

APPENDIX C

WRITTEN/ELECTRONIC COMMENTS RECEIVED ON THE SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT

This appendix contains copies of all 23 written/electronic comments OEA received on the SDEIS. The majority of these comments were received on or before the SDEIS comment deadline of April 25, 2011. However, OEA also accepted a number of comments that were received after this deadline. OEA has carefully reviewed and responded to each of these written/electronic comments in Chapter 4 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 4 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 SDEIS 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 4 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	SDEIS COMMENT KEY CODE(S)*
EI-18387	DARRYL FARBER	PRIVATE CITIZEN	RR-3
EI-18505	REBECCA BOWEN	PA DCNR	BR-1, MI-2
EI-18518	TRACEY LIBRANDI MUMMA	PGC	ID-1
EI-18521	J. ALAN STEWART	HCT	MI-3
EI-18527	CATHY LOUER	PRIVATE CITIZEN	PR-1
EI-18528	TERRY LOUER	SSRTA	RR-1, PR-1
EI-18531	JAMES MILLER	PA DEP	WR-1, MI-1
EI-18532	NATE MORRIS	SSRTA	PR-1
EI-18533	ANNE DARTHELL	PRIVATE CITIZEN	RR-1, NO-1, PR-1, CR-1
EI-18534	CATE LYSIENEK	PRIVATE CITIZEN	RR-1, PR-1
EI-18535	RONALD LANE	FLETCHER & SIPPEL, LLC	MI-4, MI-5
EI-18536	BARBARA RUDNICK	USEPA	GN-1, CU-4, CU-5, CU-6
EI-18537	JOANN GILLETTE	PEOPLE PROTECTING COMMUNITIES	PN-1, RR-2, RR-3, PA-1, ID-2, CU-3
EI-18538	LINDA PADISAK	PRIVATE CITIZEN	PR-2
EI-18539	ROBERT JACOBS	CENTRE COUNTY PLANNING AND COMMUNITY DEVELOPMENT OFFICE	PN-1, RR-2, PA-2, LU-1
EI-18540	GEOFFREY HOSBAND	PRIVATE CITIZEN	RR-1, PR-1

STB EI #	NAME OF COMMENTS	AFFILIATION	SDEIS COMMENT KEY CODE(S)*
EI-18541	LINDA PADISAK	PRIVATE CITIZEN	PN-2, RR-1, PR-1, HM-1, CR-1, CU-1, CU-2
EI-18542	LYNNE HERITAGE	PRIVATE CITIZEN	HM-1
EI-18546	MARK RUSNAK	PRIVATE CITIZEN	HM-1
EI-18552	ALFRED MORRIS	PRIVATE CITIZEN	PR-1
EI-18554	MICHAEL HOLMES	PRIVATE CITIZEN	ID-1
EI-18649	DARRYL FARBER	PRIVATE CITIZEN	RR-3
EI-18653	JOANN GILLETTE	PRIVATE CITIZEN	RR-3
EI-18668	ROBERT JACOBS	CENTRE COUNTY PLANNING AND COMMUNITY DEVELOPMENT OFFICE	PN-1, RR-3, RR-4

* SDEIS Comment Key Code Category Legend:

GN: General/NEPA Process
 PN: Project Purpose and Need
 RR: RRLLC's Proposed Waste-to-Ethanol Facility/Industrial Development Site
 PA: Proposed Action and Alternatives
 ID: Identification of the Environmentally Preferable Alternative
 LU: Land Use
 NO: Noise
 BR: Biological Resources
 WR: Water Resources
 PR: Parks and Recreation Facilities
 HM: Hazardous Materials Transport
 CR: Cultural/Historic Resources
 CU: Cumulative Impacts
 MI: Mitigation

EI-18505



BUREAU OF FORESTRY

March 16, 2011

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: Supplemental 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 Supplemental Draft Environmental Impact Statement for the R.J. Corman Railroad Company project in Centre and Clearfield Counties.

Previously, DCNR had requested presence/absence survey for the local road upgrade alternative as habitat assessments identified suitable habitat for six species of concern. Botanical surveys were also requested for the new railroad alternative. Since then, we have learned that the local road alternative has been dropped from consideration. As a reminder, if this portion of the project becomes viable again, our concerns still stand.

Botanical survey reports were received for the new railroad alternative, conducted by Skelly & Loy. All potential impacts to species of special concern under DCNR's jurisdiction were cleared except for *Sparganium angustifolium*, in a letter dated February 4, 2010. The letter also requested a follow-up survey for this species since potential habitat was found and identification was not conclusive. Since then Skelly & Loy biologists have revisited the area and determined that *S. angustifolium* was not found in the project area but recommended that surveys be conducted prior to earth disturbance according to a report dated October 13, 2010. DCNR agrees with this suggestion, as previously stated in our November 29, 2010 letter.

Our office is pleased to note that this item has been included as a mitigation measure in Chapter 7 of the SDEIS. DCNR does not have additional comments or concerns regarding this project regarding impacts to species of special concern under our jurisdiction.

Sincerely,

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

c.c. Sara Nicholas, DCNR Policy office
Seth Cassell, DCNR Bureau of Forestry, Office of Communications and Interpretation
Robert G. Merrill, DCNR Bureau of Forestry, District Forester for Moshannon State Forest.

conserve sustain enjoy
P.O. Box 8552, Harrisburg, PA 17105-8552 717-787-3444 (fax) 717-772-0271
dcnr.state.pa.us

EI-18387

R. J. Corman Rail Line -- Commercial Bioethanol Plant comment
Darryl Farber to: danielle.gosselin@stb.dot.gov
Cc: dfr112@psu.edu 10/22/2010 09:41 AM

History: This message has been forwarded.

Dear Ms. Gosselin,

A recent letter dated October 5, 2010 from Resource Recovery claims major technological advances in municipal solid waste to ethanol processes.

Conferring with experts at Penn State University and at the University of California, Berkeley, municipal solid waste to ethanol is not commercially viable at this time. Additionally the environment impacts of this process are not well defined. The technology is still in the feasibility-demonstration stage of development. Essentially these are research and development projects.

Darryl Farber

EI - 18518
 COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Game Commission
 2007 ELMERTON AVENUE
 HARRISBURG, PA 17110-3787
 "To manage all wild birds, mammals and their habitats
 for current and future generations."



Division of Environmental
 Planning and Habitat
 Protection
 717-783-5957

March 30, 2011

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

Re: Environmental Filing FD 35116

Dear Ms. Gosselin,

Thank you for the opportunity to comment on the Supplemental Draft Environmental Impact Statement for the R.J. Corman Railroad/Pennsylvania Lines Inc. proposed rail line construction, operation, and reactivation in Clearfield and Centre Counties, PA (Docket No. FD 35116). The Pennsylvania Game Commission (PGC) reviewed this document for potential impacts to species and resources of concern under PGC responsibility, which includes birds and mammals only.

The PGC concurs the 3.1-mile new roadway construction associated with the Black Rock Road alternative would have a greater potential to impact threatened and endangered species than the original Local Road System Upgrade alternative or either of the rail alternatives. Likewise, the PGC concurs that the Modified Proposed Action is the environmentally preferable to the Proposed Action, and is the environmentally preferable alternative for this project.

Thank you for the opportunity to comment on the Supplemental Draft Environmental Impact Statement for the R.J. Corman Railroad/Pennsylvania Lines Inc. proposed rail line construction, operation, and reactivation in Clearfield and Centre Counties, PA.

Sincerely,

Tracey Librandi-Mumma

Tracey Librandi-Mumma
 Division of Environmental Planning & Habitat Protection
 Bureau of Wildlife Habitat Management
 Phone: 717-787-4250, Extension 3614
 Fax: 717-787-6957
 E-mail: tlibrandi@state.pa.us

TLM/tlm

ADMINISTRATION 717-787-5670
 HUMAN RESOURCES 717-787-7836
 FINANCIAL MANAGEMENT 717-787-7314
 COMPLAINTS 717-787-6954
 PROCUREMENT 717-787-6954
 LICENSING 717-787-6954
 WILDLIFE SERVICES 717-787-2116
 WILDLIFE MANAGEMENT 717-787-6959
 INFORMATION TECHNOLOGY 717-783-6556
 WILDLIFE HABITAT 717-783-6556
 MANAGEMENT 717-787-6818
 AUTOMATED TECHNOLOGY 717-787-4076
 SERVICES 717-787-4076
 WWW.PGC.STATE.PA.US

EI - 18521

April 7, 2011

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

RE: Environmental Filing FD 35116

Dear Ms. Gosselin:

As an interested party we have previously submitted written comments, letters dated 2/9/09 and 9/14/10, regarding potential socio-economic and recreational impacts associated with the reactivation of the Beech Creek Rail Line as per the Surface Transportation Board's invitation issued in Environmental Filing STB Finance Docket No. 35116.

Again, the Headwaters Charitable Trust is a 501(c)3 organization that works to improve quality of life through natural resource conservation projects and grants that result in community improvement, rural economic stability and environmental enhancement. The Trust currently holds title to the 9.3-mile section of the Snow Shoe Rail Trail (that includes the Peale Tunnel and Viaduct Bridge) which it leases to the Snow Shoe Rails to Trails Association (SSRTA).

To reiterate our stance, HCT does not oppose or support the reactivation of the 9.3 mile section. Rather we simply request that if the STB should rule to reactivate the 9.3 mile section, as part of the 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 miles of trail systems.
2. Require that the \$555,195 Transportation Enhancement monies spent to repair the Peale Tunnel be repaid to the HCT, so that we can meet our obligation to repay those Transportation Enhancement funds. Such repairs are beneficial to RUCP since the tunnel would be part of the reactivated section of rail.

In addition to highlighting our previous testimony, The Trust would like to provide additional comments specifically regarding our concerns of RUCP's voluntary mitigation narrative listed in Chapter 7, page 7-5 identified as Voluntary Mitigation (VM) 33, in the Supplemental Draft Environmental Impact Statement.

The voluntary mitigation language gives RUCP the liberty of not mitigating trail connectivity caused by the loss segment if they determine a mutually acceptable agreement can not be reached. We are concerned this language could be used as an "out" without engaging in any meaningful dialogue to resolve the issue. To date RUCP has been slow to respond to our requests for further dialogue on the subject. Months later when we did finally arrange a conference call with their attorney it appears that their reluctance to respond to us stems from their perceived opposition by the Trust to reactivation of the line. As we indicated to RUCP's attorney while there may be trail users that are opposed to a potential client of RUCP, Resource Recovery, which has proposed the construction of a landfill, HCT has

Surface Transportation Board
Incoming Correspondence Record

#EI-18527

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	04/18/2011
Name of Sender:	cathy louie	Date of Letter:	
Group:			

Submitter's Comments
We are opposed to the proposed trash train. You would be taking away regulated riding trails from atv riders. We finally have a nice, clean, safe place for us to ride. WE DO NOT WANT YOU TO DESTROY OUR SCENIC RIDING AREA.

always maintained a neutral stance on both the proposed landfill and reactivation of the rail line and will continue to do so. Our interest is solely to restore the "connectivity" of the 9.3 mile section of trail, if the rail is reactivated, and repayment of our financial obligations for the structural repairs made to the Peale Tunnel, which Resource Recovery committed, in writing, to repaying, if reactivation occurred.

We hope to build upon the dialogue that recently transpired between the Trust and RCP's attorney, Mr. Ronald Lane, and are currently working on gathering data as per his request to identify potential routes for an alternative connector trail. The current language in Supplemental Draft Environmental Impact Statement, however, does give RCP an "out" for not pursuing mitigation leaving us little chance of restoring the connectivity lost when the segment of trail is reactivated.

We sincerely ask that the STB consider our previous testimony as well as request that the STB reconsider the current language of VM 33 and replace it with more substantial language to assure that meaningful efforts are taken by RCP to reach a reasonable resolution to mitigating the loss of connectivity of 126 miles of trail systems. Loss of such a regional recreational asset will have a significant economic impact to our rural communities.

Sincerely,



J. Alan Stewart, Chairman
Headwaters Charitable Trust

EI-18531



April 15, 2011

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

Re: R.J. Cormier Railroad Company/Pennsylvania Lines Inc.
Docket No. FD 35116
Clearfield and Centre Counties, PA

Dear Ms. Gosselin:

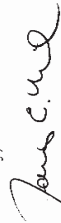
I am writing in regards to the above referenced project proposal. Regional staff have completed a preliminary review of your submittal and offer the following comments:

Any solid waste generated as a result of this project should be taken to a permitted solid waste processing or disposal facility.

Due to the extent of this project it is strongly recommended that you contact this office's Watershed Management Program to discuss permitting needs with respect to construction stormwater and encroachments in any streams, floodways or wetlands. Any earth disturbance of one acre or more will require an NPDES permit under Chapter 102 of the Department's rules and regulations. Any encroachment work may also require a water obstruction and encroachment permit under Chapter 105 of the Department's rules and regulations. Please contact Mr. John Twardowski at 570.321.6523 for further guidance.

