

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 (RRLLC), is that the stated transport need is based on assumptions and presumptions, not facts.

Waste-to-Ethanol Facility/Landfill

RRLLC, 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that the original landfill permit application (submitted May 5, 2006 and suspended October 2, 2006) has not been withdrawn and no permit has even been submitted for a waste-to-ethanol facility.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 RRLLC, 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 interchanges 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 RRLLC 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 RRLLC, 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.

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
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