

BEFORE THE  
SURFACE TRANSPORTATION BOARD

221042

STB FINANCE DOCKET NO. 35090

JP RAIL, INC.  
-- LEASE AND OPERATION EXEMPTION --  
VAT INDUSTRIES, INC.

REPLY TO PETITIONS OF THE COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION, THE PENNSYLVANIA WASTE INDUSTRIES  
ASSOCIATION AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
TO REVOKE EXEMPTION

Submitted By:

John D. Heffner  
John D. Heffner, PLLC  
1750 K Street, N.W.  
Suite 350  
Washington, D C. 20006  
(202) 296-3334

James H. M. Savage  
1750 K Street, N.W.  
Suite 350  
Washington, DC 20006  
(202) 296-3335

Counsel for Petitioner

Dated: December 17, 2007

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**STB FINANCE DOCKET NO. 35090**

**JP RAIL, INC.  
-- LEASE AND OPERATION EXEMPTION --  
NAT INDUSTRIES, INC.**

**REPLY TO PETITIONS OF THE COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION, THE PENNSYLVANIA WASTE INDUSTRIES  
ASSOCIATION AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
TO REVOKE EXEMPTION**

**BACKGROUND**

On October 17, 2007 JP Rail, an existing class III short line railroad, filed a notice of exemption involving the lease and operation by JP Rail, as a common carrier, of a 75-year-old spur track that was formerly operated as a private industry track and owned by NAT Industries, Inc ("NAT"). In its exemption notice, JP Rail stated that it planned to commence common carrier operations on or after November 17, 2007, thirty days after the filing of the notice. The subject rail property is a stub-ended spur connecting to the Donora Line<sup>1</sup> which, in turn, connects to Norfolk Southern Rail

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<sup>1</sup> The Donora Line is apparently owned by the Middle Monongahela Industrial Development Association ("MIDA") and operated by the Borough of Donora pursuant to a 2004 Memorandum of Agreement. See PaDEP petition at Attachment A-1

Corporation ("NSRC") main line trackage at Milepost ML40 in Carroll Township, PA. The NAT spur track totals *approximately* one (1) mile in length.

On October 26, 2007 the Board issued a decision staying the effective date of JP Rail's exemption until December 6, 2007 and requesting more information, which JP Rail provided on October 31, 2007.

On October 31, 2007 JP Rail commenced operating at Donora as a non-common carrier serving private track for its account with Westmoreland Waste ("Westmoreland"). See December 7, 2007 verified statement of JP Rail Director of Freight Operations David M DeClement (hereinafter "DeClement V.S.") at Paragraph 3

On November 29, 2007, the Commonwealth of Pennsylvania, acting by and through its Department of Environmental Protection ("PaDEP") filed a petition seeking to have the Board (1) void JP Rail's notice of exemption, (2) extend the stay for an indeterminate length of time beyond December 6, 2007, (3) order JP Rail to cease and desist operations at Donora, and (4) direct JP Rail to obtain and submit a "complete and thorough" environmental assessment.<sup>2</sup>

On December 5, 2007 the Board issued a decision directing JP Rail to remove waste-containing rail cars from this site, to refrain from bringing additional rail cars to the Line, and to immediately cease and desist from any further operations over the Line until

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<sup>2</sup> Also on November 29, 2007 the Pennsylvania Waste Industries Association ("PWIA") and the New Jersey Department of Environmental Protection ("NJDEP") filed petitions to revoke the exemption or in the alternative to stay in this matter

further order of the Board. JP Rail has so complied. See McClement V S at Paragraph 5

The decision further directs JP Rail to file this Reply by December 17, 2007 to the petitions of PWIA, NJDEP, and PaDEP. In the interim the Board ruled that the exemption which is the subject of the notice in this proceeding will not become effective, if at all, until January 20, 2008.

#### STATEMENT OF THE ISSUES PRESENTED

Petitioners' points of opposition to the exemption becoming effective can be grouped into three categories for purposes of this Reply: Group I, consisting of jurisdictional objections; Group II, consisting of regulatory objections; and Group III, consisting of procedural objections.

Group I includes the following jurisdictional objections: 1) that a Notice of Exemption is inappropriate for controversial transactions such as one that converts private carrier operations into common carrier service, and 2) that JP Rail conducted unauthorized operations at Donora prior to the exemption taking effect.

Group II consists of two sub-groups of regulatory objections, those pertaining to destination (Donora, PA) and those pertaining to point of origin (Pleasantville, NJ)

The former sub-group comprises eight objections: 1) that JP Rail fails to provide the current number of carloads and truckloads of traffic handled to determine whether the Board's environmental regulations are implicated, 2) that JP Rail fails to show that it will operate as a "legitimate rail carrier" serving the general public, 3) that JP Rail fails to submit a map that accurately and completely identifies the location of the Donora facility and the "areas to be impacted" including origins, termini, or stations and roads serving the facility, 4) that JP Rail fails to support its contention that its operations will not exceed the environmental thresholds at 49 CFR 1105.7(e)(4) and (5), 5) that the Board should require full environmental review because of other cases where applicants have attempted to utilize ICCTA preemption to avoid state or local regulation, 6) that JP Rail provides no information about the facility's structures, equipment, loading and unloading processes, and so forth, 7) that JP Rail was conducting unauthorized operations over the Line, and 8) that JP Rail is transporting waste matter other than construction and demolition debris and has deposited such matter along the right of way.

The latter subgroup comprises two objections: 1) that JP Rail fails to identify the actual shipper, and 2) that JP Rail fails to disclose ongoing enforcement actions by the State of New Jersey regarding its Pleasantville facility

Group III consists of the following procedural objections: 1) that the exemption should be void *ab initio* for containing allegedly false or misleading representations, and 2) that the Board should extend the previously entered stay for an unspecified and therefore indefinite period of time.

Each of the following Points of Law reply to the correspondingly numbered Group of Objections.

#### POINT I

THE BOARD MAY PROPERLY EXERCISE ITS JURISDICTION IN THIS MATTER

A. Petitioners have failed to sustain their heavy burden of proof for rejection or revocation of this exemption.

Petitioners have failed to show any basis for rejection or revocation of JP's exemption. As a general matter, the Board and the ICC have consistently held that an exemption may be revoked "when it finds that application of a provision of this subtitle to the person, class, or transportation is necessary to carry out the transportation policy of sec. 10101a of this title." Thus, the standard for revoking (or rejecting) an exemption is whether regulation is needed to carry out the rail transportation policy. The party seeking revocation has the *burden of proof* [emphasis supplied], and petitions to revoke must be based on reasonable, specific concerns demonstrating that reconsideration of the exemption is warranted.

