but not limited to, the following:
 - A. No trucks utilize Gorton Road as the access route to the site - Agreement Paragraph #1;
 - B. Failure to make improvements to Gorton Road and post bonds as required under Paragraph #1 and #3 of the Cooperation Agreement (Exhibit "A");
 - C. Failure to "take all reasonable actions to secure approvals for, and to construct, (at Resources expense) a new interchange on I-80."
14. The attempt by Resource to unilaterally rescind a binding agreement between the parties combined with Resources submission of plans evidencing their intention to use Gorton Road as access for other than construction vehicles to the Resource site constitutes a direct violation of the Cooperation Agreement (Exhibit "A").

COOPERATION AGREEMENT

This agreement is between Resource Recovery, LLC ("Resource") and the Township of Snow Shoe, Centre County, Pa. ("Township").

Resource holds an equitable interest in land located in both Rush Township and Snow Shoe Township more particularly identified in a deed recorded February 1, 1988 in the Centre County Recorder's Office at Book 461, page 235, being tax parcels 2-10-1 and 5-4-2 (total property area is approximately 5.840 acres). On the portion of those lands located within Rush Township, Resource plans to construct and operate an economic development project which will include a multi-phase landfill ("Landfill") an industrial park and such other land uses as may be allowed from time-to-time by Rush Township.

The purpose of this Cooperation Agreement is to set forth the agreements between Resource and Township with respect to payment of an Impact Fee by Resource to the Township.

Resource and Township, with intent to be legally bound, hereby agree as follows:

1. Access to the Property Described Above.

The only public road providing access in Snow Shoe Township to the proposed site is Gorton Road. Resource will use Gorton Road to handle I-80 Interchange and initial phase landfill construction traffic (construction traffic only if contemporaneous with construction of I-80 Interchange) and Resource will, at its expense, make any improvements reasonably necessary to Gorton Road to accommodate construction traffic and repair of any damage done by construction vehicles, as determined by Snow Shoe Township. Upon determination of the extent of the necessary improvements to Gorton Road, Resource will provide Township with a security bond in an amount equal to 110% of the estimated cost of those roadway improvements. Truck use of Gorton Road will cease when the I-80 interchange is opened.

Resource will take all reasonable actions to secure approvals for, and to construct (at Resource's expense) a new interchange on route I-80. All waste haulers will be required to use only the I-80 interchange as the ingress and egress route to the site. Resource will include provisions in all waste hauler contracts requiring refuse trucks to access the site via the I-80 interchange and Resource will be responsible for enforcing those contract provisions.

To assure that no trucks utilize Gorton Road as the access route to the site, Township shall impose a fine on Resource of \$1000 for each refuse truck which accesses the site from Gorton Road. Resource hereby assents to the amount of that fine.

2. Township Cooperation.

The parties concur with the conclusion of the point of access study regarding local road access. Therefore, Township agrees that it will support Resource in securing permits and approvals for construction of the I-80 interchange. Resource agrees to reimburse Township all reasonable attorney fees incurred by Township in fulfilling this obligation. **While this Agreement shall not constitute**

Page 1 of 2

EXHIBIT
A

15. The Cooperation Agreement (Exhibit "A") creates obligations upon Resource and lands of Resource as specifically set forth above.

16. As a direct and proximate result of the actions of Resource, Resource has violated the covenants and restrictions imposed on lands of Resource as set forth more specifically above.

WHEREFORE, Township demands judgment against Resource in an amount exceeding \$25,000 plus a finding that Resource be required to honor all commitments pertaining to the use of lands of Resource specifically including:

A. Gorton Road not be used for any traffic with the exception of construction traffic until the I-80 interchange is completed;

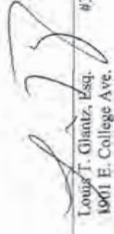
B. Restrictions barring the use of any refuse traffic along Gorton Road;

C. Plus interest, court fees, attorney's fees, and such other relief as deemed appropriate by this Court.

Respectfully submitted:

GLANTZ, JOHNSON & ASSOCIATES

BY:


Louis T. Glantz, Esq.
1001 E. College Ave.
State College, Pa 16801
(814) 238-2491
(814) 238-8016 fax
louis.glantz@gmail.com
Solicitor for Snow Shoe Township

Dated: 4/23/09

nor shall it require support for the landfill by Township, provided all landfill traffic will be via I-80 interchange access, the Township will not oppose permitting of the Landfill.