The narrative provided was not detailed enough to determine if any Industrial Stormwater NPDES permitting will be needed. Please contact Chad Miller PE at 570.321.6560 to discuss the specifics of the project so that a determination can be made.

Sincerely,


James E. Miller
Assistant Regional Director
Northcentral Regional Office

cc: Pat Brennan
Dave Garg
John Hamilton
Robert Hawley
Ted Loy
Jennifer Means
Muhammad Zaman
File

208 West Third Street, Suite 101 | Williamsport, PA 17701-6448
Phone 570.327.3695 | Fax 570.327.3565
www.depweb.state.pa.us

#EI-18528

Surface Transportation Board Incoming Correspondence Record

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	04/18/2011
Name of Sender:	Terry Lauer	Date of Letter:	
Group:	Snow shoe ralls to trails		
Submitter's Comments			
I have just discovered that there are certain interests who are attempting take away one of my favorite privileges. Why should a few people prosper from exploiting a pristine environment by opening a trash dump? The Snow Shoe Ralls to Trails has 3000 members who bring hundreds of thousands of green dollars to the Centre County region. Why should we suffer? Why should we lose our privileges? Why should an eco system be destroyed to enrich a few? Why would Pennsylvania suffer New York and New Jersey trash? Stop the Dump			

EI-18533

April 18, 2011

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

RE: Environmental Filing FD 35116

Dear Ms. Gosselin:

This is a beautiful area to visit. This is my first visit here, and I can't believe this proposed trash train is even being considered! This is a recreational area and has been for many many years. To destroy the historic Peale Tunnel, which I saw today is ridiculous! Ethanol is not needed nor wanted in this area by anyone. The noise of the train alone is reason enough to stop this absurd project! I vote NO to this idea!

Signature: 
Name: Anne Dartheil
Address: 8105 West Lake Rd.
City, State, Zip: Fairview, PA 16415

Surface Transportation Board
Incoming Correspondence Record

#EI-18532

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	04/25/2011
Name of Sender:	Nate Morris	Date of Letter:	
Group:	Snow Shoe Rails to Trails		

Submitter's Comments
Dear Miss Gosselin, I live in Quakertown, Pa which is about 3-4 hours drive from Snow Shoe, Pa. We only get a chance to come ride our a/vs out there 5-6 times a year but it is a trip I always look forward to. I was sickened by what your board wants to approve out there to bring in trains and trash and hazardest materials to ruin the land and poison the people. I see the trash dump off of route 78 in Bethlehem every day and it looks horrible, is an eyesore, and it smells and you people want to ruin what is a beautiful place to ride and enjoy and is historical in nature. Please as an individual and as part of a large group of riders dont take away this fantastic area and all the revenue it brings to the area because if you dont you will destroy not only the land but the people who have built their lives and homes there, dont rape them like that because so much of our government already has. Thankyou for your time and for reading this.

April 18, 2011

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

RE: Environmental Filing FD 35116

Dear Ms. Gosselin:

Please cease and desist all activity related to the proposed land fill and ethanol plant. I implore you to reconsider these projects, as the plans seem to inadequately address many of the residents' concerns. I am also appalled at the intentional neglect of the environment and local wildlife. The community, particularly the Shawnee Falls to Trails Organization, promote a positive recreational outlet for many, many people, and I abhor the idea of destroying part of the facilities simply for the financial gain of a few. Again, I urge you to discontinue all efforts unwisely directed at wildlife degradation and community erosion.

Thank you,
Cate Lusvardi

Signature:

Name:

Address:

City, State, and Zip: Towantown, PA 19083

EI-18535

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW
29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

RONALD A. LANE
(312) 252-1500
rlane@fletcher-sippel.com

April 25, 2010

Danielle C. Gosselin, Esq.
Attorney-Advisor
Section of Environmental Analysis
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

Re: R.J. Corman Railroad/Pennsylvania Lines, Inc. — Construction &
Operation Exemption—Clearfield and Centre Counties, PA
F.D. No 35116

Dear Ms. Gosselin:

I submit the following comments on the March 4, 2011 Supplemental Draft Environmental Impact Statement in this proceeding on behalf of the applicant, R.J. Corman Railroad Company/Pennsylvania Lines Inc. ("RJCR")

The Office of Environmental Analysis proposed an additional Voluntary Mitigation measure (number 1) requiring RJCR to offer "fair market value payment in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act" for the acquisition or condemnation of property for the Western Segment. The referenced statute, codified at 42 U.S.C. Sec 4601, *et seq*, sets forth policy guidelines for federal agencies and federally funded projects to follow in acquiring real property by eminent domain. It does not apply to projects like this one in which no federal funding is involved. While Congress may enact policy guidelines for the federal government to follow in acquiring property, it has chosen not to apply those guidelines in a situation like this where purely private funds are involved. To the contrary, the procedures for exercising eminent domain in connection with this project are set forth in Pennsylvania statutory law. Sec. 26 Pa. C.S.A. §701, *et seq*, which contain provisions assuring fair market value compensation. It is also not clear what nexus there is between land acquisition procedures and the human environment, since any impact of land acquisition practices could only be upon landowners, in their capacity as landowners (individual or corporate, local or absentee) and not as environmental receptors. Since this subject is already adequately covered by state law, RJCR respectfully suggests that this mitigation measure is unnecessary.

FLETCHER & SIPPEL LLC

Danielle C. Gosselin, Esq.
April 25, 2010
Page 2

RJCR is also constrained to address the comments to the SDEIS recently filed by Headwaters Charitable Trust ("HCT"). HCT continues to attempt to enjoin RJCR and this Board in its third-party dispute with Resource Recovery, LLC ("RRLC"). The upgrade of the Peale Tunnel undertaken by HCT, and the Trust's allegations in that regard have been addressed in previous correspondence from RRLC. HCT has also suggested that it may pursue its claims in state court. Accordingly, RJCR respectfully suggests that these compensation issues not be addressed in an assessment of the environmental effects of the proposed construction. Indeed, there is nothing about the nature or cost of the tunnel upgrade that has any impact on the human environment, and HCT's concerns are simply beyond the scope of the Board's environmental review process.

Similarly, the Board should not accept HCT's invitation to get involved in designing alternative trail systems for ATV riders in Central Pennsylvania. The Board has already ruled in this proceeding (July 23, 2009 Decision (served July 27, 2009)) that RJCR needs no further authority to reactivate the Eastern Segment, a portion of which is currently used for trail purposes. The Board's rationale for examining the environmental effects of reactivating the Eastern Segment is that the Army Corps needs the study to review the impact of reactivation on wetlands. Nothing about the Snow Shoe Rail Trail has any impact on the waters of the United States. Accordingly, there is no federal authority being sought in this project that affects the trail or its connectivity with other proposed trails.¹ HCT's rights and obligations with respect to the trail and the termination of trail use are subjects that are or could have been addressed in the trail agreement or conveyance documents between Cornall and HCT many years ago. Those rights and obligations are matters of private contract and are not an appropriate subject for backdoor resolution through the Board's environmental review process.

¹ We would point out that HCT's factual statements regarding connectivity are seriously misleading. HCT suggests verbally and with the map it attaches, that losing the Snow Shoe Rail Trail over a part of the Eastern Segment will destroy the continuity of 125 miles of trails. What HCT fails to explain is that the trail corridors shown on its map of "connecting trail systems" including corridors 3, 4, 5, 6, and 7 are merely proposed recreational corridors from Centre County's Green Way Plan. There is no assurance that these corridors will ever be constructed or developed for recreational trail use. Moreover, corridors 2, 6, 7, and 5 all connect with the eastern end of the Snow Shoe Rail Trail and therefore their connectivity has nothing to do with the 9.3 mile segment of the Snow Shoe Rail Trail to be reactivated for railroad use. The only two existing recreational corridors are the Salt Lick Trail which connects to the eastern end of the Snow Shoe Rail Trail and the Allegheny Front Trail which is a 36 mile blazed hiking trail, not a bike or motorized recreational trail around and through Black Moshannon State Park. The Allegheny Front Trail map on its website indicates that this blazed hiking trail is south of Red Moshannon Creek and does not connect to the Snow Shoe Rail Trail which generally runs north of that creek. Thus, under even cursory review, HCT's assertions regarding trail connectivity have little if any substance.

FLETCHER & SIPPEL LLC

Danielle C. Gosselin, Esq.
April 25, 2010
Page 3

"Thank you for your consideration of these comments.

Very truly yours,


Ronald A. Lane

RAL:dg

Surface Transportation Board Incoming Correspondence Record

#EI-18536

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	04/25/2011
Name of Sender:	Barbara Rudnick	Date of Letter:	
Group:	EPA		
Submitter's Comments			
comments on Supplemental Draft EIS for RJ Corman RR Co.			
Image Attachment(s)			
Corman SDEIS STB PA 04-11.pdf			


[Corman SDEIS STB PA 04-11.pdf](#)


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

April 25, 2011

Victoria Rutson
Director, Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Attn: Danielle Gosselin

RE: Environmental Filing FD 35116 - Supplemental Draft Environmental Impact Statement
R.J. Corman Railroad Company/Pennsylvania Lines Inc. CEQ 20110072

Dear Ms. Rutson:

In accordance with the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the Supplemental Draft Environmental Impact Statement (SDEIS) for the above mentioned project. The SDEIS was prepared to meet the requirements of NEPA as new information as become available since the original Draft Environmental Statement was released in July of 2010. The proposed rail line would be approximately 20 miles long, located in Pennsylvania's eastern Clearfield County, primarily in Morris and Copper Township and in western Centre County, Rush and Snow Shoe Townships. The Preferred Alternative remains the Modified Proposed Action.

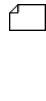
The purpose of the project remains to service proposed development near Gorton Pennsylvania. Originally, a landfill had been proposed as part of the development. Currently, the landfill proposal has changed to include a waste-to-ethanol plant. Other speculative development remains the same including a quarry, industrial park, and a "frac water" treatment plant, but some changes have resulted from new entities (owner/operators) that have become responsible for particular actions or projects.

Additional information became available which necessitated the need prepare a Supplemental DEIS. The SDEIS addresses the following issues: 1) the potential environmental impacts associated with R.J. Corman Railroad Company (RJCP) proposed transport of ethanol, a regulated hazardous material, over the rail line, 2) the change in the preliminary plan approval status of the No-Build Alternative - Local Road System (Black Rock Road, 3) the results of the 2010 summer field survey for Branching Buc-Reed (sparganium androcladum) a Pennsylvania Endangered Species (which demonstrated the absence of the species).

Surface Transportation Board Incoming Correspondence Record

#EI-18537

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	04/25/2011
Name of Sender:	JoAnn Gillette	Date of Letter:	
Group:	People Protecting Communities		
Submitter's Comments			
Attached are comments from People Protecting Communities regarding the SDEIS for Environmental Filing FD 35116.			
Image Attachment(s)			
PPC SDEIS Comments.pdf			


[PPC SDEIS Comments.pdf](#)

EPA provided written comments on the DEIS on September 28, 2010. In that letter, EPA, in accordance with NEPA, rated the proposed action as Environmental Concerns (EC), Insufficient Information (2) because of its potential impacts to irreplaceable environmental resources. OEA has indicated that they will be responding to all comments they received in the Final EIS. Therefore EPA also has rated the SDEIS as EC2 has our concerns have not yet been addressed. For more information on our rating guidelines go to www.epa.gov/compliance/napa/comments/ratings.html

EPA offers the following additional comments for your consideration when developing the Final EIS.

- The SDEIS indicates that the waste-to-ethanol plant would result in a smaller impact to land use, however due to the preliminary nature of the actions OEA was unable to quantify an exact difference in effected acreage. In order to clarify the cumulative effects of the secondary developments, EPA suggests the FEIS provide a map and a more detailed description of the potential environmental resources that may be impacted within the associated industrial park, quarry, and treatment plants.
- Very little information has been provided regarding the proposed "frac water" treatment facility. Please provide more information on this expected facility.
- It is unclear which actions will occur first. If the rail line is active before the development is begun will the rail line be used to transport construction material? If the development is ready to begin before the rail is active, will the local road system be improved to accommodate the construction traffic?
- Will the local road improvements need to be implemented to accommodate workers, non-rail deliveries, etc? Please provide information regarding infrastructure improvements that are planned for the expected development.

EPA appreciates the opportunity to comment on this SDEIS. We look forward to reviewing your responses to our environmental concerns. If you should have any questions regarding these comments, please feel free to contact Mrs. 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

Ms. Danielle Gosselin
Environmental Filing FD 35116

April 25, 2011
Page 2 of 3



April 25, 2011

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

RE: Environmental Filing FD 35116

Dear Ms. Gosselin:

Thank you for the opportunity to provide comments in response to the Supplemental Draft Environmental Impact Statement (SDEIS), Docket No. FD 35116, issued March 4, 2011, by the Surface Transportation Board's (STB) Office of Environmental Analysis (OEA).