Minnesota Comm. Ry., Inc. - Trackage Exempt - BN RR. CO., 8 I.C.C.2d

31, 35 (1991) and cases cited therein. The same standard applies to a request for rejection.

Typically, the Board will reject or revoke an exemption where the notice contains materially false or misleading information, the applicant has utilized the wrong regulatory procedure, the applicant is misusing Board procedures for a sham transaction, the transaction is very controversial requiring a more detailed record, or there is a demonstrated need for regulation. Id. at 37; The Land Conservancy of Seattle & King County -- Acquisition & Operation Exemption -- The Burlington Northern & Santa Fe Ry. Co., STB Finance Docket No 33388 (STB served Sept. 26, 1997) (Board will revoke an exemption "[r]o protect the integrity of our processes"); Riverview Tronlon Railroad Company - Acquisition and Operation Exemption - Crown Enterprises, Inc., STB Finance Docket No. 33980 (STB served Feb. 15, 2002) (controversial proceeding not suitable for class exemption); SF&L Railway, Inc -Acquisition And Operation Exemption- Toledo, Peoria And Western Railway Corporation, et al, STB Finance Docket No 33995 (STB served October 17, 2002) (abuse of class exemption process); and Finance Docket No. 32407 (ICC served April 22, 1994) (material misstatements of fact and controversial proceeding).

Petitioners fail to cite, let alone address, the Board's standards for granting the revocation of an exemption. They do not

identify any specific concerns within the Board's jurisdiction demonstrating that reconsideration of the exemption is warranted, that Applicants have utilized the wrong regulatory procedure, are misusing Board procedures for a sham transaction, or that the transaction is controversial from a transportation perspective requiring a more detailed record. Most significantly, they have not identified any violation of the Board's governing statute, implementing regulations, or Board policy, nor have they shown any demonstrated need for regulation. Simply stated, Petitioners have failed in their burden of proof.

B JP Rail's Private Carrier Operations at Lenora were not subject to Board Oversight and do not constitute unauthorized operations.

There are three types of railroad track: (1) railroad lines that are part of the interstate rail network, which require a Board license under 49 U.S.C. 10901 to construct or acquire and operate, or under 49 U.S.C. 10902 to acquire and operate, and in appropriate cases, require environmental review under the National Environmental Policy Act (NEPA) and the Board's environmental rules at 49 CFR Part 1105; (2) ancillary track, such as "spur," "industrial" or "switching" track, which does not require prior authorization from the Board to construct, acquire, operate or abandon under 49 U.S.C. 10906 (or an environmental review under NEPA), but is subject to the Board's jurisdiction under 49 U.S.C. 10501(b); and (3) "private"

track, which is not part of the national rail transportation system or subject to the Board's jurisdiction because the track is not intended to serve the general public. Suffolk & Southern Rail Road LLC-Lease and Operation Exemption-Sills Road Realty, LLC, STB Finance Docket No. 35036 (served October 16, 2001).

As a general matter, the board has consistently held that "it has no jurisdiction over private track - track that is used exclusively by the track's owner for movement of its own goods (either by utilizing its own equipment or by contracting for service) and for which there is no common carrier obligation to serve other shippers that might locate along the line." B. Willis, CPA, Inc - Petition for Declaratory Order, STB Finance Docket No 34013 (served July 26, 2002) In finding the track private, the Board reasoned that "a person is not a rail carrier for the purposes of the ICA unless it holds itself out to provide rail service to others " The Board also said that where a shipper does not hold out to provide common carrier rail service over the line it constructs and maintains to serve its own facility and no other shippers are served by the line, then neither the construction, nor a railroad's operation over that track to reach the shipper's facility, requires ICC or Board authorization or approval.

There is nothing inherently controversial attending to the common carrier conversion of private rail lines.<sup>3</sup> The fact that JP Rail commenced operating as a private carrier on a private industrial spur track serving a single customer in no way misuses the exemption process or confers on PaDEP a valid basis for seeking revocation of JP Rail's exemption. Such operation does not require Board approval due to the nature of the track.<sup>4</sup>

Acquisition and operation of this track by JP Rail is consistent with Board precedent allowing a new or existing railroad common carrier to acquire and/or operate as common carrier trackage that was formerly a private track. Rock River Railroad, Inc. - Acquisition and Operation Exemption - Rail Lines of Renew Energy, LLC, STB Finance Docket No. 35016 (decisions served April 20, 2007 and May 10, 2007)

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<sup>3</sup> See, e.g., SMS Rail Service, Inc. - Petition for Declaratory Order, STB Finance Docket No. 34483 (served Jan. 24, 2005), citing SMS Rail Service, Inc. - Lease and Operation Exemption - Pureland Association, Inc., Finance Docket No. 32494 (ICC served May 26, 1994), Penn-Jersey Rail Lines - Acquisition and Operation Exemption - Lines in Penn Warner Industrial Park, Falls Township, Bucks County, PA, STB Finance Docket No. 33935 (served May 5, 2000), and SMS Rail Service, Inc. - Acquisition and Operation Exemption - Valero Refining Company-New Jersey, STB Finance Docket No. 33927 (served Sept. 22, 2000), Union Pacific Railroad Company - Operation Exemption - In Yolo County, CA, STB Finance Docket No. 34252 (served Dec. 5, 2002), and Ohio Valley Railroad Company - Acquisition and Operation Exemption - Harwood Properties, Inc., STB Finance Docket No. 34486 (served Feb. 23, 2005).

<sup>4</sup> See, e.g., H&M International Transportation, Inc. - Petition for Declaratory Order, STB Finance Docket No. 34277 (STB served Nov. 12, 2003). In that case, an intermodal terminal operator that neither sought to be classified as a common carrier nor invoked the Board's procedures to commence operations requested clarification from the Board that it was not a common carrier, despite a prior, contrary determination by the U.S. Railroad Retirement Board. The Board found the terminal operator not to be a common carrier.

PaDEP's inspection reports confirm JP Rail's representations to the Board that it is merely undertaking a contract transloading operation for a single customer, Westmoreland, transloading freight delivered via Norfolk Southern Railroad ("NSRC"), a licensed common carrier maintaining rights to serve customers on the Donora rail line, to trucks for haulage to and disposal in Westmoreland's nearby sanitary landfill. Accordingly, JP Rail's private carrier operations under contract with Westmoreland do not constitute unauthorized operations.

Furthermore, in his verified statement Mr. DeClement reiterates JP Rail's interest in holding itself out as a common carrier serving other shippers from the NAT spur, once JP Rail's exemption takes effect and not beforehand. See DeClement V.S. at Para. 6.