Township further agrees that after constructing the I-80 Interchange and initial phase of Landfill construction by way of Gorton Road, Resource will, at the Township's request, place a stone leveling course, as necessary, and 3/4 inches of asphalt binder course with 1 1/2 inches of asphalt wearing course over 18 feet in width (where possible) on Gorton Road from Rte. 53 to the Rush Township line. Other improvements to Gorton Road will require agreement of both parties. Truck use of Gorton Road shall cease upon opening of the I-80 Interchange.

Resource and Township agree during the term of this Agreement no application for development of any road access, with the exception of the I-80 interchange or Gorton "Construction" Road, shall be made. The pending application for zoning determination regarding access to Route 53 shall be held in abeyance without approval or denial and without any further action by either party.

3. Payment of Impact Host Fee.

Resource will pay to the Township an Impact Fee of \$500.00 per month beginning on the first day following signing this Agreement and continuing monthly hereafter until such time as the impact fees set forth in this section exceeds \$500.00 per month.

Provide the I-80 interchange is constructed, Resource will pay Township an impact fee of .8333% of the gross tipping fee for all waste deposited in the proposed Landfill. Impact fees will be paid on a quarterly basis for the total quantity of waste deposited during the prior calendar quarter.

Residential trash disposal will be provided by Resource in the Landfill without charge by Resource for its portion of the tipping fees realized by Resource for residential trash collected from bona fide Township and Snow Shoe Borough residents. Residents and haulers will, however, be responsible for all governmental taxes and fees on such disposal.

4. Term of Agreement.

This Agreement will go into effect immediately upon execution by both parties, and will remain in effect until (a) the date when any permit or approval necessary for construction of the I-80 interchange is officially denied by the Federal Highway Administration or PennDOT (Resource, in its sole discretion, may, at any time, determine the I-80 application is effectively denied by the Federal Highway Administration or PennDOT), or (b) the date when Resource permanently closes the Landfill to acceptance of waste after operation has begun. In the event the I-80 interchange is not constructed and opened, this Agreement shall not constitute approval by Township to use Gorton Road or any other existing roads in Township to access Resource Landfill.

This Agreement shall be binding upon the parties, their heirs, executors, and assigns, and as such, any future owner or operator of the Landfill site, will be obligated to make the required payments to Township.

5. Dispute Resolution.

All disputes between the parties arising from or related to this Agreement shall be subject to litigation in the Centre County Court of Common Pleas. The

Page 2 of 3

parties to this Agreement hereby waive any objections to jurisdiction and venue of said Court in the above-referenced matters.

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the day and year below written.

RESOURCE RECOVERY LLC

Date: FEB 8 2016
By: Herbert W. Flesdorf
Herbert W. Flesdorf, Executive Vice President

SNOW SHOE TOWNSHIP

Date: _____
By: Rodney Pruslovich
Rodney Pruslovich, Supervisor

Date: 2/7/16
By: John J. Vecchia
John J. Vecchia, Supervisor

Date: 2/7/16
By: Francis A. Bosak
Francis A. Bosak, Supervisor

1: Documents and Settings\Landfill\BMs\Documents\WPD\Docs\Documents\signatures\MCH\HCO\signature stamp agreement\signed
Land Revised 2.8.16

Page 3 of 3

STEVENS & LEE
LAWYERS & CONSULTANTS

17 North Second Street
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Harrisburg, PA 17101
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www.stevenslee.com