Comment on Section 1.3, Purpose and Need. A fundamental flaw of the SDEIS analysis—to provide rail transportation service to a new waste-to-ethanol facility/landfill, quarry, and industrial park being developed by Resource Recovery, LLC (RRLC), is that the stated transport need is based on assumptions and presumptions, not facts.

Waste-to-Ethanol Facility/Landfill

RRLC, the developer of the proposed waste-to-ethanol facility/landfill, and the dominating user and consumer of this proposed rail line service, has neither the permits nor approvals needed to convert their proposed waste-to-ethanol production plant into reality. Furthermore, ethanol production from municipal solid waste (MSW) is currently not an operational, commercially feasible process. Instead, it is under development and expected to take a decade or longer before this capability can be developed and proven. Only then can the selection, design, and construction phases begin. Currently, according to the Office of Energy Efficiency and Renewable Energy (EERE) of the Department of Energy (DOE) only two field-based MSW-to-ethanol-conversion "demonstration" projects have been initiated in the United States with none at the larger "pilot" scale. A survey of knowledgeable Pennsylvania State University faculty, and National Research Energy Lab (NREL) and DOE documents sites, show technical barriers and setup costs to limit this larger-scale commercial application to the mixed and variable cellulosic inputs that characterize MSW. In addition, a recent email (March 27, 2011) from the Pennsylvania Department of Environmental Protection (PADEP) confirmed that the original landfill permit application (submitted May 5, 2006 and suspended October 2, 2006) has not been withdrawn and no permit has even been submitted for a waste-to-ethanol facility. Obviously, construction of a facility of this type would require significant environmental review and is far from being assured.

Quarry

Andy Renfrew, director of business development for HRI, the developer of the quarry, stated at the November 2010 meeting of the Snow Shoe Township Supervisors that, "most if not all of the stone from the quarry will be used on the property." HRI did not claim a need for rail service for this quarry.

Industrial Park

Construction of the proposed industrial park is dependent on a construction of a new I-80 interchange, not rail transportation. Addendum No. 1 of the Host Municipality Agreement (HMA) between Rush Township and RRLC, dated October 29, 2005, states that the industrial park, "may not be constructed until the I-80 Interchange is available for use." The Federal Highway Administration (FHWA) has advised the Pennsylvania Department of Transportation (PennDOT) that the proposed interchange does not meet the criteria for adding an interchange to the federal interstate system. There have been no additional changes to the HMA.

Comment on Section 2.1, Alternatives. The selection of alternatives offered is flawed. The National Environmental Policy Act (NEPA) regulations require federal agencies to consider a reasonable range of feasible alternatives to the Proposed Action. Aside from the No Build Alternative, the only other alternatives considered were various means of transportation. The Proposed Action and proposed RRLC waste-to-ethanol facility/landfill should be considered connected actions. The Surface Transportation Board's (STB) decision to the contrary relies on an inappropriately narrow interpretation of NEPA and ignores the factual reality that the railroad and the proposed waste-to-ethanol facility/landfill are functionally and economically interdependent. Without the waste-to-ethanol facility/landfill, the proposed rail line project will be the "Railroad to Nowhere." Either there is no need whatsoever for this rail line or it is intended to facilitate the development of the waste-to-ethanol facility/landfill and associated facilities that will not occur without the rail line. A complete analysis of all potential impacts associated with the development and operation of the waste-to-ethanol facility/landfill should be included in the Environmental Impact Statement (EIS) to include other suitable sites for the waste-to-ethanol facility/landfill, particularly locations closer to the source of the MSW generation, which was revealed to be primarily New York and New Jersey at the February 2009 scoping meeting.

Comment on 2.3.2, No-Build Alternative—Local Road System Upgrade (Black Rock Road). The Black Rock Road local road system upgrade is a hypothetical alternative. It is based on a *preliminary* subdivision plan which could undergo significant change during a final approval process. The preliminary plan for the eight-lot subdivision in Snow Shoe Township, which was deemed approved by court action because of a timing technicality, overrode rejection of the plan by the Centre County Planning and Community Development Office (CCPCDO). Rejection of the plan by the CCPCDO indicates potential problems with the preliminary plan. There are also multiple subdivision plans that have been conditionally approved for this area by Rush Township, a four-lot subdivision solely within Rush Township and an eight-lot subdivision covering both Rush and Snow Shoe Townships, but a final plan has not been selected. In any case, no land development plan for any specific use has been filed, which would be required for *any* development to move forward.

Comment on Section 2.4, Identification of the Environmentally Preferable Alternative.

The selection of the preferable alternative is flawed. Like the stated transport need, it is based on assumptions and presumptions. It is premature to select a preferred alternative without the necessary approvals for the waste-to-ethanol facility/landfill. PADEP, not RRLC, will determine the permitted tonnage of MSW. Until there is a new permit application submitted for the waste-to-ethanol facility/landfill and a PADEP approved permit specifying tonnage, it is impossible to decide which alternative is preferable. The tonnage could be so low as to eliminate the need for rail transport or local road improvements.

Ms. Danielle Gosselin
Environmental Filing FD 35116

April 25, 2011
Page 3 of 3

Comment on Chapter 5, Cumulative Impacts. The OEA provides incomplete and conflicting information with regards to the safety of the waste-to-ethanol facility. The OEA admits that data does not exist regarding the safety of waste-to-ethanol technology and makes dangerous assumptions concerning the potential impacts that could occur from an "incident." On one hand, the OEA relies on the remoteness of the site to determine that an "incident" would have negligible safety impacts, and on the other hand they assume that any emergency response required at the site, "would likely be within the existing service capabilities of existing local and regional service providers."

The need for approval of this petition has not been established. Rather than a strong, objective justification, the proposers present, at best, a weak rationalization. PADEP (landfill permit application), PennDOT (local road access onto State Route 53), FHWA (I-80 interchange), CCPCDO (land-use consistency), Centre County Metropolitan Planning Organization (I-80 interchange, twice), and Snow Shoe Township (HMA, zoning change request for land use, and zoning determination in favor of construction of an access road on RRLLC land in Snow Shoe Township) have already suspended, denied, or rejected requests from RRLLC relative to this proposal. It is inconceivable that the STB would continue to expend resources on a project of this magnitude without even a permit application or land development plan on file for the primary purposes to be served by this rail line.

We respectfully request that a decision regarding this rail line request be suspended until there is an approved permit for the waste-to-ethanol facility/landfill and a complete, clearly defined, approved land development plan.

Sincerely,



JoAnn Gillette, Coordinator
Review Committee
People Protecting Communities

C: Council on Environmental Quality
Senator Robert Casey
Senator Pat Toomey
Congressman Glenn Thompson
Senator Jake Corman
Senator John Wozniak
Representative Michael Hanna
Representative Scott Conklin
Representative Camille George
Robert Jacobs, Director, Centre County Community Development and Planning Office
Robert McKinstry

Surface Transportation Board Incoming Correspondence Record

#EI-18538

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	04/25/2011
Name of Sender:	Linda Padisak	Date of Letter:	
Group:			
Submitter's Comments			
Attached are signature collected at a Snow Shoe Rails to Trails event and the Avondale Hotel. The signers will be affected either as residents or visitors and not only oppose the rail line proposal, they are concerned about the negative environmental and economic impacts to the area.			
Image Attachment(s)			
FD 35116 Petition Signatures.pdf			



[FD 35116 Petition Signatures.pdf](#)

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

Please sign by Fri Apr. 22nd.
Thank you.
Linda Hoback

We, the undersigned, hereby petition the Surface Transportation Board to establish public opposition and concern regarding the negative environmental and economic impacts that would be inflicted on the Central Pennsylvania wilderness region by the construction and reactivation of the 20 miles of rail line in Clearfield and Centre Counties as proposed by R.J. Corman Railroad Company/Pennsylvania Lines in Environmental Filing FD 35116.

WE STATE OR BELIEVE:

That the petitioners are citizens of, or recreational visitors to, the affected area and that our enjoyment of our rural lifestyle or the ability to participate and enjoy the recreational activities available, such as hiking, biking, boating, ATVing, will be significantly and negatively impacted by the industrialization that this rail line will promote in this remote, wilderness region.

Name	Full Legal Address	Date
Hannah Killinger	213 East Park Avenue Snow Shoe, PA 16874	4/19/11
Janet Howard	275 S Hill Rd Clearance, PA 16829	4/19/11
Ron Howard	275 S Hill Rd Clearance, PA 16829	4/19/11
Christy	571 Fifth St Clearance, PA 16829	4-20-11
Theresa Schmidt	736 W Sycamore Rd. Snow Shoe, PA 16874	4-20-11
Eileen Plummer	117 E Park Ave Snow Shoe, PA 16874	4-20-11
Melinda	PA 16874 Snow Shoe, PA 16874	4-20-11
Donald H. Hargrove	5416 West Sycamore Road Snow Shoe, PA 16874-7603	4-20-11
Jim Harkins	204 E. Park Avenue Snow Shoe, PA 16874	4/21/11
Loranne Wilbur	Snow Shoe, PA 16874 111 Cambridge St	4/22/11
Walter Benquist	Clearfield, Pa	4/22/11

PAGE 82 04/25/2011 07:43 8143875100 HALLS MARKET

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

We, the undersigned, hereby petition the Surface Transportation Board to establish public opposition and concern regarding the negative environmental and economic impacts that would be inflicted on the Central Pennsylvania wilderness region by the construction and reactivation of the 20 miles of rail line in Clearfield and Centre Counties as proposed by R.J. Corman Railroad Company/Pennsylvania Lines in Environmental Filing FD 35116.

WE STATE OR BELIEVE:

That the petitioners are citizens of, or recreational visitors to, the affected area and that our enjoyment of our rural lifestyle or the ability to participate and enjoy the recreational activities available, such as hiking, biking, boating, ATVing, will be significantly and negatively impacted by the industrialization that this rail line will promote in this remote, wilderness region.

Name	Full Legal Address	Date
Connie Long	1259 Grassfield Ave Clearfield, Pa 16839	04-22-11

PAGE 83 04/25/2011 07:43 8143875100 HALLS MARKET

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

We, the undersigned, hereby petition the Surface Transportation Board to establish public opposition and concern regarding the negative environmental and economic impacts that would be inflicted on the Central Pennsylvania wilderness region by the construction and reactivation of the 20 miles of rail line in Clearfield and Centre Counties as proposed by R.J. Corman Railroad Company/Pennsylvania Lines in Environmental Filing FD 35116.

WE STATE OR BELIEVE:

That the petitioners are citizens of, or recreational visitors to, the affected area and that our enjoyment of our rural lifestyle or the ability to participate and enjoy the recreational activities available, such as hiking, biking, boating, ATVing, will be significantly and negatively impacted by the industrialization that this rail line will promote in this remote, wilderness region.

Name	Full Legal Address	Date
Cristal Hopnick	147 Pine St. Gallentimber PA 16639	4-19-2011
Lisa Kovic	310 S. 4th St., Bellwood PA 16617	4-19-11
Tim Shahan	1379 58th St., Altoona PA 16601	4-19-11
Tanya L. Wertz	2506 Middlesex Farm Rd. Tyrone, Pa 16801	4/19/11
Philipp Plogosz	157 Pine St. Clearfield PA 16839	4/20/2011
Shawn McElroy	557 Bell Top Road Tyrone PA 16801	4/20/2011
Greg Jirzko	507 Orchard St. Bellwood PA 16617	4/20/11
Adam Bailey	132 W. Pauline Dr. Clearfield PA 16839	4/20/11
STEVEN M JENSE	2707 W. CHESTNUT AVE Altoona PA 16602	4/20/11
Ryan McCracken	914 South St Altoona PA 16602	4/20/2011
Chad Le-ic	1017 E 5th St Bellwood PA 16617	4/20/2011

Joe Plkowski
118 Logan Blvd Altoona, PA 16602 4-20-11

Matt Rach
PO Box 114 Bellwood PA 16617 4/21/11

Nathan Beatty
1711 Jackson Ave. Altoona, PA 16602 4/21/11

SARAH FLAHERTY
415 RUEBEL LN
East Freedom PA 16637 4/21/11

Lisa Stimer
PO Box 115 Julian PA 16844 4/21/11

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

We, the undersigned, hereby petition the Surface Transportation Board to establish public opposition and concern regarding the negative environmental and economic impacts that would be inflicted on the Central Pennsylvania wilderness region by the construction and reactivation of the 20 miles of rail line in Clearfield and Centre Counties as proposed by R.J. Corman Railroad Company/Pennsylvania Lines in Environmental Filing FD 35116.

WE STATE OR BELIEVE:

That the petitioners are citizens of, or recreational visitors to, the affected area and that our enjoyment of our rural lifestyle or the ability to participate and enjoy the recreational activities available, such as hiking, biking, boating, ATVing, will be significantly and negatively impacted by the industrialization that this rail line will promote in this remote, wilderness region.