## POINT II

### NO REGULATORY BASIS EXISTS FOR VOIDING THIS EXEMPTION

Petitioners contend that JP Rail's operations at Donora violate state and local regulations. To the extent that these alleged violations are of state or local law, JP Rail respectfully submits that they do not fall under the Board's jurisdiction.

The information submitted by JP Rail in support of its petition fully satisfies the current regulatory requirements. The point of origin (Pleasantville, NJ) and the terminal destination (Donora, PA)

are identified. The map filed by JP Rail the exemption notice clearly depicts the location of the rail line in relation to the NSRC main line and the parallel state highway (Route 837). The map further specifies the state, county and municipality where the rail line will be situated.

A. JP Rail Operations at Donora Do Not Exceed the 49 CFR 1105.7 Thresholds

While citing no federal regulatory violations, PaDEP argues that the requirements for an environmental review under the National Environmental Policy Act (NEPA) have been triggered because JP Rail's proposed operations occur in a non-attainment area and would exceed the thresholds of 49 CFR 1105.7(e)(4) and (5). The PaDEP argues, in essence, that an increment of one (1) train per day each way five (5) days per week, as projected by JP Rail, should be deemed sufficient to trigger environmental reporting and documentation requirements. The Board has previously explained that the fact that the 100% standard is paired in the same sentence with an absolute standard of an increase of eight (8) trains a day (three (3) trains a day in a non-attainment area) "suggests that the 100% standard applies to an anticipated increment that greatly exceeds the one train a day each way operation[.]" JP Rail's proposed frequency of service (one train each way five days per week) is identical to that in Missouri Central (cited below) where the Board rejected a similar request for

environmental review. Like Missouri Central, JP Rail's actions are most closely analogous to the situation that arises when a carrier reinstitutes service on a line where service has been discontinued. In such a case, under 49 CFR 1105.7(e)(5)(i)(C), the environmental requirements are not triggered unless the proposed operations will amount to at least eight (8) trains per day (three (3) trains a day in a non-attainment area). Thus, reading the regulations as a whole, the Board should reject the DEP's argument that the environmental review process has been triggered. See Missouri Central Railroad Company--Acquisition and Operation Exemption--Lines of Union Pacific Railroad Company; GRC Holdings Corporation--Acquisition Exemption--Union Pacific Railroad Company, STB Finance Docket No. 33508 and STB Finance Docket No. 33537 (Service date: September 14, 1999).

PWIA erroneously cites the 2005 deposition of JP Rail Vice President Thomas Collard as substantiating a much higher projected volume of carloads than Mr. DeClement does in his October 31, 2007 Verified Statement, and that the higher total suggests JP Rail's operations at Donora may exceed the 50% increase threshold set forth in 49 CFR 1105.7(e)(5)(ii)(A). The Board should recognize that the Collard deposition was given in J.P. Rail v. New Jersey Pinelands Commission, litigation in no way pertaining to Donora, which at the time was not even being considered as a potential destination. The

Board should ignore or in the alternative strike the misleading portions of the PWIA petition under 49 CFR 1104.8.

To reiterate the obvious, none of the outbound carloads that were the subject of the Pinelands litigation was sent to Donora.<sup>5</sup> Consequently, Mr. DeClement's carload projections stand unrefuted.

PWIA contends that JP Rail provides no support for its conclusion that traffic to Donora would exclude ozone depleting materials. In so contending, PWIA ignores the extensive description of solid waste-segregating activities at Pleasantville set forth in Judge Todd's well reasoned opinion vacating the NJDEP's preliminary injunction and granting JP Rail operating permission at Pleasantville (See PWIA Exhibit B at pp. 33-34), particularly the finding by the Court that certain materials would be removed because "they would not be accepted by the landfills which would be the ultimate recipient of the remaining solid waste." Clearly, JP Rail has no economic basis for transporting materials to a distant destination where they would be rejected, and PWIA's contention may be safely ignored.

PaDEP contends, incorrectly and without citing any factual basis for its assertion that the exemption will result in an average increase of truck traffic of more than 10% of the average daily traffic on the road segment which PaDEP asserts *must be used* for solid waste transfer from the facility, a portion of Nitrous Lane.

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<sup>5</sup> Further undermining PWIA's contention that all Pleasantville waste is to be sent to Donora, NJDEP reports that JP Rail loads C&D materials into railcars at Pleasantville, NJ for shipment to landfills in Ohio.

See PaDEP petition at p.7 This assertion contradicts PaDEP's November 9, 2007 inspection report (See PaDEP Attachment A-2 at p.2), which states, "[A] waste transportation vehicle arrived at the site, *traveling through the Canestrato Coal Yard.* (Emphasis supplied.)

The coal yard is west of the NAT property. Nitrous Lane terminates east of the NAT property. See DeClement V.S at Para. 8. Thus some traffic evidently does not utilize Nitrous Lane, casting a considerable shadow of doubt upon PaDEP's assertion regarding traffic volume on Nitrous Lane.

As an alleged basis for opposing JP Rail's exemption at Donora, NJDEP inappropriately seeks Board regulation of JP Rail's operations at Pleasantville, NJ. Such an effort is procedurally improper as the matter is not presently before the Board. Moreover, the Pleasantville matter is currently under appeal in New Jersey state court, making Board intervention at this time procedurally inappropriate.

#### POINT III

NO PROCEDURAL BASIS EXISTS FOR REVOKING, VOIDING OR STAYING THE EXEMPTION, WHICH SHOULD ACCORDINGLY TAKE EFFECT

##### A. No Material Misrepresentation has been made by the Proponent of the Exemption

A party seeking to void an exemption for containing false and misleading information under 49 CFR 1104.8<sup>6</sup> must prove that the

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<sup>6</sup> PW-A incorrectly cites 49 CFR 1130.45(f) as controlling

misleading information is material to the transaction. Mendocino Coast Ry., Inc., 1988 ICC LEXIS 224 (I.C.C. July 14, 1988) A statement is material if, for example, the transaction would not have otherwise qualified for an exemption. Sagamore Nat'l Corp., 1994 ICC LEXIS 166 (I.C.C. Sept. 9, 1994); Berkshire Scenic Ry. Museum v. I.C.C., 52 F.3d 318, 381 (1st Cir. 1995).

PaDEP lists five alleged misrepresentations: (1) JP Rail failed to disclose it was commencing common carrier operations at Donora prior to the exemption becoming effective, (2) JP Rail falsely claimed it would serve NAI's existing customers, (3) JP falsely claimed it would restrict waste handled at Donora to C&D material, (4) JP falsely claimed no waste would be deposited on the ground, and (5) JP falsely claimed exemption from SSB environmental oversight.

