

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET No. 35116

222612

R. J. CORMAN RAILROAD COMPANY/PENNSYLVANIA LINES INC. – CONSTRUCTION
AND OPERATION EXEMPTION – CLEARFIELD COUNTY, PA

FINANCE DOCKET No. 35143

222613

R.J. CORMAN RAILROAD COMPANY/PENNSYLVANIA LINES INC – ACQUISITION
AND OPERATION EXEMPTION – LINE OF NORFOLK SOUTHERN RAILWAY
COMPANY

DOCKET NO AB 167 (SUB-NO. 1004N)

222614

CONRAIL ABANDONMENT OF THE SNOW SHOE INDUSTRIAL TRACK IN CENTRE
AND CLEARFIELD COUNTIES, PENNSYLVANIA

DECLARATION OF JOANN GILLETTE

Kathryn H.S. Pett
Bart W Simmons
Ballard Spahr Andrews & Ingersoll, LLP
201 South Main Street, Suite 800
Salt Lake City, Utah 84111
(801) 531-3000

ATTORNEYS FOR PEOPLE PROTECTING
COMMUNITIES

Dated. June 13, 2008

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 35116

R.J. CORMAN RAILROAD COMPANY/PENNSYLVANIA LINES INC - CONSTRUCTION
AND OPERATION EXEMPTION - CLEARFIELD COUNTY, PA

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DECLARATION OF JOANN GILLETTE

My name is JoAnn Gillette and I am the custodian of records and of the website maintained by People Protecting Communities ("PPC") People Protecting Communities is a group of citizens in and around Rush and Snow Shoe Townships in Centre County, Pennsylvania, in close proximity to a site at which the firm, Resource Recovery, LLC, has proposed to site a landfill and other associated and still unpermitted solid waste and industrial facilities at an undeveloped "industrial park" in Rush Township. PPC was formed to oppose the siting of this facility and to promote sound land use at the site. The members of PPC will be

adversely affected by the siting of the landfill and other facilities and their associated odors, traffic, noise, and air emissions, threatened impact on groundwater, upon which I and the other members rely for our water supply, threatened impact on surface water, and the adverse impacts upon tourism, our uses of trails, and other recreational activities. I have been responsible for following the attempts by Resource Recovery, LLC, and related companies to obtain necessary approvals from the Pennsylvania Department of Environmental Protection ("PADEP"), the United States and Pennsylvania Departments of Transportation, Centre County, Rush and Snow Shoe Townships, United States Fish and Wildlife Service and now the Surface Transportation Board. I have reviewed the pertinent files of each of those agencies and have personally received correspondence from those agencies. I make this declaration on the basis of personal knowledge and the contents of those files and that correspondence, pertinent copies of which are attached.

I am submitting this Declaration in support of the Petition to Hold Proceedings in Abeyance in Finance Docket No. 35116, Finance Docket No. 35143, and Docket No. AD 167. These three proceedings involve an attempt by R. J. Corman to reactivate an abandoned rail line whose sole purpose will be to serve an as yet unpermitted and unconstructed landfill and associated "industrial park" proposed by Resource Recovery, LLC. While much of the rail line has been abandoned, two portions have been converted to trails which the Commonwealth of Pennsylvania, through the Pennsylvania Department of Conservation and Natural Resources ("PADCNR") has spent substantial public monies to improve. The proposed rail line and the trail are located at an area that the Commonwealth has designated as the Pennsylvania Wilds with the intent of promoting the rural heritage of the area and tourism. The landfill and "industrial park" would be located at the eastern entrance to this area and, as inconsistent land

uses, have been opposed by the County, PADCNR and other state, local and federal entities, including Centre County and Snow Shoe Township.

The proposed rail line will service only a proposed landfill and proposed industrial park. There are currently no industrial or commercial uses that exist at the site that the proposed railroad would serve. There are therefore no current customers. Moreover, there is a substantial likelihood that there will be no future customers. The only uses that have been proposed to date, the landfill and a rock quarry, will require permits from the Pennsylvania Department of Environmental Protection under a variety of programs, as well as approvals from the United States Army Corps of Engineers and the United States and Pennsylvania Departments of Transportation, and none of these approvals or permits has been granted. Based on the proceedings to date, comments and review letters prepared by these and other agencies, and the law in Pennsylvania, it is unlikely that these approvals will be granted.