Name	Full Legal Address	Date
SUSAN STIMMER	125 Allegheny St Box 115 JUNE PA 16704	4-19-11
Jeanette Stimmer	1151 Valley Street	4-19-11
Jeremy Patterson	107 Sulix dr. Bellefonte PA	4-22-11
Jason Stimer	1225 Allegheny ST Box 115 JUNE PA 16704	4-22-11
Randy Stimmer	125 Allegheny St Box 115 JUNE PA 16704	4-22-11
George P. Paddock	309 Oakwood Dr. Pottsville, PA 17866	4/23/11
Charles Paddock	309 Oakwood Dr. Pottsville, PA 17866	4/23/11

Name	Full Legal Address	Date
DON HAUSER	BELEFONTE PA 16823 265 W. BEAVER ST	4-16-2011
ROY GEMT	144 Charwood Hill Rd COVENTRY CV 478 ENGLAND	4-16-2011
KEVIN A. CEMEC	PO Box 211 - 523 Clarence Road. SNOW SHOE, PA 16874	4-16-2011
DARLE J. MCKEAN	PO Box 49, 107 Martin Rd. MOSHANNON, PA 16859	4/16/11
Jesse L. McKean	PO Box 211 - 523 Clarence Rd. SNOW SHOE PA, 16874	4-16-11
Patrick Mckean	1251 East Street Rd West Chester PA 19382	4/16/11
Caroline Charnock	590 E. Square Rd. Snow Shoe Pa 16874	4/18/11
Vatha Charnock	590 E. Square Rd. Snow Shoe, PA 16874	4/18/11
Caroline Charnock	618 E. Square Rd. Snow Shoe, PA 16874	4/18/11
Bill & Betty	221 Sand Ridge Rd. Howard, PA 16841	4/18/11
Roulene Wells	1640 Highland St. Ext. DuBois, PA 15801	4/18/11
Kathleen Papafomas	140 Sand Spring Rd. Morristown, NJ 07960	4/19/11
Donald J. Zehr	PO Box 29 DRIFTING PA 16831	4-23-11
F. J. Zehr	3258 Cassanova Rd Mason	4-23-11
Monique Chagnon	3258 Cassanova Rd. Mason, PA	4-23-11
Jeremy M. Sedlak	PO Box 187 320 Park Rd Winburne PA 16879	4-23-11

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

We, the undersigned, hereby petition the Surface Transportation Board to establish public opposition and concern regarding the negative environmental and economic impacts that would be inflicted on the Central Pennsylvania wilderness region by the construction and reactivation of the 20 miles of rail line in Clearfield and Centre Counties as proposed by R.J. Corman Railroad Company/Pennsylvania Lines in Environmental Filing FD 35116.

WE STATE OR BELIEVE:

That the petitioners are citizens of, or recreational visitors to, the affected area and that our enjoyment of our rural lifestyle or the ability to participate and enjoy the recreational activities available, such as hiking, biking, boating, ATVing, will be significantly and negatively impacted by the industrialization that this rail line will promote in this remote, wilderness region.

Name	Full Legal Address	Date
Anne Dartnell	8105 West Lake Rd Farmington, PA 16805	4-16-11
Hellie Conder	108 Spruce St. Beechgrove PA 16822	4-16-11
Cate Lysichuk	1314 Annabell Ave, Haverford PA 19111	4/16/11
Mary Jane Pitzer	133 Spruce St., Farmington, PA 16805	4/16/11
Quincy Pitzer	193 Meadow Dr., Farmington, PA 16805	4/16/11
Arvid Watson	323 Spruce Rd, Moshannon, PA 16805	4/16/11
Sally Pitzer	675 School House Road Munson PA 16860	4/16/11
Charles & Lynn Ann	2535 Edgewood Dr Tyron PA 16686	4-16-11

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

We, the undersigned, hereby petition the Surface Transportation Board to establish public opposition and concern regarding the negative environmental and economic impacts that would be inflicted on the Central Pennsylvania wilderness region by the construction and reactivation of the 20 miles of rail line in Clearfield and Centre Counties as proposed by R.J. Corman Railroad Company/Pennsylvania Lines in Environmental Filing FD 35116.

WE STATE OR BELIEVE:

That the petitioners are citizens of, or recreational visitors to, the affected area and that our enjoyment of our rural lifestyle or the ability to participate and enjoy the recreational activities available, such as hiking, biking, boating, ATVing, will be significantly and negatively impacted by the industrialization that this rail line will promote in this remote, wilderness region.

Name	Full Legal Address	Date
Karen Seitz	2227 Greenfield Ln State College PA 16801	4/20/11
Caroline Fuglestad	3471 Casanova Rd. Munson, PA 16860	4/23/11
Jessamine Callahan	3628 Casanova Rd. Casanova, PA 16805	4-23-11
Bette Youngling	1798 Hardscrabble Rd Munson PA 16860	4-23-11
Melissa Teare	837 Spruce Run Rd Morrisdale PA 16858	4/23/11
Georgie B. B.	254 Knox Run Road Morrisdale PA 16858	4/23/11
John Moss	1891 Smothers Rd Morrisdale PA 16858	4/23/11
Sharon Pitzer	1189 Sawmill Rd Morrisdale PA 16858	4/23/11
Sharon Pitzer	388 Coopers Hill Ave Morrisdale, PA 16858	4/23/11
Cyrene A. Sadler	199 Casanova Spur Munson PA 16860	4-23-11
Joe & Judy	1071 Main St. Winburne PA 16879	4-23-11

Name	Full Legal Address	Date
Dan Jeanneret	9936 Rt. 66 Clarin, PA 16314	4/16/11
Justin Gallagher	196 Chioory Ave. Bellefonte, PA 16828 19954	4/16/11
Jesse Fields	426 Forest Lane, Norton Wales PA	4/16/2011
Chuck Kacete	11 Rouples Drive Pottsville, PA 17850	4/16/2011
Holly B. Cline	108 Cedar Press Rd Centre Hall, PA 16828	4/16/11
Travis Barneyak	112 Hra Thr circle Pleasant Gap, PA 16823	4/16/11
Wendy Barneyak	113 Heather Circle Pleasant Gap, PA 16823	4/16/11
Denise Louer	313 Oak Hill Drive Middletown, PA 17057	4-16-11
Terry Louer	313 Oak Hill Dr Middletown, PA 17057	4-16-11
Cathy Louer	646 S Catherine St. Middletown PA 17057	4-16-11
GARY LOUER	646 So CATHERINE STREET MIDDLE TOWN, PA 17057	4-16-11
Dory Hartman	101 Wines AP Dr. Pottsville, Pa 17860	4/16/11
Shelva Strible	313 Johnsons Rd Morrisdale, Pa. 16858	4-16-11
James Strible	117 Indrings St. Grass Flat Pa. 16839	4-16-11
GEORGE T. HOLT	GT SCHOOL HOUSE ROAD	
Leigha Miles	MUNSON PA 16860 345 Turner Rd. Morrisdale PA, 16858	4-16-11

Name	Full Legal Address	Date
Paul Paul	Sandy Ridge PA	4-16-11
Ken Ayers	Petersburg, PA	4-16-11
Don Kurowsky	3181 Shellen Road State College PA 16801	4/16/11
Barney Peace	81 Miller Rd Willow Street PA 17584	4-16-11
Raymond W Dunlap	2419 Goodness for PA Lock Haven PA.	4-16-11
Mark Watson	Po Box 145 Washington PA 16859	4/16/11
Reeta Dunder	1130 West 4th St Lock Haven PA 17745	4-16-11
Yunay Dunlap	2419 Goodness for Duke Lock Haven, Pa	4-16-11
Leroy Hake	32 West Canal St Dover, PA 17315	4-16-11
DAVE M. MISHOCK	104 LOCAN AVE. PLEASANT GAP, PA. 16823	4-16-11
REXAND CRESNEL	190 PLEASANT VILLAGE DR CHANDLER, PA 17201	4-16-11
Brandon Heinrich	Bedminster NJ	4-16-11
Matt Levin	Philly	
Mark DeTemple	Bigler, PA	4/16/11
Nichole Hawk	Canaser, PA	4/16/11
Adam Portonoff	Butler, PA	4-16-11

Name	Full Legal Address	Date
JACK Eccles	341 Brock RD Springfield PA 19064	4-16-11
Dan Maddox	250 pancake RD Clarence PA 16829	4-16-11
Tom Veneziano	575 pancake RD Clarence PA 16829	4-16-11
Linda McPhail	618 E. Spangore Rd. Snow Shoe PA 16874	4-17-11
Cynthia Krupp	5381 MORRISDALE-ALPERT HWY PO BOX 1 PA 16891	4-23-11
Donald Yuen	5289 Morrisdale Allport PO Box 57 Allport	4-23-11
Wayley Shes	254 Knox Run Road MORRISDALE PA 16858	4-23-11
Larry Carlisle	59 Carter Ln. Hawthorn PA 16840	4/23/11
Linda Miller	59 Carter Ln. Hawthorn PA 16840	4/23/11
Walter Rottler	5925 Morandale Allport Hwy Allport 16821	4/23/11
James Bond	59 Passage Ave Winburne PA 16879	4/23/11
Donnell Bush	59 Passage Ln Winburne PA	4/23/11
Keindanochik	59 Passage Ln Winburne PA 16866	4/23/11
Thomas Haring	Box 111 Allport PA 16821	4/23/11
Patty Hein	PO Box 231 Winburne PA 16879	4/23/11

Name	Full Legal Address	Date
Justin Bloom	2828 Allport Cutoff Morrisdale, PA 16858	4/16/11
Nicole Davis	3 Denre Drive Manassas, VA 20108	4/16/2011
Paula Butler	1413 Valley View Rd Bellefonte PA 16823	4-16-11
Angelica Garcia	Reasant Gap	4-16-11
Heather Notbom	1413 Denre Dr. 1044 W Springfield Dr.	4-16-11
Austin Lewis	Bellefonte, PA 16823	4-16-11
Aidan Kaplan	1030 Murray Hill Ave, Pittsburgh, PA 15217	4-16-11
Brian Johnson	1328 Kellyburg Rd Trenton PA 17111	4-16-11
Andrew Bann	West Crestes PA	4-16-11
Eric Jordan	Mechanicsburg, PA	4/16/11
Brett Howard	Franklin, MI	4/16/11
Abdullah Al-Hassani	state college PA	4/16/11
Lisa Johnson	1328 Kellyburg Rd Trenton PA 17111	4/16/11
Mel Johnson	1328 Kellyburg Rd Trenton PA 17111	4/16/11
Matthew Johnson	9254 Montrose St Middletown PA 17054	4/16/11
Jeffrey Givoni	265 W Denre Gap Bellefonte PA 16823	4/16/2011

Name	Full Legal Address	Date
Eric Z Brooker	188 STRAWBERRY HILL RD CENTRE HALL, PA 16828	4/16/11
Carole Jensen	2535 Edgewood Drive Tyrore, Pa 16486	4/16/11
Michael Jensen	11601 Troy Rd Huntingdon, Pa 16652	4/16/11
Ben Sawyer	15 Fern Hill Rd Corryville PA 17015	4/16/11
Barbara Wilby	114 REEDING RD. HUNTINGDON, PA 16802	4/16/11
Jason Hilkey	1709 Old Forge Turnpike Skillwater PA 17878	4-16-11
Jeffrey Hoeland	104 Walnut Lane Lewisstown Pa 17044	4-16-11
Samuel Flood	188 Strawberry Hill Centre Hall PA 16828	4-16-11
Alfred Morris	2148 Pheasant Hill Rd Kansack, Pa. 19446	4-16-11
Nate Morris	1045 NW End Blvd. Lot 26 Quekettown, PA 18951	4-16-11
Megan Williams	164 Toddie St - Huntingdon Pa 16866	4-16-11

[illegible]

Name	Full Legal Address	Date
Monica Clark	PO-Box 183 Morrisdale Pa 16858	4-17-11
Col Jacobson	P.O. Box 14 Tanne, PA 16849	4-17-11
Esther Jensen	93 Springview Lane Morrisdale, PA 16858	4-17-11
Vivian Jacobson	Dayspring Lane Morrisdale PA 16858	4-17-11
Paula Spinkis	43 Dayspring Meadows Rd PA 16858	4-17-11
Brown, Mary	93 Dayspring, Morrisdale, PA	4-17-11
Dennis Smisko	PO Box 153 Morrisdale, Pa 16858	4-17-11
Nancy Lucas	PO Box 313 Woodbury PA 16825	4-17-11
Sara Colgren	PO Box 133 Tanne 16849	4-17-11
Marcia Hunter	93 Dayspring Ln. Morrisdale PA 16858	4-17-11
Shonda Williams	608 Deer Creek Rd., Morrisdale, PA 16858	4-18-11
Richard Himes	618 Anna St. Clearfield PA 16830	4/18/11
Leah Zellars	6743 Spillert Rd Woodbury PA 16851	4/20/11
Alona M. Mason	93 Dayspring Lane Morrisdale PA 16858	4-23-11
Conrad Mason	93 Dayspring Lane Morrisdale PA 16858	4-23-11
Donna	127 Power Rd Morrisville PA 16858	4/23/11