None of these alleged misrepresentations accurately reflect the law or the salient facts of this matter. With regard to the first alleged misrepresentation, PaDEP's premise that the Board is required to affirmatively rule upon JP Rail's exemption before the exemption can take effect is legally incorrect. Under the regulations, absent revocation, the exemption is self-effectuating, simply taking effect on the indicated date. See Class Exemption for the Acquisition and Operation of Rail Lines under 49 U.S.C. 10901, 1 I.C.C. 2d 810 (1985).

Moreover, at no time has JP Rail commenced common carrier operations at Donora. Rather, JP Rail has merely accepted delivery of rail cars for a single customer (Westmoreland) from NSRC on NAT's spur. See freight waybills annexed as Exhibit A to DeClement V S. JP Rail has done so as a private carrier on private track, for which STB approval is neither sought nor necessary. See Kieronski v. Wyandotte Terminal Railroad, Co., 806 F.2d 107, 109 (6<sup>th</sup> C 1986), where the Court defined the scope of private carriage: "Private carriers haul for others, but only pursuant to individual contracts, entered into separately with each customer "

With regard to the second alleged misrepresentation, PaDEP contends JP Rail misrepresented in its petition that it would serve customers of NAT. Even if PaDEP were correct, which it is not, that NAT is no longer a going concern, the so-called "misrepresentation" would be immaterial inasmuch as NAT's defunct status in no way impairs JP's willingness and ability to serve local shippers in the Donora area as a common carrier by rail, interchanging with NSRC upon the exemption becoming effective. However, the record is otherwise NAT is a going concern, and its customers are extant. See DeClement V S. at Para. 7. It is more than a little disturbing that PaDEP, a state governmental agency, would recklessly accuse a private corporate citizen of submitting a perjured statement without undertaking even a cursory attempt to verify its allegation. See 2007

Yellow Pages® listing for NAT Industries attached as Exhibit B to DeClement V.S.

With regard to the third alleged misrepresentation concerning unauthorized waste intermingled with C&D debris delivered to Donora, JP Rail notes that PaDEP found no putrescible waste intermingled with the waste inspected, which is consistent with JP Rail's stated intent to exclude such material from the waste handled at this facility. See PaDEP Attachment A-3.

With regard to the fourth alleged misrepresentation, PaDEP's overly literal interpretation of JP Rail's good faith representation that no waste would be deposited on the ground mixes 'apples and oranges' by equating unavoidable, unintentional spillage with waste sorting operations, which are neither being performed nor contemplated at Donora. See DeClement V S at Para. 9.

With regard to the fifth alleged misrepresentation, there is no reasonable dispute that the number of rail cars received per day in Donora- two (2) as disclosed in JP's petition, equates on a weekly (10), monthly (43) and yearly (500) basis with the 1-3 of cars per day average stated by JP Rail in their November 15, 2007 telephone conference with the PaDEP. (See PaDEP petition at page 6.)

The Pennsylvania Waste Industries Association ("PWIA") and New Jersey Department of Environmental Protection ("NJDEP") raise several collateral issues, loosely tied together as allegedly "misleading"

statements by JP Rail. These collateral statements pertain to JP Rail's Pleasantville, NJ facility and have nothing whatsoever to do with the suitability of the Donora, PA site for the proposed transloading operation. In opposing "the operation of a construction and demolition ("C&D") waste transfer facility that will be exempt from most of the laws PWIA members must comply with" (See PWIA petition at page 1) PWIA is advancing a narrow, parochial agenda. In other words, PWIA seeks to prevent a rail competitor from gaining entry to its members' waste hauling (via truck) market. PWIA neglects to mention that for this particular waste stream to reach Western Pennsylvania by truck, it would almost certainly have to be hauled 300 miles on the Pennsylvania Turnpike, an outmoded two lane highway traversing mountainous terrain and engineered to pre-World War II standards. The potential danger to the environment posed by long haul trucking of waste is significant and should be considered by the Board before it takes final action in this matter.

NJDEP stubbornly clings to the premise that a non-party, Magic Disposal, is a stakeholder in JP Rail's Pleasantville, NJ transloading operations. This argument was rejected by the New Jersey Superior Court in NJDEP v. JP Rail, where Judge Todd, sitting in Atlantic County wrote,

NJDEP has attempted to regulate this [Pleasantville] Facility based on its claim that it is, in essence, a solid waste transfer station being operated by Magic Disposal. [T]he facts

established at trial simply do not support that claim.

See August 14, 2007 Opinion of Judge Todd, annexed to NJDEP's Petition as Exhibit A at p. 46.

Similarly, the issue of JP Rail's compliance with New Jersey regulations is not before this Board. To the extent, if any, that local regulation is applicable to JP Rail's operations at Pleasantville, NJ, those regulations can and should be addressed in the appropriate forum, which this is not.

Petitioners having proffered no evidence of material misrepresentations by JP Rail, the exemption should accordingly take effect as presently scheduled

B. Petitioners have Failed to Satisfy the Criteria for Extending the Stay

To the extent that Petitioners seek a further extension of the current stay, they must establish four criteria: (1) that there exists strong likelihood it will prevail on the merits, (2) it will suffer irreparable harm in the absence of a stay, (3) other interested parties will not be substantially harmed; and (4) the public interest supports the granting of the stay. Hilton v. Braunskill, 481 U.S. 710, 776 (1987); Washington Metro. Area Transit Comm'n v. Holiday Tours, Inc., 559 F.2d 841, 843 (D.C. Cir. 1977),

Virginia Petroleum Jobbers Ass'n v Fed Power Comm'n, 259 F 2d 921, 925 (D.C. Cir. 1958).

On a motion for stay, "it is the movant's obligation to justify the . . . exercise of such an extraordinary remedy." Cuomo v. United States Nuclear Regulatory Comm'n, 772 F.2d 972, 978 (D.C. Cir. 1985). The party seeking such extraordinary relief carries the burden of persuasion on all of the required elements Canal Auth. of Fla. v Callaway, 489 F.2d 567, 573 (5th Cir. 1974).

Here again, Petitioners have not identified, let alone, satisfied the criteria for extending the Board's stay. For the reasons articulated above PaDEP has come forward with no evidence to show that it is likely to prevail in its argument that JP Rail commenced operating as a common carrier on a line of rail that was part of the national rail system prior to the exemption becoming effective. See Point 1 (B) above regarding unauthorized operations.

As for the remaining criteria, the PaDEP petition fails to address, let alone sustain the heavy burden of proof that irreparable harm will result in the absence of extending the stay; that other interested parties will be substantially harmed if the stay is lifted; or that the public interest supports extending the stay. In the absence of such a showing, the PaDEP petition must fail and the stay lifted.