Direct Dial: (717) 255-7357
Email: mdb@stevenslee.com
Direct Fax: (610) 371-7362

August 1, 2008

VIA FAX (814-238-8016) AND MAIL

Louis T. Glantz
Glantz, Johnson & Associates
1901 East College Avenue
State College, PA 16801

Re: NOTICE OF MATERIAL BREACH AND OPPORTUNITY TO CURE

Dear Mr. Glantz:

This firm represents Resource Recovery, LLC ("RRL"). This correspondence is directed to you in your capacity as solicitor of Snow Shoe Township (the "Township").

RRL has repeatedly requested that the Township honor its obligations under that certain Cooperation Agreement dated February 8, 2006 (copy attached). As you know, all that would be required in order for the Township to fulfill its contractual obligations would be to sign the Joint Petition directed to Centre County, seeking amendment of the Centre County Comprehensive Plan, as requested by Rush Township in March, 2007. (the "Joint Petition")

RRL has met all of its obligations under the Cooperation Agreement, including, but not limited to, timely paying the Township \$500 per month as required by the Cooperation Agreement. However, the Township remains in material breach of its obligation to support RRL in securing permits and approvals for construction of the Interstate 80 interchange. RRL will not allow this breach to continue. The Township is hereby afforded one final opportunity to cure its breach, by signing the Joint Petition no later than September 2, 2008.

Should the undersigned not receive a copy of the Joint Petition duly executed by the Township, we will file suit seeking specific performance of the Cooperation Agreement by the Township. The expense of defending this action can be easily avoided if the Township will simply discharge its contractual obligations by signing the Joint Petition.

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Williamsport • Wilkes-Barre • Princeton • Cherry Hill • New York • Wilmington

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SLL 856381-1/000000.00000



STEVENS & LEE
LAWYERS & CONSULTANTS

Louis T. Glantz
August 1, 2008
Page 2

Your previous letters to RRL did not provide any explanation as to why the Cooperation Agreement would not obligate the Township to sign the Joint Petition. If you believe the Township has no such obligation, it is incumbent upon you to explain the basis of your position.

We look forward to timely receipt of the executed Joint Petition. Otherwise, kindly advise if you are authorized to accept service of the Complaint to be filed on September 3, 2008.

Very truly yours,

STEVENS & LEE

Mark D. Bradshaw

MDB:mrh
Enclosures

cc: Georges Test, Jr., Esquire
Ed Abel
George W. Rettew, Jr., P.E.

SLL 856381-1/000000.00000

nor shall it require support for the landfill by Township, provided all landfill traffic will be via I-80 interchange access, the Township will not oppose permitting of the Landfill.

Township further agrees that after constructing the I-80 Interchange and initial phase of Landfill construction by way of Gorton Road, Resource will, at the Township's request, place a stone leveling course, as necessary, and 3½ inches of asphalt binder course with 1½ inches of asphalt wearing course over 18 feet in width (where possible) on Gorton Road from Rte. 53 to the Rush Township line. Other improvements to Gorton Road will require agreement of both parties. Truck use of Gorton Road shall cease upon opening of the I-80 Interchange.

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Resource will pay to the Township an Impact Fee of \$500.00 per month beginning on the first day following signing this Agreement and continuing monthly thereafter until such time as the Impact fees set forth in this section exceeds \$500.00 per month.

Provide the I-80 interchange is constructed, Resource will pay Township an Impact fee of .8333% of the gross tipping fee for all waste deposited in the proposed Landfill. Impact fees will be paid on a quarterly basis for the total quantity of waste deposited during the prior calendar quarter.

Residential trash disposal will be provided by Resource in the Landfill without charge by Resource for its portion of the tipping fees realized by Resource for residential trash collected from bona fide Township and Snow Shoe Borough residents. Residents and haulers will, however, be responsible for all governmental taxes and fees on such disposal.

Term of Agreement.