This is evident from the history of the major approvals required.

Access Approvals - There is no adequate access to the site of the proposed landfill and industrial park. Access would be through Snow Shoe Township and the uses and transportation are inconsistent with the Snow Shoe Township Zoning. The current access roads are dirt roads and Snow Shoe will not permit modification of the roads to service an inconsistent use. The landfill proposal was premised on obtaining approval from the United and Pennsylvania Departments of Transportation for the construction of a new exit from Route I-80. The history of the application indicates that this is unlikely to occur and the agencies involved have recommended that all aspects of the project, including the rail spur be subject to a consolidated NEPA review as follows (in chronological order)

09-24-04 Rush Township submitted a Point of Access ("POA") study on behalf of RRLLC for the I-80 Interchange, a true and correct copy of which I obtained from the Centre County Planning and Community Development Office and have attached hereto as Exhibit 1

09-27-05 The Centre County Metropolitan Planning Organization ("CCMPO") unanimously voted the proposed new I-80 interchange is not consistent with the Mobile Action Plan 2015, the CCMPO's current adopted long range transportation plan. I attended this meeting and have attached as Exhibit 2 a copy of the meeting minutes which were posted on the CCMPO website

11-05-05 The United States Fish and Wildlife Service ("USFWS") recommended to a representative of RRLLC that all phases of the project, landfill, industrial park, rail spur, interchange, landfill expansion be treated as a single and complete project for agency review, as reflected in the letter attached hereto as Exhibit 3, which is a true and correct copy of the letter that I obtained from the files of PADEP

07-19-05 The Centre County Planning Office conducted a consistency review of the I-80 POA at the request of Federal Highway Administration ("FHWA") and recommended the Centre County Planning Commission find that the landfill/industrial park/I-80 interchange is inconsistent with the Centre County Comprehensive Plan. This determination was upheld by the Centre County Planning Commission at a meeting that I attended at which the letter from the Planning Office was distributed. A true and correct copy of that letter is attached hereto as Exhibit 4. The Planning Commission action was upheld by a vote of the Centre County Board of Commissioners.

03-28-06 The I-80 interchange proposal was brought once again before the CCMPO for inclusion in the Centre County Long Range Transportation Plan. The CCMPO voted to defer the request until PADEP permits the landfill. I was present at this meeting and obtained a copy of the minutes from the CCMPO website, a copy of which is attached as Exhibit 5.

12-01-06 PennDOT District issued the attached letter stating that although the POA met design criteria, it did not satisfy the requirements for consistency determinations for land use and Centre County's Long Range transportation plans. A true and correct copy of this letter, which I obtained from the PADEP website is attached hereto as Exhibit 6.

01-19-07 FHWA issued a letter to the Army Corps of Engineers ("USCOE") stating that its approval of I-80 will be withheld pending the outcome of NEPA studies and designating USCOE potential lead agency for the NEPA review. A true and correct copy of this letter, which I obtained from the PADEP website is attached hereto as Exhibit 7. No further action has been taken with respect to NEPA review

01-25-07 FHWA sent a letter to PennDOT stating that the POA does not meet FHWA requirements #1 and #5 and that, therefore, conceptual approval for the

interchange could not be granted at that time. A true and correct copy of the letter, which I obtained from a review of PADEP files, is attached hereto as Exhibit 8.

04-19-07 FHWA sent a letter to the Rush Township Supervisors in response to their questions regarding the denial of conceptual approval and, in that letter stated that various regulatory agencies could not proceed with environmental studies and permitting action without a clearly defined project scope with a clearly defined purpose and need, all of which were lacking. I am not aware of anything occurring since that date addressing these concerns. A true and correct copy of the letter, which I obtained from the Centre County Planning Office, is attached hereto as Exhibit 9.

Landfill Permit - The project cannot proceed without a permit from PADEP under the Pennsylvania Solid Waste Management Act and that agency's Municipal Waste Regulations. This permit cannot issue without PADEP being satisfied that there is adequate access, that state and federal wetlands permits will issue, and the applicant will satisfy the requirements for a "harms benefit analysis" similar to NEPA review but including a substantive requirement that the benefits outweigh the harms. PADFP has suspended its review of the application and will not proceed unless the wetland and access issues are resolved, as evidenced by the following:

05-05-05 RRLLC submitted a landfill permit application to PADEP, consisting of seven volumes which I obtained through Senator Corman's office and have in my records.