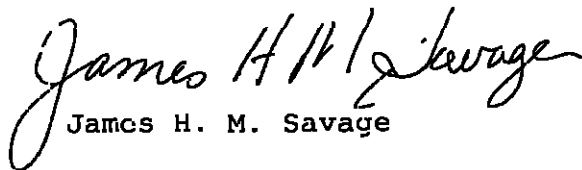
# CONCLUSION

For the reasons set forth in the above paragraphs, and pursuant to the law and authorities set forth herein, JP Rail respectfully requests the Board deny the petitions of PaDEP, PWIA, and the NJDEP to revoke, void or stay JP Rail's exemption and for such other and further relief as the Board deems appropriate

Respectfully submitted,

  
John D. Hoffer

and

  
James H. M. Savage

Attorneys for Petitioner  
JP Rail, Inc.

Dated: December 11, 2007

**VERIFIED STATEMENT OF DAVID M. DE CLEMENT**

David M. DeClement, of full age, being duly sworn, deposes and says

1 I am Director of Freight Operations for JP Rail, Inc. ("JP Rail"). My office address is 55 Simpson Avenue, Pitman, New Jersey 08071

2 I make this verified statement in reply to the November 29, 2007 petitions of the Pennsylvania Waste Industries Association ("PWIA"), the Pennsylvania Department of Environmental Protection ("PaDEP") and the New Jersey Department of Environmental Protection ("NJDEP") upon personal knowledge as well as upon facts which have become known to me in my capacity as an officer of this corporation

3 On October 31, 2007 JP Rail began providing private carrier service at the Donora Rail Facility under contract with Westmoreland Waste

4 Between October 31, 2007 and November 5, 2007 three shipments consisting of six rail cars each departed Pleasantville, NJ for Donora, PA. The shipper was AETSRLLC, a company related to Salem Logistics, which itself is a subsidiary of the Southern Railroad Company of New Jersey. See freight waybills attached hereto as Exhibit A.

5 Operations at Donora Rail Facility ceased in accordance with the STB's December 5, 2007 order. All JP Rail freight cars have been removed from the site.

6 Once its exemption takes effect JP Rail will be ready and willing to provide common carrier service at Donora Rail Facility to local customers via Norfolk Southern.

7 Upon information and belief, NAT Industries, Inc. is a purveyor of coal and coke products having a place of business at Bentleyville, PA, which is about five miles from

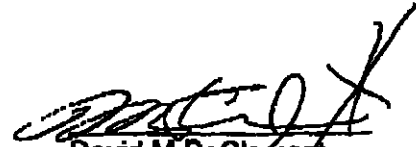
the Donora rail facility To the best of my knowledge, information and belief, NAT is a going concern, whose customers JP Rail stands ready and willing to serve A copy of Yellow Pages © listing for NAT Industries is attached hereto as Exhibit B

8 The Canestrone Coal Yard is situated directly west of the Donora Rail Facility Nitrous Lane terminates east of the Donora Rail Facility Canestrone Coal Yard is not contiguous to Nitrous Lane

9 No sorting or processing of inbound waste takes place is contemplated at the Donora Rail Facility

Pursuant to 28 U.S.C. 1746, I declare and verify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on. December 7, 2007



David M DeClement

## **EXHIBIT A**

820

Southern Railroad Company  
of New Jersey

820

SRNJ 500012

105801

Page 1 of 1

## WAYBILL

|                                                                                                                                                                    |      |                                         |                     |                                                                      |                   |                                                    |                             |                  |      |         |       |     |                   |  |  |
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| Car Initial and Number<br><b>SRNJ 500012</b>                                                                                                                       |      | Kind<br><b>R</b>                        | No Cars<br><b>1</b> | Waybill Date<br><b>2007/10/31</b>                                    |                   | Waybill Number<br><b>105801</b>                    |                             |                  |      |         |       |     |                   |  |  |
| Length                                                                                                                                                             |      | Clearance Height                        |                     | Clearance Width                                                      |                   |                                                    |                             |                  |      |         |       |     |                   |  |  |
| <table border="1"> <tr> <td>Stop This Car At</td> <td>Road</td> <td>Station</td> <td>State</td> <td>For</td> <td colspan="3">Consignee at Stop</td> </tr> </table> |      |                                         |                     |                                                                      |                   |                                                    |                             | Stop This Car At | Road | Station | State | For | Consignee at Stop |  |  |
| Stop This Car At                                                                                                                                                   | Road | Station                                 | State               | For                                                                  | Consignee at Stop |                                                    |                             |                  |      |         |       |     |                   |  |  |
| To No.<br><b>72473</b>                                                                                                                                             |      | Station<br><b>DONORA</b>                |                     | State<br><b>PA</b>                                                   |                   | From No.<br><b>67418</b>                           |                             |                  |      |         |       |     |                   |  |  |
| JS Dest.<br><b>0</b>                                                                                                                                               |      | Station                                 |                     | State                                                                |                   | Station<br><b>WINSLOW JUNCTION</b>                 |                             |                  |      |         |       |     |                   |  |  |
|                                                                                                                                                                    |      |                                         |                     |                                                                      |                   | State<br><b>NJ</b>                                 |                             |                  |      |         |       |     |                   |  |  |
| Route<br><b>SRNJ WNSJC NS</b>                                                                                                                                      |      |                                         |                     | A/S<br><b>1</b>                                                      | Ref Number        |                                                    | B/L Number<br><b>105809</b> |                  |      |         |       |     |                   |  |  |
|                                                                                                                                                                    |      |                                         |                     |                                                                      |                   | B/L Date<br><b>2007/10/31</b><br>Time <b>09 00</b> |                             |                  |      |         |       |     |                   |  |  |
| Consignee<br><b>WESTMORELAND WASTE<br/>DONORA INDUSTRIAL PARK</b>                                                                                                  |      |                                         |                     | Shipper<br><b>AETSRLLC</b>                                           |                   |                                                    |                             |                  |      |         |       |     |                   |  |  |
| <b>DONORA PA</b>                                                                                                                                                   |      |                                         |                     | <b>55 SIMPSON AVENUE</b>                                             |                   |                                                    |                             |                  |      |         |       |     |                   |  |  |
|                                                                                                                                                                    |      |                                         |                     | <b>PITMAN NJ 08071</b>                                               |                   |                                                    |                             |                  |      |         |       |     |                   |  |  |
| Party to Receive Freight Bill<br><b>AETSRLLC<br/>55 SIMPSON AVENUE<br/>PITMAN NJ 08071</b>                                                                         |      |                                         |                     | Notify Party on Arrival                                              |                   |                                                    |                             |                  |      |         |       |     |                   |  |  |
| <b>AETSRLLC<br/>55 SIMPSON AVENUE<br/>PITMAN NJ 08071</b>                                                                                                          |      |                                         |                     |                                                                      |                   |                                                    |                             |                  |      |         |       |     |                   |  |  |
| Special Instructions                                                                                                                                               |      |                                         |                     | Weighed at<br>Shippers Weight Agreement<br>Shippers Weight Agreement |                   | Tariff Authority<br><br><b>Section 7</b>           |                             |                  |      |         |       |     |                   |  |  |
| STCC Number<br><b>4029154</b>                                                                                                                                      |      | Declared Value not to Exceed            |                     | Gross<br><b>249,400</b>                                              |                   | Method of Payment                                  |                             |                  |      |         |       |     |                   |  |  |
|                                                                                                                                                                    |      |                                         |                     | Tare<br><b>89,400</b>                                                |                   |                                                    |                             |                  |      |         |       |     |                   |  |  |
| Seals                                                                                                                                                              |      |                                         |                     | Allowance<br><b>0</b>                                                |                   |                                                    |                             |                  |      |         |       |     |                   |  |  |
|                                                                                                                                                                    |      |                                         |                     | Estimated Net Weight<br><b>160,000</b>                               |                   |                                                    |                             |                  |      |         |       |     |                   |  |  |
| Pkgs                                                                                                                                                               | Qual | Description of Articles                 |                     | Weight                                                               | Rate              | Per                                                | Freight                     |                  |      |         |       |     |                   |  |  |
| <b>0</b>                                                                                                                                                           |      | <b>CONSTRUCTION DEMOLITION MATERIAL</b> |                     | <b>0</b>                                                             |                   |                                                    |                             |                  |      |         |       |     |                   |  |  |
|                                                                                                                                                                    |      |                                         |                     |                                                                      |                   |                                                    |                             |                  |      |         |       |     |                   |  |  |