Name	Full Legal Address	Date
Swine M Houston	1200 MAPLE STREET BOX 135 MORRISDALE PA 16849	24 APR 2011
Edgar Houston	680 Schoolhouse road MORRISDALE PA 16858	4-24-11
Devin Mofol sn	127 Power Road MORRISDALE PA 1-24-11	
John Houston	1050 Schoolhouse Road MORRISDALE PA 16858	4/24/11
Mark Houston	147 Day Spring Lane MORRISDALE PA 16858	4/24/11
Judith J Houston	147 Day Spring Lane MORRISDALE PA 16858	4-24-11
Kristy Houston	147 Day Spring Ln. MORRISDALE PA 16858	4-24-11
Abby Houston	147 Day Spring Ln. MORRISDALE PA 16858	4-24-11
Jamie Monella	MORRISDALE PA 16858	4-24-11
Roxanne Shuey	111 Burge St. Philipsburg PA 16866	4-24-11
Bernadette Shuey	111 Burge St. Philipsburg PA 16866	4-24-11
Ann Shuey	149 KIPP ROAD PHILIPSBURG PA 16866	4/24/11
Christine Kolar	Birch Street Lanes PA 16849	4-24-11
Ann Shuey	93 Day Spring Ln MORRISDALE PA 16858	4-24-11
Ken Shuey	111 Burge St. Philipsburg PA 16866	4-24-11
Don Shuey	93 Day Spring Ln MORRISDALE PA 16858	4-24-11

EI-18539



**PLANNING AND COMMUNITY
DEVELOPMENT OFFICE**

Willowbank Office Building
420 Holmes Street
Belleville, Pennsylvania 16823-1408
Telephone (814) 355-5791
FAX (814) 355-8661
www.co.centre.pa.us

BOARD OF COMMISSIONERS
JON W. EICH, Chair
RICH RODGERS
STEVEN G. DERSHEM

DIRECTOR
ROBERT D. JACOBS
ASSISTANT DIRECTOR
SUSAN B. HANNEGAN

April 25, 2011

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

RE: Environmental Filing FD 35116 – Supplemental Draft Environmental
Impact Statement (SDEIS)

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 Supplemental Draft Environmental Impact Statement - 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 information and clarification of recent activities in regards to the SDEIS as they relate to Centre County.

Please provide clarification as to how the STB defines development activity. The SDEIS consistently states that the proposed rail line would serve a new waste-to-ethanol facility, quarry, wastewater treatment facility, and industrial park. There is no development activity on the Resource Recovery, LLC (RR LLC) property (Rush Township portion) at this time. Nor are there any approved permits for the activities stated in the SDEIS. The only activities under development at this time are proposed natural gas wells and a proposed quarry which are located on the Snow Shoe Township portion of the RR LLC property. This quarry is under permit review by the PA Department of Environmental (PA DEP) as a small non-coal permit which will limit its size and market reach. In addition, Snow Shoe Township granted a conditional use permit to the applicant, HRI, Inc. for the quarry.

The applicant stated at the Township meeting that the quarry material would be used for on-site activity only which contradicts the SDEIS which states that rail service would be used to distribute the quarry material off-site.

There is no waste-to-ethanol landfill permit application on file at the PA DEP Williamsport Office. At the present time, the only landfill permit on file for RR LLC has been suspended since February 7, 2007 and does not include a waste-to-ethanol component.

In regards to the proposed wastewater treatment facility currently under permit review, the PA DEP will suspend all Marcellus wastewater treatment and discharges in streams and rivers as of May 19, 2011. This most likely will make the proposed wastewater treatment facility on the RR LLC property a mute point since the proposed discharge point is the adjacent Moshannon Creek. The SDEIS states that the proposed rail service would haul wastewater to this proposed facility for treatment.

Based on this information, the Planning Office once again recommends that the STB's EIS include and provide an accurate evaluation for the rail line and the stated land development activities (i.e., the proposed landfill, industrial park, waste treatment facility, 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. The SDEIS contains inconsistencies as to information presented in the document and with recent activity related to the development of the proposed landfill property.

SDEIS Environmental Impacts - Centre County Comprehensive Plan

In 2005, Centre County determined that the proposed landfill and associated land uses 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 SDEIS analysis of the Centre County Comprehensive Plan as shown in Chapter 4 – Environmental Impacts, pages 4-2 and 4-3. The document does not mention that the proposed land uses were found to be inconsistent. This is important because the associated increase in truck traffic is inconsistent because of the land use inconsistency. Regardless of the rail re-activation, all of the impacts are on Snow Shoe Township, Snow Shoe Borough, and Cooper Township (Clearfield County) due to the fact that the RR LLC property in Rush Township is not accessible to the larger portion of Rush Township where its residents live.

EI-18540

April 18, 2011

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

RE: Environmental Filing FD 35116

Dear Ms. Gosselin:

I have been using the trails for over 20 years in this area, and I am extremely opposed to this proposed Ethanol plant project. This will have very negative environmental and economic impacts that would be inflicted on the Central Pennsylvania wilderness region by the construction and reactivation of the 20 miles of rail line in Clearfield and Centre Counties as proposed by R.J. Corman Railroad Company/Pennsylvania Lines.

I urge you to not consider or approve any railroad route for this project. It is not needed or wanted in this wilderness region. It will not benefit any residents or visitors to this beautiful area. **It will ruin it!**

Signature: *Jeffrey L. Hosband*
Name: *Geoffrey L. Hosband*
Address: *104 Walnut Lane*
City, State, Zip: *Lewistown Pa 17044*

Clarification is required in Chapter 2 Section 2.3.2 page 2-11. The Planning Commission did not deny a preliminary subdivision plan submitted by RR LLC. The plan was not accepted for review due to identified plan deficiencies. Subsequently through court action, the plan was deemed approved. See Appendix C.

This SDEIS as submitted is flawed on the premise that the stated land uses are currently under development. This cannot be farther from the truth. A permit request has not even been submitted for a waste-to-ethanol facility, the wastewater treatment facility may never be permitted due to the recent PA DEP action restricting Marcellus wastewater discharges to rivers and streams, and the limited quarry size may never produce enough product to make rail service feasible. Essentially, the STB is reviewing a rail reactivation request that most likely will never require or produce enough activity to justify the reactivation - all this at the expense of the local community in regards to quality of life and existing amenities.

It should also be noted that the STB should be consistent with the determinations of the other Federal agencies that reviewed the proposed landfill project and are required to follow NEPA procedures, in particular the Federal Highway Administration' POA review and its final determination.

As stated in the previous comments, 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
Robert B. Jacobs, AICP
Planning Director

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

rbj

EI - 18541

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

Environmental Filing FD 35116

Dear Ms. Gosselin:

I'm writing to adamantly oppose the reactivation of 20 miles of rail line in Clearfield and Centre Counties as proposed by R.J. Corman Railroad Company/Pennsylvania Lines in the above-mentioned filing for the following reasons:

- **Economic impact to this entire region.** The loss of business from current visitors who use the surrounding area for camping, ATV riding, horseback riding, biking, walking, etc. will be devastating to the local people who own the little restaurants, gas stations, grocery stores, and other outdoor-based businesses. People will not visit this area because it will no longer be a nice remote area for people to come for outdoor recreation but instead will be an industrialized area in the middle of the woods at the Gateway to the PA Wilds. This region has been a "tourist town" for many, many years, and our land should remain that way for our recreation visitors and the people who choose to live in this rural area.

- **The proposed landfill/waste-to-ethanol facility is not needed or wanted in this area.** This is a get-rich scheme to make millions of dollars for members of RRLLC. They have been seeking a business for the past seven years that will generate a great income. First it was the "Largest Landfill East of the Mississippi", then an incinerator plant, then an industrial park, and now an ethanol plant. People are concerned about the safety of this proposed ethanol plant! There recently was an accident in our area where an ethanol truck ran into another truck causing an explosion that resulted in a fatality. Even if train accidents are rare, just one could prove disastrous! Also, there are gas wells being developed on this property. **Do the chemicals used to drill gas wells, mix with a nearby ETHANOL plant?**

- **The rail line would not be needed if development was for businesses that are compatible with the current land use such as a golf course, a bed and breakfast, an ATV or hunting lodge, a spa, cabins, etc.** These kinds of businesses would generate jobs, would not destroy the environment, and would add to the economic stability in this area. These businesses would generate income for the local people—not millions for a developer that does not even live in the area! Right now, we the citizens living in this area are benefiting from the tourism. This proposed ethanol plant would only provide financial help to a few.

Page 2

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

- **Destruction of History.** Two historic landmarks will be severely compromised—the Peale Tunnel and the Viaduct Bridge. I know the STB has extensive information on file about these two landmarks.

I know that my enjoyment of my rural lifestyle and the ability to participate and enjoy the recreational activities available to me now will be significantly and negatively impacted by the industrialization that this rail line will promote in this remote, wilderness area. The activation of this railroad for one business, a business that is not wanted or needed in this area, is not justified and consideration of this project should be permanently vetoed.

Sincerely,



Linda M. Padisak
618 E. Sycamore Rd.
Snow Shoe, PA 16874

Surface Transportation Board Incoming Correspondence Record

#EI-18542

Correspondence Information			
Docket #:	FD 35116 0	Date Received:	04/27/2011
Name of Sender:	Lynne Heritage	Date of Letter:	
Group:			
Submitter's Comments			
It's a very poor plan to haul ethanol by rail through remote forested areas and villages where houses are near the rail bed. An emergency event would become a horror story when a fire is beyond the reach of fire fighting equipment.			

EI - 18546

REVISED

April 26, 2011

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 F. 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 O1 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 Wallaceton 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.

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 Wallacetown to Munson Area Rail Line been suspended, vacated or abandoned? Has the Wallacetown 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.

ADDITIONAL QUESTION FROM REVISED DRAFT EIS APRIL 25, 2011

24. What are the environmental concerns with ethanol tankers coming through our town and behind many homes? What about spills and etc.

4. Wetland impacts with this alternative in the Phillipsburg Area are 4 times greater and floodplain impacts are 7 times greater than the Wallacetown to Munson 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 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, jilly 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 Has the CORP of Engineers, PA Fish and Boat, and DEP reviewed this entire corridor and been given the opportunity to comment?

13. 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.

14. Has PENNDOT been involved on the access issues, traffic impact issues, and related shared right-of-way issues?

15. 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

April 18, 2011

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

RE: Environmental Filing FD 35116

Dear Ms. Gosselin:

As an avid ATV Rider and former AGI Riding Instructor I am much concerned about loss of good riding areas. The loss of most of The Snow Shoe Rails to Trail system would be a tremendous blow to most riders.

I live in Southeast Pa. and there are very limited places to ride and those that we have are really not worth expending the time and resources to go to. Snow Shoe Rails to Trails is well worth the 3 1/2 hr. drive to get to and most trips there I use the dinner, grocery store, gas station, Sandwich shop and Hardware stores as many other people who come to ride. Also it gives me opportunity to visit family in Clearfield.

It's a shame that Corporate America always seems to win out because of money. If this Trash Train wins out then a lot of the riders will go to Jersey or West Va. and spend the money there. These states see the advantage of their Trail Systems and support and protect them. Can Pa. please do the same. Thank you for your time and consideration.

Signature:

Alfred Morris

Name:

Alfred Morris

Address:

2148 Pheasant Hill Rd.

City, State, Zip:

Lansdale, Pa. 19446

e-mail: awm80verizon.net

EI-18554

SURFACE TRANSPORTATION BOARD
395 E STREET, SW
WASHINGTON, DC 20423

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

Dear Sir/Madame:

It is disturbing to hear the Western Segment includes a proposed rail route through the Morrisdale-Allport area. The proposed Hawk Run rail route will have significantly less impact on residential and business properties. By using the Hawk Run rail route, far less buildings are at risk from safety and environmental hazards. The Morrisdale-Allport route is much too close to buildings and people, which has the potential of extreme safety hazards for people living in this area. The risk of personal safety, fire and environmental/pollution hazards are too great.

Also, I would like to point out the Morrisdale-Allport rail route will certainly have a negative impact on State Route 53, and disrupt businesses and traffic flow in the area. SR 53 is a major corridor through this area with heavy truck and auto traffic. The proposed rail solution must cross SR 53 and will almost certainly cause serious traffic hazards and noise pollution. Furthermore, there is the potential for greater than 20 secondary (driveaway, small roadway, business driveway) rail crossings over a 2 mile section. There will almost certainly be constant "whistle blowing" in this high density residential and business area. Furthermore, the potential for negatively impacting property values is significant. Residents and businesses in this area will not be able to absorb property value losses.

But most importantly, I strongly emphasize the compromise in safety and pollution risk for the Morrisdale-Allport area. In short, I strongly encourage the STB to minimize safety and environmental hazards for business and property owners and use the proposed Hawk Run route.

Thank you.