This Agreement will go into effect immediately upon execution by both parties, and will remain in effect until (a) the date when any permit or approval necessary for construction of the I-80 interchange is officially denied by the Federal Highway Administration or PennDOT (Resource, in its sole discretion, may, at any time, determine the I-80 application is effectively denied by the Federal Highway Administration or PennDOT), or (b) the date when Resource permanently closes the Landfill to acceptance of waste after operation has begun. In the event the I-80 interchange is not constructed and opened, this Agreement shall not constitute approval by Township to use Gorton Road or any other existing roads in Township to access Resource Landfill.

This Agreement shall be binding upon the parties, their heirs, executors, and assigns, and as such, any future owner or operator of the Landfill site, will be obligated to make the required payments to Township.

Dispute Resolution.

All disputes between the parties arising from or related to this Agreement shall be subject to litigation in the Centre County Court of Common Pleas. The

Page 2 of 3

COOPERATION AGREEMENT

This agreement is between Resource Recovery, LLC ("Resource") and the Township of Snow Shoe, Centre County, Pa. ("Township").

Resource holds an equitable interest in land located in both Rush Township and Snow Shoe Township more particularly identified in a deed recorded February 1, 1988 in the Centre County Recorder's Office at Book 461, page 235, being tax parcels 2-10-1 and 5-4-2 (total property area is approximately 5.840 acres). On the portion of those lands located within Rush Township, Resource plans to construct and operate an economic development project which will include a multi-phase landfill ("Landfill") an industrial park and such other land uses as may be allowed from time-to-time by Rush Township.

The purpose of this Cooperation Agreement is to set forth the agreements between Resource and Township with respect to payment of an Impact Fee by Resource to the Township.

Resource and Township, with intent to be legally bound, hereby agree as follows:

1. Access to the Property Described Above.

The only public road providing access in Snow Shoe Township to the proposed site is Gorton Road. Resource will use Gorton Road to handle I-80 interchange and initial phase landfill construction traffic (construction traffic only if contemporaneous with construction of I-80 interchange) and Resource will, at its expense, make any improvements reasonably necessary to Gorton Road to accommodate construction traffic and repair of any damage done by construction vehicles, as determined by Snow Shoe Township. Upon determination of the extent of the necessary improvements to Gorton Road, Resource will provide Township with a security bond in an amount equal to 110% of the estimated cost of those roadway improvements. Truck use of Gorton Road will cease when the I-80 interchange is opened.

Resource will take all reasonable actions to secure approvals for, and to construct (at Resource's expense) a new interchange on route I-80. All waste haulers will be required to use only the I-80 interchange as the ingress and egress route to the site. Resource will include provisions in all waste hauler contracts requiring refuse trucks to access the site via the I-80 interchange and Resource will be responsible for enforcing those contract provisions.

To assure that no trucks utilize Gorton Road as the access route to the site, Township shall impose a fine on Resource of \$1000 for each refuse truck which accesses the site from Gorton Road. Resource hereby assents to the amount of that fine.

2. Township Cooperation.

The parties concur with the conclusion of the point of access study regarding local road access. Therefore, Township agrees that it will support Resource in securing permits and approvals for construction of the I-80 interchange. Resource agrees to reimburse Township all reasonable attorney fees incurred by Township in fulfilling this obligation. While this Agreement shall not constitute

Page 1 of 2

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FILED

FILED

FILED

FILED

parties to this Agreement hereby waive any objections to jurisdiction and venue of said Court in the above-referenced matters.

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the day and year below written.