820

Southern Railroad Company  
of New Jersey

820

SRNJ 500053

105877

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## WAYBILL

|                                                                                                     |      |                                         |                     |                                                                      |      |                                    |                                             |
|-----------------------------------------------------------------------------------------------------|------|-----------------------------------------|---------------------|----------------------------------------------------------------------|------|------------------------------------|---------------------------------------------|
| Car Initial and Number<br><b>SRNJ 500053</b>                                                        |      | Kind<br><b>R</b>                        | No Cars<br><b>1</b> | Waybill Date<br><b>2007/11/02</b>                                    |      | Waybill Number<br><b>105877</b>    |                                             |
| Length                                                                                              |      | Clearance Height                        |                     | Clearance Width                                                      |      |                                    |                                             |
| Stop This Car At      Road      Station      State      For      Consignee at Stop                  |      |                                         |                     |                                                                      |      |                                    |                                             |
| To No.<br><b>72473</b>                                                                              |      | Station<br><b>DONORA</b>                |                     | State<br><b>PA</b>                                                   |      | From No.<br><b>87418</b>           |                                             |
| JS Dest.<br><b>0</b>                                                                                |      | Station                                 |                     | State                                                                |      | Station<br><b>WINSLOW JUNCTION</b> |                                             |
| State                                                                                               |      | State                                   |                     | State                                                                |      | State<br><b>NJ</b>                 |                                             |
| Route<br><b>SRNJ WNSJC NS</b>                                                                       |      |                                         | A/B<br><b>1</b>     | Ref Number                                                           |      | BL Number<br><b>105880</b>         | BL Date<br><b>2007/11/02</b><br>Time 12:00. |
| Consignee<br><b>JP RAIL INC<br/>C/O WESTMORELAND WASTE<br/>DONORA INDUSTRIAL PARK<br/>DONORA PA</b> |      |                                         |                     | Shipper<br><b>AETSRLLC<br/>55 SIMPSON AVENUE<br/>PITMAN NJ 08071</b> |      |                                    |                                             |
| Party to Receive Freight Bill<br><b>AETSRLLC<br/>55 SIMPSON AVENUE<br/>PITMAN NJ 08071</b>          |      |                                         |                     | Notify Party on Arrival                                              |      |                                    |                                             |
| Special Instructions                                                                                |      |                                         |                     | Weighed at<br>Shippers Weight Agreement                              |      | Tariff Authority<br>Section 7      |                                             |
| STCC Number<br><b>4029154</b>                                                                       |      | Declared Value not to Exceed            |                     | Gross<br><b>252,500</b>                                              |      | Tare<br><b>72,600</b>              |                                             |
| Seals                                                                                               |      |                                         |                     | Allowance<br><b>0</b>                                                |      | Method of Payment                  |                                             |
| Estimated Net Weight<br><b>180,000</b>                                                              |      |                                         |                     | Net                                                                  |      |                                    |                                             |
| Pigs                                                                                                | Quat | Description of Articles                 |                     | Weight                                                               | Rate | Per                                | Freight                                     |
| <b>0</b>                                                                                            |      | <b>CONSTRUCTION DEMOLITION MATERIAL</b> |                     | <b>0</b>                                                             |      |                                    |                                             |
|                                                                                                     |      |                                         |                     |                                                                      |      |                                    |                                             |