Michael Holmes

Michael Holmes
5265 Morrisdale-Allport Hwy
Morrisdale, Pa 16858

EI-18649

From: Darryl Fabber
 To: daniel.gosselin@stb.dot.gov
 Cc: Darryl Fabber; jordan.gallagher@hoo.com; daniel.gosselin@co.ontario.ca.us
 Subject: Corman - Ethanol plant economic viability
 Date: 07/25/2011 04:00 PM
 Attachments: Ethanol Promise Biofuels_Sci_Art_8_2011.pdf

Dear Ms. Gosselin,

The August 2011 issue of *Scientific American* has an article, "The False Promise of Biofuels" by David Biello, that explains clearly why waste-to-ethanol plants, resource recovery facilities, are not economically viable, which is relevant to the SDEIS for FD_35116.0, R. J. Corman Railroad Company/Pennsylvania Lines Inc. construction and operation exemption in Clearfield County, PA. According to the SDEIS,

"The purpose of the Proposed Action is to provide rail transportation service to a new waste-to-ethanol facility, quarry, and industrial park being developed by RRLLC near Gorton in Rush Township, Centre County, as well as to several other interested shippers located along the proposed line. RJC has stated that the Proposed Action is needed to provide rail transportation service to RRLLC's proposed development site (p. 1-3)."

Perhaps a waste-to-ethanol facility was an interesting investment idea a few years back but Biello highlights the significant scientific and economic hurdles that puts the proposed facility in Rush Township, Pa in a clearer light,

"Range Fuels was a risky but tantalizing bet. The high-tech start up, begun by former Apple executive Mitch Mandich, attracted millions of dollars in private money plus commitments for up to \$156 million in grants and loans from the U.S. government. The plan was to build a large biofuels plant in Soperton, Ga. Each day the facility would convert 1,000 tons of wood chips and waste from Georgia's vast pulp and paper industry into 274,000 gallons of ethanol. "We selected Range Fuels as one of our partners in this effort," said Samuel Bodman, then secretary of energy, at the groundbreaking ceremony in November 2007, "because we really believe that they are the cream of the crop."

That crop has spoiled in the ground. Earlier this year Range Fuels closed its newly built biorefinery without selling a drop of ethanol. Turning biomass into a commercially viable, combustible liquid is tougher than anticipated, the company has found. As expensive equipment sits idle, the firm is searching for more funding to try to solve the problem.

Range Fuels is not the only biofuels company to fall short. Cilion in Goshen, Calif., Ethanex Energy in Basehor, Kan., and others have gotten out of the business of biofuels from plant matter because it is too expensive. Despite the best hopes of scientists, CEOs, and government policy makers, hundreds of millions in government money, more than two dozen U.S. start-ups financed by venture capital and decades of concentrated work, *no biofuels that can compete on price and performance with gasoline is yet on the horizon* (my emphasis) (p. 60).

The reference for the article is below and I have attached a copy. I hope this information is

useful in the STB decision making process.

Cordially,

Darryl Fabber

Biello, David. 2011. The False Promise of Biofuels. *Scientific American* 305 (2): 59-65, August.

ENERGY THE FALSE PROMISE OF BIOFUELS

The breakthroughs needed to replace oil with plant-based fuels are proving difficult to achieve

By David Biello

Photograph by Lori Brown

August 2011, ScientificAmerican.com 59

RANGE FUELS WAS A RISKY BUT TANTALIZING BET. The high-tech start-up, begun by former Apple executive Mitch Mandich, attracted millions of dollars in private money plus commitments for up to \$156 million in grants and loans from the U.S. government. The plan was to build a large biofuels plant in Soperton, Ga. Each day the facility would convert 1,000 tons of wood chips and waste from Georgia's vast pulp and paper industry into 274,000 gallons of ethanol. "We selected Range Fuels as one of our partners in this effort," said Samuel Bodman, then secretary of energy, at the groundbreaking ceremony in November 2007, "because we really believe that they are the cream of the crop."

That crop has spoiled in the ground. Earlier this year Range Fuels closed its newly built biorefinery without selling a drop of ethanol. Turning biomass into a commercially viable, combustible liquid is tougher than anticipated, the company has found. As expensive equipment sits idle, the firm is searching for more funding to try to solve the problem.

Range Fuels is not the only biofuels company to fall short. Cilion in Goshen, Calif., Rhinorex Energy in Basehor, Kan., and others have gotten out of the business of making biofuels from plant matter because it is too expensive. Despite the best hopes of scientists, CEOs and government policy makers, hundreds of millions of dollars in government money, more than

buildup of greenhouse gases, compared with burning fossil fuels.

The notion that biofuels technology is not living up to expectations may seem odd, given the rapid expansion in recent years of corn ethanol. U.S. production went from 50 million gallons in 1979 to 13 billion gallons in 2010. A government mandate to supply 10 percent of the country's passenger vehicle fuel drove that enormous growth, however, and the product has been affordable only because of massive federal subsidies. Ethanol yields little if any net savings in carbon dioxide emissions. Furthermore, making those 13 billion gallons consumed roughly 40 percent of the nation's corn crop, cultivated on 32 million acres of farmland, pushing up food prices and feeding an enormous "dead zone" in the Gulf of Mexico, where the Mississippi River dumps all the fertilizer that runs off midwestern cornfields.

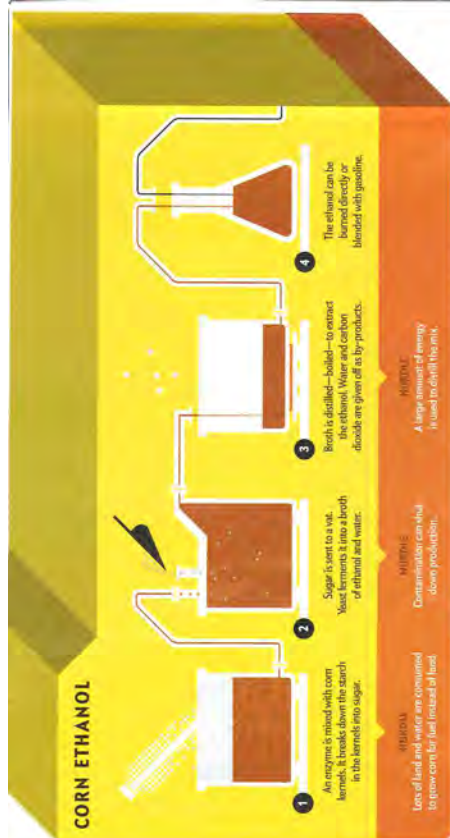
More advanced biofuels made with different processes promised to remedy these flaws. Ethanol could be brewed from sugar derived from the husks and

IN BRIEF

Despite extensive research, biofuels are still not commercially competitive. The cause of subsidies, and it diverts massive amounts of farmland needed for food. Converting the cellulose in cornstalks, grasses and trees into biofuels is proving difficult.

Corn ethanol is widely produced because it is cheap and easy to make. But it has not been grown at scale. And more advanced genetics are needed to successfully engineer synthetic microorganisms that secrete hydrocarbons, plastics or cosmetics.

Some start-up companies are also doing biofuels and are instead using the same processes to make higher-margin chemicals for products such as plastics or cosmetics.



energy-efficient and is therefore not carbon-neutral. Lots of energy is required to distill (classically, boil off) ethanol from the soup of water and yeast in which it has been fermented—energy typically supplied by burning fossil fuels such as natural gas or coal. After all that trouble, a gallon of ethanol supplies a vehicle with only two thirds of the energy in a gallon of gasoline.

CORN ETHANOL: SIMPLY INSUFFICIENT

So far corn ethanol, the only biofuel to reach commercial scale in the U.S., thanks to subsidies that topped \$5.68 billion in 2010 alone, according to the White House's Office of Management and Budget. Fer-

Lots of energy is required to distill ethanol from the soup of water and yeast in which it has been fermented, energy typically supplied by burning fossil fuels.

mentation is the core technology for making ethanol from corn. Humans have spent the past 9,000 years refining techniques for exploiting enzymes and yeast to ferment sugars derived from corn kernels, sugarcane or other plants into ethanol. To scale up U.S. production over the past decade, an extensive infrastructure of corn mills, stainless-steel fermentation tanks and other equipment has sprung up like mushrooms after rain throughout the Midwest.

Unfortunately, corn ethanol is not very

Illustration by Chris LePore

August 2011, ScientificAmerican.com 61

require a farm three times the size of the continental U.S.

CELLULOSE TOUGH TO BREAK DOWN Of course, using the nation's entire corn crop to make fuel would leave none as food—for people or livestock. That is one reason researchers and policy makers have turned their attention to cellulosic ethanol, produced not from the starchy corn kernel but from the rest of the corn plant—the stover, or "waste"—which would not adversely affect the food supply.

The energy that could be harvested from waste cellulose is potentially huge. According to Oak Ridge National Laboratory, the U.S. could generate 1.4 billion tons of cellulosic material such as corn stover, 80 percent of which could be converted to biofuel, displacing 30 percent of U.S. transportation fuel.

Finding a way to efficiently break down a plant's cell walls is the central challenge. First, there is lignin, the chemical compound that supports a plant's cell wall against gravity and that makes wood inedible for animals. Then there is the hemicellulose, a long, interlocking complex sugar fiber bonded to the lignin supports that wards off attacking enzymes. Inside these walls is a fibrous core of cellulose—long chains of glucose molecules, simple carbohydrate sugars that hold the energy that will become a biofuel.

One inspiration for breaking through the organic barriers comes from leaf-cutting ants. At the Great Lakes Bioenergy Research Center, leaf-cutting ants mill about in plastic bins, growing fungus caves that turn leaf material into the oils and amino acids that the insects actually eat. Certain microbes in the ants' digestive tract chew up the initial harvest into scraps. Worker ants transfer those scraps into the compost caves. Another set of microbes that the ants deposit converts the scraps, with the addition of water, into lipid droplets. In essence, the ants build an external gut for turning cellulose into food—a small model, perhaps, for a biorefinery.

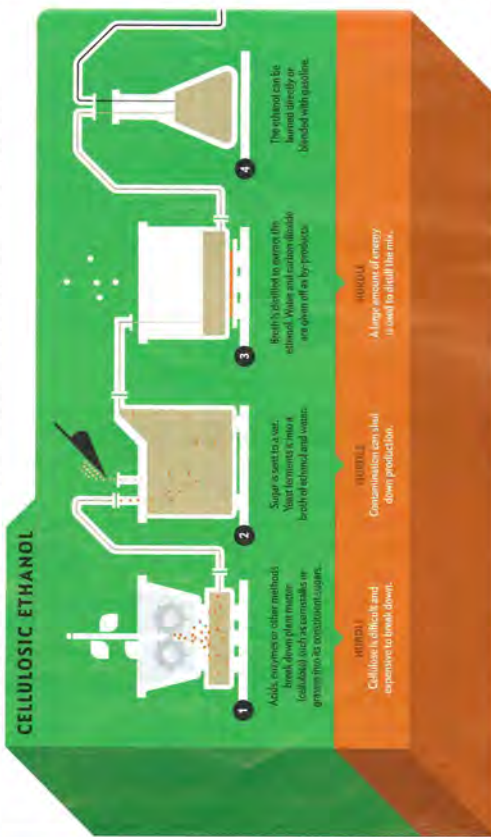
The lab goal, Donohue says, "is to eliminate these microbes themselves or isolate the genetic material that encodes their enzymes and use it in an industrial process to take plant cell walls apart."

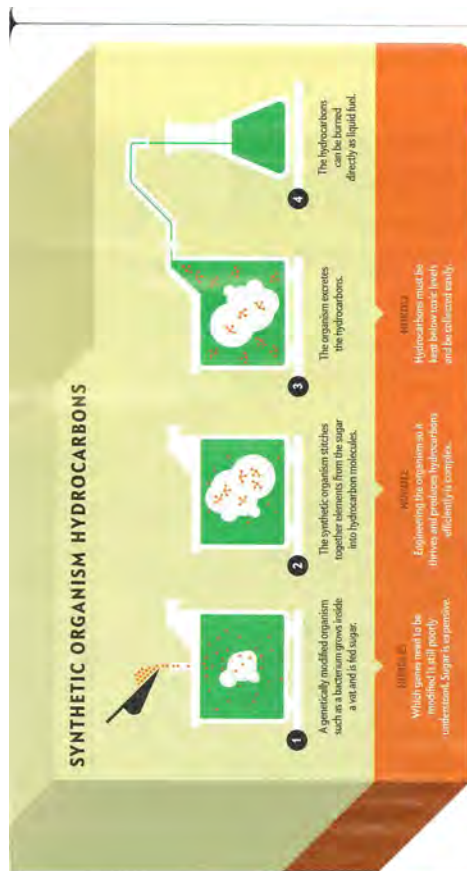
Inspiration also comes from cows, which break down cells by crushing grass between their powerful teeth and washing it in a bath of saliva. In the cow's gut, a slew of microbes ferment the fibrous cud into lipids—the fatty building blocks of fuels. To mimic a cow's chewing, scientists have tried blasting cell walls with steam or bathing them in liquids made up of charged molecules, HCL, Canteach. In Oxford, N.C., dissolves plants in concentrated hydrophobic acid to get at the cellulose inside, then recy-

cles the acid to try to keep costs down. Yet another approach is to use a family of enzymes known as cellulases, such as the enzyme in a termite's gut that turns wood into food. Only one such enzyme is commercially available—from Danish company Novozymes. It costs roughly 50 cents a gallon—more than 10 times the price of enzymes used in traditional ethanol fermentation. "Enzyme costs have to come down, or there will be no industry," admits Cynthia Bryant, Novozymes' manager for global business development.