Date: FEB 8 2006
 By: Herbert W. Flossdorf
 Herbert W. Flossdorf, Executive Vice President

SNOW SHOE TOWNSHIP

Date: _____
 By: Rodney Preslovich
 Rodney Preslovich, Supervisor
 Date: 2/7/06
 By: John T. Yezzer
 John T. Yezzer, Supervisor
 Date: 2/7/06
 By: Francis A. Bosak
 Francis A. Bosak, Supervisor

C:\Documents and Settings\JJinda\My Documents\WPDos\Documents\township\SNOWSHOE\resource coop agreement.upd
 Last Revised 2/8/06

Page 3 of 3

LAW OFFICES
GLANTZ, JOHNSON & ASSOCIATES
 1001 EAST COLLEGE AVENUE
 STATE COLLEGE, PA 16801
 (814) 238-2401
 FAX (814) 238-9016

File Copy

Writer's Direct Dial No.:
 (814) 238-0221

FILED
 August 15, 2008

Mark D. Bradshaw, Esquire
 STEVENS & LEE
 17 North Second St., 16th Fl.
 Harrisburg, PA 17101

RE: Snow Shoe Township/Resource Recovery

Dear Mr. Bradshaw:

The Cooperation Agreement signed by Snow Shoe Township, in #2, is limited to "...support Resource in securing permits and approvals for construction of the I-80 interchange." The paragraph goes on to say, "While this Agreement shall not constitute nor shall it require support for the landfill by Township, provided all landfill traffic will be via I-80 interchange access, the Township will not oppose permitting of the Landfill."

It is my understanding the document you are requesting the Township to sign includes much more than an I-80 interchange and, therefore, is not within the parameters of the Cooperation Agreement signed by the Township.

Your letter to me does not provide any explanation as to why the Township is in any way obligated to sign the document requested. It is incumbent upon you, not the Township, to explain the basis of your position or risk a bad faith counter-claim against your client and attorney's fees as provided for in #2 of the Agreement.

Sincerely,

L. T. Glantz

Louis T. Glantz

LTG/dn

CC: Snow Shoe Township



**STEVENS & LEE
LAWYERS & CONSULTANTS**

17 North Second Street
16th Floor
Harrisburg, PA 17101
(717) 254-1091 fax (717) 254-1099
www.stevenslee.com

Direct Dial: (717) 255-7357
Email: mdb@stevenslee.com
Direct Fax: (610) 371-7362

September 24, 2008

VIA FAX (814-238-8016) AND MAIL

Louis T. Glantz, Esquire
Glantz, Johnson & Associates
1901 East College Avenue
State College, PA 16801

Dear Mr. Glantz:

As you know, this firm represents Resource Recovery, LLC ("RRL"). This correspondence is directed to you in your capacity as solicitor of Snow Shoe Township (the "Township").

RRL has repeatedly requested that the Township honor its obligations under that certain Cooperation Agreement dated February 8, 2006. It is now abundantly clear that the Township will not honor its obligations to RRL. We are therefore terminating the Cooperation Agreement effective immediately. No further payments will be forthcoming.

Very truly yours,

STEVENS & LEE

Mark D. Bradshaw

Mark D. Bradshaw

MDB:aak

cc: Georges Test Jr., Esquire
Mr. George W. Rettew, Jr., P.E.
Mr. Edward Abel

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A PROFESSIONAL CORPORATION

SLI 862461/000000000103572.0001



See Exhibit 10/1/08

VERIFICATION

Snow Shoe Township hereby states that it is the Plaintiff in this action and that the statements of fact made in the foregoing document are true and correct to the best of its knowledge, information and belief. The undersigned understands that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. § 4904 relating to unsworn falsification to authorities.

Date: 1/20/09

Rodney Preslovich
Rodney Preslovich, Chairman

John J. Yeung, Jr.
John J. Yeung, Jr.

George W. Haynes
George W. Haynes

EI-18428



November 23, 2010

Surface Transportation Board
 Attn: Danielle Gosselin, Section of Environmental Analysis
 395 E Street, SW
 Washington DC 20423

RE: Environmental Filing FD 35116

Honorable Board:

I am writing on behalf of the Keystone State Railroad Association (KSRA) a trade association representing the freight rail industry in the Commonwealth of Pennsylvania. As an association, one of our main goals is to advance the use, retention and expansion freight railroads in Pennsylvania and we would like to voice our support of RJ Corman Railroad Company's Beech Creek proposal.