820

Southern Railroad Company  
of New Jersey

820

SRNJ 800054

105912

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## WAYBILL

|                                                                                                                                                                    |      |                          |                      |                                                                                |                   |                                    |                                            |                  |      |         |       |     |                   |  |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|--------------------------|----------------------|--------------------------------------------------------------------------------|-------------------|------------------------------------|--------------------------------------------|------------------|------|---------|-------|-----|-------------------|--|--|
| Car Initial and Number<br><b>SRNJ 500054</b>                                                                                                                       |      | Kind<br><b>R</b>         | No. Cars<br><b>1</b> | Waybill Date<br><b>2007/11/05</b>                                              |                   | Waybill Number<br><b>105912</b>    |                                            |                  |      |         |       |     |                   |  |  |
| Length                                                                                                                                                             |      | Clearance Height         |                      | Clearance Width                                                                |                   |                                    |                                            |                  |      |         |       |     |                   |  |  |
| <table border="1"> <tr> <td>Stop This Car At</td> <td>Road</td> <td>Station</td> <td>State</td> <td>For</td> <td colspan="3">Consignee at Stop</td> </tr> </table> |      |                          |                      |                                                                                |                   |                                    |                                            | Stop This Car At | Road | Station | State | For | Consignee at Stop |  |  |
| Stop This Car At                                                                                                                                                   | Road | Station                  | State                | For                                                                            | Consignee at Stop |                                    |                                            |                  |      |         |       |     |                   |  |  |
| To No.<br><b>72473</b>                                                                                                                                             |      | Station<br><b>DONORA</b> |                      | State<br><b>PA</b>                                                             |                   | From No.<br><b>67418</b>           |                                            |                  |      |         |       |     |                   |  |  |
| JB Dest.<br><b>0</b>                                                                                                                                               |      | Station                  |                      | State                                                                          |                   | Station<br><b>WINSLOW JUNCTION</b> |                                            |                  |      |         |       |     |                   |  |  |
|                                                                                                                                                                    |      |                          |                      |                                                                                |                   | State<br><b>NJ</b>                 |                                            |                  |      |         |       |     |                   |  |  |
| Route<br><b>SRNJ WNSJC NS</b>                                                                                                                                      |      |                          |                      | A/S<br><b>1</b>                                                                | Ref Number        |                                    | BL Number<br><b>018AETSRD07</b>            |                  |      |         |       |     |                   |  |  |
|                                                                                                                                                                    |      |                          |                      |                                                                                |                   |                                    | BL Date<br><b>2007/11/05</b><br>Time 10 00 |                  |      |         |       |     |                   |  |  |
| Consignee<br><b>JP RAIL INC<br/>C/O WESTMORELAND WASTE<br/>DONORA INDUSTRIAL PARK<br/><br/>DONORA PA</b>                                                           |      |                          |                      | Shipper<br><b>AETSRLLC<br/><br/>55 SIMPSON AVENUE<br/><br/>PITMAN NJ 08071</b> |                   |                                    |                                            |                  |      |         |       |     |                   |  |  |
| Party to Receive Freight Bill<br><b>AETSRLLC<br/>55 SIMPSON AVENUE<br/><br/>PITMAN NJ 08071</b>                                                                    |      |                          |                      | Notify Party on Arrival                                                        |                   |                                    |                                            |                  |      |         |       |     |                   |  |  |

PITMAN NJ 08071

|                               |       |                                  |  |                                                                             |      |     |         |                                   |         |  |  |
|-------------------------------|-------|----------------------------------|--|-----------------------------------------------------------------------------|------|-----|---------|-----------------------------------|---------|--|--|
| Special Instructions          |       |                                  |  | Weighed at<br>Shippers Weight Agreement<br>Shippers Weight Agreement        |      |     |         | Tariff Authority<br><br>Section 7 |         |  |  |
| STCC Number<br><b>4029154</b> |       | Declared Value not to Exceed     |  | Gross<br>Tare<br>Allowance<br>Estimated Net Weight<br>Net<br><b>170.000</b> |      |     |         | Method of Payment                 |         |  |  |
| Seals                         |       |                                  |  |                                                                             |      |     |         |                                   |         |  |  |
| Pigs                          | Quits | Description of Articles          |  | Weight                                                                      | Rate | Per | Freight | Advance                           | Prepaid |  |  |
| 0                             |       | CONSTRUCTION DEMOLITION MATERIAL |  | 0                                                                           |      |     |         |                                   |         |  |  |

## **EXHIBIT B**

**Clubs (Cont)**

|                                                                        |              |
|------------------------------------------------------------------------|--------------|
| Others Club Mt Pleasant                                                | 724 258 5457 |
| Park Sportsman Club Devils Den Rd Paris                                | 724 729 3430 |
| Park Cove Swim Club<br>1495 Route 481 Carvers                          | 724 239 9960 |
| Polar Star Mutual Benefit Society<br>Gardner St Avela                  | 724 587-3659 |
| Polish Club 101 Abbeville St Bensenville                               | 724 239-5533 |
| Polish Falcons Nest No 247<br>654 Thompson Av Dorcas                   | 724 370-7668 |
| Polish National Union Political Club<br>516 Franklin Ave Canby         | 724 745 8955 |
| Polish Society Group 978<br>Mason Rd Belle Vernon                      | 724 829-6121 |
| Putnam Club 187 Summerlee Ave Washington                               | 724 222 9789 |
| Russian Brotherhood Organization<br>30 West St Canonsburg              | 724 746-0979 |
| Russian Club 221 Leighly Ave State                                     | 724 929-9821 |
| S N P J Lodge No 245 Lenois                                            | 724 941-8082 |
| S N P J Lodge 106 West Maghway Rd Irwin                                | 724 695-1411 |
| S N P J Lodge 138 Lenois Av Stateburg                                  | 724 745-9880 |
| St Dominic's Men's Club<br>6 St & Thompson Av Dorcas                   | 724 379-7384 |
| Santa Barbara Lodge Irwin                                              | 724 934-2553 |
| Slovak American Citizens Club<br>10 W Main St Monaca                   | 724 258-9953 |
| Slovak Club 24 Iron St Canonsburg                                      | 724 746-3973 |
| Slovak V F W Post 6553<br>15 Run St State                              | 724 947-3423 |
| Slovenian Club 13 Liberty Ave Rungtstown                               | 724 947-2051 |
| Slovenian National Benefit Society<br>Brentwood Rd Avela               | 724 587 3070 |
| Slovenian National Hall Ridgeway Av Can                                | 724 745-1320 |
| Slovene Singing Society<br>221 Walnut St West Newton                   | 724 872 4566 |
| Stratone Memorial Post 553<br>193 Alexander Av Stateburg               | 724 745-0561 |
| Sturgis Athletic Association<br>7581 Newsum Rd State                   | 724 928-2150 |
| Sutcliffe Sportsmen's Inc<br>425 1 St Stateburg                        | 724 872 0989 |
| Ten Mile Yacht Club Inc 52 Elm St, Major                               | 724 377-9177 |
| Ukrainian Literary & Benevolent Association<br>57 Schoemaker Av Monaca | 724 884 5141 |
| VFW Post 8208 Georgetown Rd Lenois                                     | 724 941-6443 |
| VFW Post 927 127 N Main St Washington                                  | 724 222-8913 |
| VFW Post 2026 517 Ash Av Canonsburg                                    | 724 745 9531 |
| Veterans Of Foreign Wars Club<br>793 F Main St Irwin                   | 724 258-3013 |
| Veterans Of Foreign Wars Post No 7812<br>117 Water St West Newton      | 724 872-8921 |
| Victory Hall Gun Club<br>Route 837 Monaca                              | 724 258-9671 |
| Washington Country Club<br>588 Country Club Rd Wexford                 | 724 222 9760 |
| Washington Sportsman Assoc<br>Arling Drive Washington                  | 724 222 0651 |
| West Newton Sportsmen's Park<br>35 Sportsman Rd South Park State       | 724 872 5401 |
| White Eagles Club<br>303 Adams Ave Canonsburg                          | 724 745-9589 |
| Workmen's Mutual Beneficial Union<br>1831 Sarara St Blytheville        | 724 872 4744 |
| Young Men's Club 1140 Edwards St, China                                | 724 938-8708 |