Codexis in Redwood City, Calif., is trying to build a more affordable enzyme by screening thousands of natural versions and combining their parts into a hybrid that works better in a factory than in nature. The company is also tweaking the genes that cause living cells to create enzymes, hoping to end up with a super-enzyme of sorts.

Even a superenzyme will inevitably be slow to break down cellulose because the biological interactions require time to work, making high-volume production difficult. But what if energy crops such as corn or switchgrass could produce these cellulose-splitting enzymes themselves? The enzymes would hide within the plant cell, waiting for heat or some other industrial trigger to set them off, allowing the cellulose to quickly and easily degrade into its component sugars.





clent job than noted plants of turning incoming photons into stored chemical energy; pond scum.

Microscopic algae are the titans of photosynthesis. Certain strains can harness 3 percent of the incoming sunlight to make plant matter, as opposed to roughly 1 percent for corn or sugarcane. Their greenish tint comes from chlorophyll, a pigment that captures sunlight to break water into hydrogen and oxygen. The organisms combine the hydrogen with carbon dioxide to make cell walls, food and stockpiled fat—plant oil.

Algae can be grown in the desert instead of on arable land, nourished with undrinkable briny water or even sewage, so the approach does not displace food crops or consume precious freshwater. The efficient process promises as much as 4,270 gallons of oil per acre, depending on conditions. Replacing all U.S. transportation fuels with algal oil "would take a farm roughly the size of Maryland," notes Synthetic Genomics's Venter, compared with his estimate of farmland three times the size of the continental U.S. for corn ethanol. "That's a pretty big difference," Venter quips. "One's double, and the other's just about."

Suppore Energy in San Diego is testing the algal waters in a series of oval ponds spread across 22 desert acres near Las Cruces, N.M. The company plans to build 300

more acres of ponds near Columbus, N.M. That facility would be the country's first integrated algae production plant, for which Suppore has secured a \$50-million grant from the USDA and a \$24.5-million loan guarantee from the DOE. The algae would grow in brine from salt aquifers underneath New Mexico, and the oil would be shipped to a refinery in Louisiana.

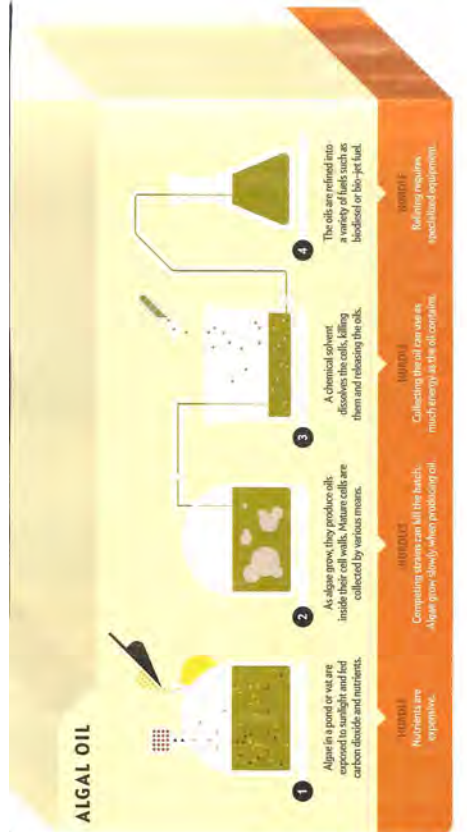
The problems facing algal biofuels producers are manifold, however. If they grow algae in open ponds, how do they prevent the organisms from falling prey to predators, disease or contamination by natural strains? If they grow algae inside bioreactors, how do they justify the equipment expense and keep the algae from sticking to the innards? How do they afford nutrients such as the nitrogen and phosphorus required to promote the algae's growth? Ultimately, once they have grown the algae, how do they skim off and tear apart the mature algal cells to get the oil without using as much or more energy than that oil could provide? Few algae companies have produced useful quantities of oil much less profits.

The biggest challenge may be the fact that producing hydrocarbons is algae's defense against long periods without sunlight or nutrients. When in this stress mode, however, the tiny plants grow slowly. Scientists will have to go against the basic biological mechanisms of these cells

to engineer them to respond to stress yet grow quickly. Suppore has surveyed 4,000 algal strains and chosen 20 to try to enhance. If all goes well, the Columbus facility would manufacture one million gallons of algal oil a year, which could then be refined into diesel or jet fuel. The dead algal cells would be recycled into the process as nutrients rather than sold as animal feed or other products, that biomass "is expensive, and we need it," says Tim Zink, vice president for corporate affairs at Suppore. "You can't add a lot of nutrients to the system and make any money at it."

That fact led the U.S. National Renewable Energy Laboratory to shut down its 18-year-old algal oil research program in 1996, after it consumed \$22 million in research funds. The scientists felt their algal oil would never be competitive with fossil oil and lost thousands of strains of characterized algae after the shutdown. The companies making money on algae today do so by harvesting omega-3 fatty acids sold as a nutritional supplement at a much higher price than crude oil.

The only company to commercially deliver algal fuel did so by avoiding photosynthesis altogether. South San Francisco-based Solazyme has supplied more than 20,000 gallons of oil to the U.S. Navy—at \$424 a gallon. Solazyme grows algae inside the kinds of industrial vats



stover. Sugarcane delivers more energy, is easier to grow and has an existing production infrastructure in Brazil, thanks to more than 40 years of government effort.

That country now supplies roughly seven billion gallons of ethanol from sugarcane annually. Shell has formed a joint venture dubbed Raizen with Brazilian ethanol maker Cosan to produce 550 million gallons of sugarcane ethanol a year, according to Shell's global manager of bioinnovation, Jeremy Shears. That much growth in production would exacerbate the leveling of Brazilian natural habitats, which in turn could promote clearing of the Amazon rain forest.

Even if a superenzyme is found, it will inevitably be slow to break down cellulose because the reactions require time to work, making volume production difficult.

biomass out of the system," says Jeffrey Jacobus, vice president of biofuels and bioproducts for Chevron Technology Ventures in San Ramon, Calif. Some scientists estimate that only 80 million tons of cellulosic material could be safely removed from U.S. fields, which, if converted to ethanol, would supply only 3 percent of U.S. gasoline demand.

Seeking a cheaper feedstock, oil companies such as Royal Dutch Shell in the Netherlands are investing in ethanol fermentation from sugarcane rather than from

industrial chemicals such as precursors for plastics in bottles, which now command prices as much as 10 times higher than fossil fuels. Even if sugar from cellulose somehow became competitive, the approach would impose a significant environmental and agricultural burden. Corn stover is typically left on farmland after harvest, where it improves the soil's fertility as it decomposes. Baling it up and hauling it away may accelerate soil degradation, rendering the soil incapable of growing crops. "I am not convinced that we fully understand the consequences of taking all this

stover," says Patrick R. Gruber, CEO of biotech company Genovis in Englewood, Colo., given the cost of them refining the sugar into liquid fuel. Indeed, Genovis and other companies, such as Virent in Madison, Wis., have concluded that even with historically high gasoline prices, advanced biofuels cannot compete as a fuel. The companies are de-emphasizing ethanol as a product, and instead they are altering their processes to turn sugarcane—whether from cellulose or sugarcane—into

zoo rain forest. "The thing that's going to destroy the planet is not crop-based biofuels where everybody seems to accept there are limits. It's unlimited cellulosic-based biofuels," notes agricultural expert Timothy D. Searchinger of Princeton University. "We're talking about a gigantic, gigantic effect on world land use and biodiversity."

ALGAE: DIE OR BE KILLED
AS AN ALTERNATIVE, some scientists have opted to work with the one photosynthetic organism that does a much more efficient

64 Scientific American, August 2011

August 2011, ScientificAmerican.com 65

EI-18653



FD 35116
JoAnn Gillette to: danielle.gosselin
Cc: Darryl Farber, Robert Jacobs

08/03/2011 10:19 PM

Dear Ms. Gosselin,

As a follow-up to comments recently submitted by Mr. Darryl Farber regarding the economic viability of biofuels, I am attaching two articles from The Progress, Clearfield County's newspaper. One article reports the bankruptcy filing of the owner of a new ethanol plant in Clearfield, PA very near the site where Resource Recovery, LLC (RRLC) proposes to build their ethanol facility that would be served by the proposed rail line. The other article reports that another company will not be moving forward with their plans to build an ethanol plant in Curwensville, Clearfield County, also near the RRLC site.

Given the current state of the biofuels industry in general, and the situation with the two ethanol plants in Clearfield County, I believe Mr. Farber brings to light a good point – can RRLC overcome the significant scientific and economic hurdles that have caused other ethanol facilities to close their doors?

Respectfully,

JoAnn Gillette



Biofuel Clearfield files for Chapter 7.pdf Sunnyside Ethanol.pdf

FOOL'S ERRAND?

RESEARCHERS' POWER OF VIEW CONCERS WITH that of other experts who argue that our expectations should be lowered. All the energy in crops grown today—along with plants consumed by livestock and trees harvested for pulp, paper and other wood products—comes to roughly 180 exajoules, or about 20 percent of world energy consumption. Increasing that considerably in the near future may not be feasible and would have significant social and ecological consequences. "The goal should be to produce something like the world's supply of airplane fuel," Princeton Searcher says.

Breakthroughs remain possible, and the scientific quest for a better biofuel continues, but investors and politicians might be wise not to stake much money or policy on a high-risk bet. As an option,

genism may find it hard to produce hydrocarbons at a volume or price that can compete with fossil oil. The long-term solution, Venter argues, "is to make the entire genetic code from scratch and control all the parameters." His company has already created a synthetic bacterium cell that secretes oil, as well as the first organism to live entirely on synthesized genetic code. "We're evaluating thousands of strains and large numbers of genetic changes," he notes.

The approach holds enough promise that fossil-fuel giant ExxonMobil has invested \$600 million in Venter's firm. But the hurdles come down to basic biology: even the smallest genomes have hundreds of mysterious genes, and scientists have no clue about their function. Biological architects such as Venter can build a genome, but they do not know which genes are needed to make a synthetic microorganism hardy, cheap

Biological architects do not know which genes are needed to make a synthetic microorganism hardy, cheap to keep alive and able to produce oil in abundance.

nations could electrically transportation to reduce fossil-fuel use. Until they do, corn and sugarcane will provide the bulk of any alternative to oil, further straining a global agricultural system already struggling to provide food, feed and fiber for seven billion people plus livestock—and counting.

"We can all live with different kinds of transportation," says ecologist G. David Tilman of the University of Minnesota. "We can't live without food."

David Bello is an associate editor for Scientific American Online.

MADE TO EXPLORE

Business as Usual for a Bioenergy and Bioproducts Industry. Oak Ridge National Laboratory. April 2005. www.ornl.gov/pubs/abstracts/abstracts_vision_report2.pdf. Growing Pains: The Feasibilities and Problems of Biofuels. Christian Aid. August 2005. www.christianaid.org.uk/images/biofuels-report-07.pdf. The State of Food and Agriculture 2009-2011: Food Security and Nutrition in a Changing World. World Food Programme. www.wfp.org/publications. Biofuels and the Environment: The First Triennial Report to Congress. EPA. January 2010. http://epa.gov/green/pubs/_media_report_dmi/efr09-201043.

SCIENTIFIC AMERICAN ONLINE

For an annotated list of links from this article, visit: www.sciencemag.org/doi/10.1126/science.1126100

AUGUST 2011 ScientificAmerican.com 65

typically used to ferment insulin, forcing it to sugar instead of sunlight and water. Like other advanced biofuels companies, Solazyme will stay in business by making products that are more expensive than fuel; it sells oil for use in cosmetics and is partnering with Dow Chemical to make specialty chemicals such as insulating fluids.

SYNTHETIC ORGANISMS: GENETICS UNCLER

THE MAJOR CHALLENGES TO OVERCOME obstacles by changing the microorganism's genetic code with chemicals or radiation, but they have not fit on robust combinations yet. Venter sailed the world for a year on his yacht, *Sovereign II*, sampling the seas for beneficial strains, with no clear winner. "That's why we're not so sanguine about finding the one magic bug out there to do everything," he says.

Maybe it is time to manufacture that magic bug instead.