As you well know, the amount of freight traffic projected to travel through the northeast in the next 10 to 15 plus years will greatly strain our highways and infrastructure, particularly here in Pennsylvania. Freight railroads will be an important "pressure relief valve" to help our transportation network operate effectively and efficiently. Unfortunately, Pennsylvania lost much of its railroad track miles over the past fifty years and we as an industry are forced to push hard for costly reinvestment and reestablishment of these vital rail corridors. This is especially important for smaller communities to have a shot at any economic revival that the future may bring. Communities where building or enlarging a highway is simply not an option.

This project is a prime example of a significant private investment back into our Commonwealth's transportation system. As part of the larger rail freight network, the rebuilding of this rail corridor will create further employment locally by RJ Corman but will also spur new jobs along the network. It will also provide an energy efficient and environmentally attractive alternative to using truck transportation. I encourage you move swiftly to help Pennsylvania's modern transportation infrastructure build for the future.

Sincerely,

Joseph H Gerdes III
 Executive Director

Joseph H. Gerdes III
 Executive Director
 205 Stone Street
 Harrisburg, PA 17101
 717.332.3792
 jh@ksra.com

EI-18457

Correspondence

Other Submissions

In order to process your filing, please fill out the following information. If you do not know the docket number, please leave it blank and we will fill it out for you.

Please fill out the following information to help us complete your filing:

Docket #: FD -35116 --

Subject: *
 First Name: * R.J.Corman/PA Lines Inc.
 Middle Name: * Trilby
 Last Name: * Elizabeth
 Address: * Mayes
 1092 West Sycamore Rd

City: * Snow Shoe
 State: * PA
 Zip Code: * 16874-
 Email Address: * cooper_23556@yahoo.com
 Group/Affiliation: * Snow Shoe Rails to Trails

Message: Dear Ms. Gosselin,

I feel that proper consideration of the economic impact the the SSRT provides for the Mountain Top Region and connectivity of the SSRT to other trail systems in our area should be carefully considered when deciding to reactivate this line. The SSRT has become a popular destination for well over 3,000 users of the trail and has the potential to multiply these numbers- the Clearfield County Recreation and Tourism Authority has just most recently contacted us and placed an ad for our their Fall brochure-because of the calls that they have been receiving concerning legal av riding areas and hearsay about our trail. Our over 40 sponsors advertise with us and support the idea of our trail and it's possible connections to even more businesses and consumers. We provide a service that is impossible to place a dollar value on- that of family recreation in the outdoors-our membership comes from all walks of life and from all over the state of Pa as well as surrounding states and as far reaching as across the country! The loss of the 9.3 miles on our western end would sever future connections , and severely negatively impact us- no longer would users of the trail be able to experience the thrill of crossing the Red Moshannon on the RR-Via duct Bridge , or the beauty of the Peale Tunnel and it's rich history. The SSRTA has used \$11,000.00 of membership money to create the Black Bear Trailhead in the hopes of making this western connection to businesses in the Philipsburg Area-and to provide some legal riding in this area, which is desperately needed-too many have already died racing too fast to ride where they should not be! The SSRTA partners with the Centre County Sheriff's Office-and we would bring this partnership along with us to the Philipsburg connection. R.J Corman should be made to negotiate with the SSRTA to create a replacement for this 9.3 miles that provides the connection to Philipsburg. We have in good faith dedicated a lot of volunteer hours, membership money, grant monies and partnering with municipal authorities to make the trail the success that is growing-and kept the pathway clear-so I feel that we owe our membership and volunteers a future that includes a connection to the west-Philipsburg and beyond-as Jon Ike, one of Centre County's Commissioners once stated-a Heritage Trail System -with the possibility to connect to Prince Gallitzin. The STB should at the very LEAST-admonish R.J.Corman to do this!!

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