**Clutches**

|                                                          |              |
|----------------------------------------------------------|--------------|
| Cottman Transmission Center<br>1129 Maple Ave Washington | 724 222 2228 |
|----------------------------------------------------------|--------------|

**Coal Brokers**

|                                                         |              |
|---------------------------------------------------------|--------------|
| Kalon Materials Co McVey                                | 724 941 8867 |
| RAG Trading Americas Corp<br>1525 Newmark Dr Canonsburg | 724 746 3804 |
| USNR Coal Sales 212 Suite St Belle Vernon               | 724 929-8405 |

**Coal Miners & Shippers**

|                                                         |              |
|---------------------------------------------------------|--------------|
| Borley Mine Canby                                       | 724 683 4744 |
| Bentley Development Co Inc<br>105 Jacobs Rd Bensenville | 724 239-2660 |
| CPC Bailey Clayton                                      | 724 683-4744 |
| Consolid Pennsylvania Coal Co                           | 724 683-4744 |
| Console Energy 183 Halem Rd Irwin                       | 724 229-6000 |
| Cumberland Coal Resources LP<br>Administration Office   | 724 627 7500 |
| Port 86                                                 | 724 652 5845 |
| DTE PennToc Coal Laboratory<br>JC Schwaner Rd Houston   | 724 746 3182 |
| Emerald Coal Resources LP                               | 724 627 2236 |
| Foundation Coal & Power                                 | 724 627 5818 |
| Goodall Robert B<br>725 McWay Canby Rd Bager            | 724 796-1238 |
| PA Services Corporation<br>Administration Office        | 724 627 7500 |

**Coal-Retail**

|                                             |              |
|---------------------------------------------|--------------|
| Gillette Coal Yard 86 West St, Fayette City | 724 326 4519 |
| Nat Industries Incorporated<br>Rt 81 Canby  | 724 258 3510 |

**Coal-Whse**

|                                       |              |
|---------------------------------------|--------------|
| Consolid Energy 181 Dry Run Rd Monaca | 724 222 1431 |
| North Central Processing Dorcas       | 724 379-4950 |

**Coatings-Protective**

|                                                                    |              |
|--------------------------------------------------------------------|--------------|
| Allegany Metal Finishing<br>150 S. Service Rd P-1                  | 724 695 3233 |
| Chauve Asphalt Sealing<br>Rt 2 Canonsburg                          | 724 748 3493 |
| Chemical Construction Division<br>Shoupens Ind. Rd Park Canonsburg | 724 748-8250 |
| Fleetguard Coatings Inc<br>211 Valley St McVey                     | 724 926-3505 |
| Nitrary Coatings Inc 308 3rd St Gmrl                               | 724 588-1898 |
| Polymer Surface Systems<br>307 Ponce Rd S State                    | 724 222-6544 |

**Cocktail Lounges**

See Bar & Grill, This Page

**Coffee Break Service & Supplies**

|                               |              |
|-------------------------------|--------------|
| Nu Yu Services Inc Washington | 724 222 2883 |
|-------------------------------|--------------|

**Coffee Houses**

|                                                         |              |
|---------------------------------------------------------|--------------|
| Aula's Vintage Tea Room<br>2505 N. St Irwin             | 724 632-5912 |
| Bees Nest Cafe<br>705 W Main St Monaca                  | 724 292 9077 |
| Cafe B 5 Wood St Canby                                  | 724 330-9204 |
| Espresso Cafe & Deli The<br>506 Irwin Av Dorcas         | 724 483 7908 |
| Farmhouse Coffee<br>502 Valley Brook Road McVey         | 724 942-4989 |
| J Venditore 1506 Green St Irwin                         | 724 222-4921 |
| Inspiration Store 237 S Main St Washington              | 724 222 1287 |
| Joel's Coffee Cup 243 Center St Canby                   | 724 377 0357 |
| Man Street Market & Coffee Shopp<br>18 S Main St, Canby | 724 229-8100 |
| Scenes & Cones<br>502 Valley Brook Rd P-1               | 724 969 4040 |
| Starbucks Coffee<br>110 Truay Post Dr Washington        | 724 228-9435 |
| Starbucks Coffee Company<br>111 Canby Dr Canonsburg     | 724 873-1694 |

**Coffee & Tea**

|                                                                    |              |
|--------------------------------------------------------------------|--------------|
| CATTAIL COFFEE & TEA<br>1445 Washington Rd Suite 40C<br>Washington | 724 229-8936 |
| Coffee Bean The McVey                                              | 724 941 1888 |
| Farm House Inn McMurray The<br>502 Vly Rte Rd P-1                  | 724 969-4040 |
| Garden Party Tea Room<br>17 W Main St Canonsburg                   | 724 748-8888 |
| Jun's Tea Shoppe<br>1183 E National Pk So. Vernon                  | 724 945-5385 |
| Maria J D Hotel Restaurant Svc<br>21 W Chesnut St Washington       | 724 225 6350 |

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Cell Phone **724-516-3305**

**Coin-Dealers Supplies Etc**

|                                                        |              |
|--------------------------------------------------------|--------------|
| Coin & Hobby Shop<br>1500 Chestnut St North Frick      | 724 228 8040 |
| Legends Coin & Hobby<br>417 Broad Av Bell Vernon       | 724 929-0370 |
| Manning's 174 N Main St Washington                     | 724 228 5637 |
| Nickel Trader The<br>1085 Washington Rd Canonsburg     | 724 941 7338 |
| <b>RAYMOND WASOSKY &amp; CO</b><br>(See Adj This Page) | 724 325-1842 |
| Silver Mine The<br>502 Washington Rd South Stateburg   | 724 228-3470 |

**Collectibles**

|                                                        |              |
|--------------------------------------------------------|--------------|
| AC's Emporium Of Miniatures<br>100 E McMurray Rd McVey | 724 942 4120 |
| Antiques Downtown 88 S Main St Washington              | 724 222 6800 |
| Antiques On Maiden<br>324 W Maiden St Washington       | 724 225-0230 |
| Cool Collectibles<br>1500 W Chester St Washington      | 724 225-5289 |
| Gino's Mail Shop Collection Canonsburg                 | 724 743-1950 |
| Lighthouse Manor<br>301 Oak Spring Rd S State          | 724 222-3150 |
| Lord Myre 515 Jorner Av Monaca                         | 724 684-4334 |
| Mazur's Collectibles<br>450 W. Main St Park Vernon     | 724 379 5150 |
| Old Show Antiques Park St Main Lenois                  | 724 228 3045 |
| Ronka 19 Antique Mall<br>2587 Washington Rd Canonsburg | 724 746-3277 |

Yellow Pages Connection