Researchers have started by tweaking the genes of microorganisms, notably *Escherichia coli*, the common human gut bacterium that can also cause food poisoning. Jay D. Keasling, who directs the DOE Joint BioEnergy Institute, has turned *E. coli* into an efficient biological factory that converts sunlight, CO₂ and water into different hydrocarbons, including bio-diesel. Conveniently, Keasling altered the bacterium to excrete the oil, so it does not have to be killed for harvest. The oils float to the top of a vat, where they can be drawn off. The bacterium grows three times faster than yeast, is happy at tropical temperatures and is hardy thanks to a heritage of withstanding the often oxygen-free and poisonous conditions of the human digestive tract.

Here again higher-value hydrocarbons will be the first markets, if any, for these biological factories. Amyris in Emeryville, Calif., has tweaked yeast to ferment sugarcane into farnesene, which can be sold directly or turned into specialty chemicals such as squalene, an emollient in high-end cosmetics. The company is starting with products that have a higher average selling price and will move toward lower prices, "lower being diesel and fuel products," explains chief financial officer Jerrell Hillman. Amyris just opened its first production facility in Brazil as an adjunct to a sugarcane-fermentation plant.

Even a robustly engineered micro-

organism hardly, cheap to keep alive and able to produce oil in abundance. Venter calls the challenge "bigger" than the one he faced when sequencing the human genome.

Even if someone produces the magic bug, its viability will depend on the cost of its food. Right now the cheapest source is Brazilian sugarcane, which is what Amyris, LS9 in South San Francisco and others are using, even though it is still too expensive as the starting point for an advanced biofuel. As with algae, infections and other biological mishaps can shut down production vats, a problem that could be even more acute with specialized microbes, ill suited to survival without help from humans. And inevitably, microbes are slower to make biofuels at volume than chemically processing crude oil.

Amyris's own chief technology officer, Neil Rensing, acknowledges that "we are not going to replace petroleum this way. We are going to augment petroleum. [That] the growth in demand for petroleum, "lower being diesel and fuel products," explains chief financial officer Jerrell Hillman. Amyris just opened its first production facility in Brazil as an adjunct to a sugarcane-fermentation plant.

Even a robustly engineered micro-



Our 98th Year

Serving Clearfield, Curwensville, Philipsburg, and Moshannon Valley, PA

August 3, 2011

[The Progress Home](#) >> [Friday, July 22, 2011 - Bionol Clearfield files for Chapter 7](#)

Bionol Clearfield files for Chapter 7

Friday, July 22, 2011
By Jeff Corcino Staff Writer

Bionol Clearfield has filed for bankruptcy and is looking for a buyer for its ethanol plant in Clearfield. According to the Reuters news service, Bionol Clearfield has filed for Chapter 7 liquidation bankruptcy in Delaware to liquidate its assets. According to Reuters, the company has listed assets worth between \$50-\$100 million and liabilities of \$100-\$500 million.

When asked by The Progress about the bankruptcy filing this morning, the company responded by sending out a press release confirming the filing.

The plant has only been in operation since December 2009 but started having difficulties just months into production.

In July 2010, the company announced that its biggest customer, Getty Oil/Lukoil had defaulted on its five year contract to purchase virtually all of the plant's ethanol output and that Getty was seeking arbitration to resolve the dispute. And earlier this summer, it was announced the plant would be temporarily shut down due to high corn prices.

"As a result of wild fluctuations in the corn and ethanol markets, Bionol kept the plant in a hot idle status in June 2011 following a week of summer maintenance shut down.

"Since then, Bionol and its lenders decided the best course for the future, given Bionol's limited liquidity, would be a sale of the plant through bankruptcy proceedings," the company's press release stated.

The company states the sales process could require four to six months to complete but this would be dependent on the judgment of the bankruptcy trustee.

Due to Getty's default on their agreement, Bionol has been selling ethanol on the open market exposing it to fluctuating commodity prices, the press release stated. Under the Getty contract, Getty was to absorb the risk of commodity prices, according to the press release.

According to borough manager Leslie Stott, company officials have informed her that they are keeping the plant on a "hot idle" so production can quickly resume if the plant is sold. She said the company intends to sell the plant as an operating ethanol plant and thus far none of its approximately 60 employees have been laid off.

When asked how the bankruptcy would affect the borough's budget, Stott said the borough has already received its taxes from the Bionol plant, but said it would adversely affect the borough if they are not paid next year. She said the borough receives approximately \$140,000 a year in tax revenue from the plant.

Commissioner Joan Robinson McMillen said Bionol has paid its taxes to the county for the borough and the county's tax bills go out together.

However, the Clearfield Area School District's tax bill is set to go out early next month, McMillen said. McMillen said the county did not include any revenue from the ethanol plant in its budget because they weren't sure how much it would be.

Sam Maney, business administrator for the Clearfield Area School District, is out of the office until Monday and was not available for comment.

Despite the bankruptcy filing, McMillen said she remains optimistic about the plant's future. "We are hopeful someone will purchase it and continue to employ residents," McMillen said. Stott said she remains optimistic as well saying Bionol did extensive work to clean up contamination on the site making the property easier to sell in the future.

The plant cost \$275 million to construct was financed with the help of approximately \$17 million in state grants and loans, according to a previous article in The Progress.

The plant has a market value of \$25,759,000 and an assessed value of \$4,866,750, according to Jennifer Wooster, director of the Clearfield County Office of Tax Claim and Assessment

EI - 18668



FD 35116

Robert B. Jacobs

Cc: "Sue Hannegan"

To: danielle.gosselin

08/22/2011 04:19 PM

History: This message has been forwarded.

Dear Ms. Gosselin,

Attached is a notice from the PA Department of Environmental Protection dated August 15, 2001 revoking the permit for the Keystone Clearwater Solutions proposed wastewater treatment facility located on the Resource Recovery LLC (RR LLC) property in Rush Township, Centre County PA. This action verifies my comments dated April 25, 2011 (attached and highlighted) to the Surface Transportation stating that the proposed rail line reactivation is not warranted. There is no permit for the proposed waste-to-ethanol facility, the quarry will most likely not be producing enough material from a 44 acre approved site to ship off-site via rail since the materials are to be used for internal access roads and well pads for the natural gas drilling on the RR LLC property, and now the wastewater treatment will not be built due to the revoked permit.

In addition, the article below shows that an ethanol facility a few miles from the RR LLC property will be sold through bankruptcy even though they won an arbitration hearing. This provides additional proof that a proposed waste-to-ethanol facility is not a viable development activity, nor is such a facility permitted or being developed on the RR LLC property. If an existing ethanol plant using conventional production methods and feed stock materials (corn) cannot survive on the open market, how can the RR LLC proposal survive let alone state in an EIS document that the produced amount of ethanol will be shipped via rail?

Area Bionol plant to receive \$230 million arbitration award

Thursday, August 18, 2011

CLEARFIELD - A Boston lawfirm has announced a hefty award for the Bionol Clearfield plant. According to a press release posted on the website of McDermott Will & Emery LLP, the firm has secured a \$230 million arbitration award for Bionol Clearfield LLC from Getty Petroleum Marketing Inc. The award includes \$47 million in damages incurred to date, and over \$180 million in future damages.

In 2007, Bionol and Getty, a wholly owned subsidiary of Lukoil Americas at the time, entered into a five-year "Off-take Agreement" requiring Getty to purchase essentially all of the output from the Clearfield-based ethanol plant under a commodity based pricing formula. When the plant came online in early 2010, and after a precipitous drop in the commodities market, Getty challenged the pricing mechanisms of the contract. Getty then began the subject of arbitration, seeking damages of \$10 million for breach of contract, fraudulent inducement, mistake and related claims.

The McDermott team responded with counterclaims on behalf of Bionol. A panel of AAA Arbitrators then heard evidence over four weeks, including expert testimony on the ethanol, corn, and related commodities markets. Ultimately, the panel adopted all of McDermott's legal theories on liability and damages under the Uniform Commercial Code.

Adding another dimension of difficulty to this case, after the first six days of testimony from fact

THE PROGRESS

Serving Clearfield, Curwensville, Philipsburg, and Moshannon Valley, PA

Our 98th Year

August 3, 2011

[The Progress Home](#) >> Friday, July 29, 2011 - Expansion at business to create jobs

Expansion at business to create jobs

Friday, July 29, 2011

By Wendy B. Lynn Staff Writer

The Clearfield County Industrial Development Authority discussed an expanding business during yesterday's regular meeting.

Dixon Contracting and Supply of West Decatur requested a loan from the CCIDA to purchase new equipment. Director Rob Swales explained that the company is planning on expanding operations. After discussion, the CCIDA board agreed to approve a loan to the company for \$50,000. Swales said the company expects to create eight new jobs with the expansion, and the anticipated cost of the entire project is \$581,000.

The board reviewed the annual audit and discussed the matter of \$3,825 outstanding to Sunnyside Ethanol, which was supposed to put an ethanol plant in Curwensville, but those plans fell through. The auditor pointed out that amount in the audit and had asked the board what they wanted to do. Since Sunnyside will probably not be returning to the area and the CCIDA will probably not be getting that money back, the board voted to write it off.

Board member Nancy Micks asked about the new multi-tenant building constructed near the Clearfield County Economic Development building. The multi-tenant building was constructed with the Marcellus shale natural gas industry in mind and is nearing completion. Swales said they are planning on having a ribbon cutting on Sept. 21 and do have at least one prospective tenant.

He said that a second building might be planned if this one is successful.

The next regular meeting of the CCIDA will be Sept. 22 at 3 p.m. the CCEDC offices on Spruce Street, Clearfield.



CERTIFIED MAIL NO. 7010 1870 0001 7876 0328

August 15, 2011

Mr. Ned Wehler
Keystone Clearwater Solutions, LLC
1129 West Governor Road
P.O. Box 797
Hershey, PA 17033-0797

Re: Keystone Clearwater Solutions
Residual Waste General Permit, WMGR121-NC001
Rush Township, Centre County

Dear Mr. Wehler:

The Department has received your letter dated July 25, 2011 in which you surrender permit coverage under WMGR121. Therefore, permit WMGR121NC001 is revoked.

Additionally, release of the surety bond RLB0013601 in the amount of \$7,828.00 is requested. It is our understanding that no construction took place on this site for the permitted facility. Please contact Sandra Roderick in our Bonding Section at 717.783.7503 or sroderick@pa.gov to coordinate the bond release.

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER,

208 West Third Street | Suite 101 | Williamsport, PA 17701-6448
Fax 570-327-3420
Printed on Recycled Paper
www.depweb.state.pa.us

and expert witnesses, Lukoil announced the sale of Getty to an unrelated party. This forced Bionol to file a motion for interim relief, which the panel allowed, ordering an attachment on all of the assets of Getty in the amount of \$47 million.

"This was an important benchmark for our trial team, providing us with momentum to keep this complex case moving forward toward the final award providing for all damages sought."

According to previously published Courier-Express articles, Bionol Clearfield was expected to produce 110 million gallons of ethanol per year.

The employees were hired in November 2009 and trained from November through January 2010. The first truck-load of corn arrived at the plant Dec. 11, 2010, and the first train-load of corn arrived Dec. 15. The plant began producing its first batch of ethanol Dec. 26.

The plant is spread across 35 acres with grain silos; a grain receiving building; truck and rail dump pits; fermentation facilities; heat exchangers; a processing area "cook alley" where the corn solids are dried; evaporation areas; distillation areas where the "beer" is separated from the water and the solids; the energy center, which powers the plant using centrifuges and drum kiln dryers; a steam generation area; flat storage with a conveyor system; load out areas for truck and rail cars; cooling towers using a closed loop system; water treatment buildings and storage for the ethanol once it is produced.

Prior to initiating operations, Bionol entered into an off-take agreement with Getty Petroleum Marketing in which Getty was to buy all the ethanol produced by Bionol. Getty defaulted on that agreement last year and Bionol has been selling its ethanol on the open market since then.

As a result of the fluctuations in the corn and ethanol markets, Bionol put the plant into a hot idle status in June following a week-long shutdown for summer maintenance. Since then, Bionol and its lenders decided that the best course, given Bionol's limited liquidity, would be a sale of the plant through bankruptcy.

Reported by Kimberly Finnigan, staff writer, E-mail: kfinnigan@thecourierexpress.com

Please revise the EIS document accordingly to reflect this updated land use information. Should you have any questions or require additional information please let me know. Thanks.

Regards,
Bob

Robert B. Jacobs, AICP
Centre County Planning and Community Development Office
420 Holmes Street
Bellefonte, PA 16823
814.355.8661 (cell)
814.355.8661 (fax)



PA DEP - Keystone Clearwater Solutions - Revoked Permit letter 8-15-11.pdf



Centre County - FD 35116 comments 4-25-11.pdf

Mr. Ned Wehler

2

August 15, 2011

YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717-787-3483) FOR MORE INFORMATION.

If you have any questions please contact Lisa D. Houser, P.E., Environmental Engineer Manager, at 570.327.3752 or via email at lhouser@jpa.gov.

Sincerely,



Patrick H. Breunan
Environmental Program Manager
Waste Management

cc: Centre County Commissioners
Rush Township Supervisors
Sandra Roderick
Field
File

[This page intentionally left blank.]