11-05-05 In comments on the application, USFWS recommend that all phases of project, landfill, industrial park, rail spur, interchange, landfill expansion be treated as a single and complete project for agency review, as reflected in Exhibit 3.

10-02-06 DEP sent a letter to RRLLC suspending landfill permit application review until uncertainties with the I-80 interchange and wetlands issues that had been raised by PA DEP Watershed Management Program were resolved. A true and correct copy of this letter, which I obtained from the PADEP website is attached hereto as Exhibit 10.

02-07-07 DEP sent a letter to RRLLC in response to their deficiency letter response reiterating their position that the landfill permit application will remain suspended until uncertainties with the I-80 interchange and wetlands issues that had been raised by PA DEP Watershed Management Program were resolved. A true and correct copy of this letter, which I obtained from the PADEP website is attached hereto as Exhibit 11.

05-19-08 PADEP Secretary McGinty sent a letter to People Protecting Communities confirming that the RRLLC landfill permit application review is still suspended, a true and correct copy of which is attached as Exhibit 12.

Wetlands Permits - The proposed landfill, interchange and industrial park contain jurisdictional wetlands regulated by the US COE and PADEP and other wetlands regulated only by PADEP. Filling these wetlands will require a PADEP permit and a permit under Section 404 of the federal Clean Water Act, which will require a section 401 certification from PADEP, which will apply its regulations. PADEP, USEPA and the USFWS have objected to the application and, as of this date, it appears that the required wetlands approvals cannot be granted, as reflected in the following:

10-02-06 In response to RRLLC's application, PADEP issued a wetlands deficiency letter in which it identified numerous deficiencies, including, inter alia, the lack of an adequate alternatives analysis, the lack of a showing of water dependency, and the lack of an explanation why the landfill footprint could not be relocated to avoid large wetland areas. A true and correct copy of that letter, which I obtained from the PADEP website, is attached hereto as Exhibit 13.

01-19-07 USCOE issued a Public Notice Wetlands soliciting public comment on Permit Application 04-02142 submitted by RRLLC, a true and correct copy of which is attached hereto as Exhibit 14.

02-13-07 EPA submitted a review letter to USCOE recommending that Permit Application 04-02142 be withdrawn because it lacked sufficient information to allow review to proceed. A true and correct copy of the letter, which I obtained from the USCOE files is attached hereto as Exhibit 15.

02-14-07 USFWS objected to issuance of permit in response to Application 04-021-42. A true and correct copy of this letter, which was sent to People Protecting Communities, is attached hereto as Exhibit 16.

Non-coal Surface Mining Permit - An application for a non-coal surface mining permit for a quarry to mine sandstone, a very common stone, was submitted by Glenn O. Hawbaker. Although this would be located within the industrial park, the material would be used for road construction and the only likely market would be the interchange for I-80, which is a part of the

landfill project. This would not be a customer for the railroad. Moreover, this permit application is also deficient, as indicated from the following:

02-05-07 Glenn O. Hawbaker submits a Small Industrial Minerals Surface Mine Permit, a copy of which I obtained from the Centre County Planning Office along with their comments identifying deficiencies and inaccuracies in the application. A true and correct copy of the letter and application are attached hereto as Exhibit 17.

08-24-07 PADEP issues deficiency letter to Glenn O. Hawbaker, a copy of which was sent to People Protecting Communities. A true and correct copy of that letter is attached as Exhibit 18.

DECLARATION

Jo Ann Gillette declares under penalty of perjury, that the foregoing statement is true to the best of her information, knowledge and belief.

Jo Ann Gillette
Jo Ann Gillette
June 13, 2008

Notary Seal

Notarial Seal
Joyce A. Beaty, Notary Public
Bellefonte Boro, Centre County
My Commission Expires Feb 10, 2011

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of June 2008, copies of the foregoing Declaration of Joanne Gillette have been served by first class mail, postage prepaid, upon:

Richard R. Wilson
Richard R. Wilson, P.C.
127 Lexington Avenue, Suite 100
Altoona, PA 16601
Attorney for Resource Recovery, I.I.C

John V Edwards
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510-2191

Ms. Jodi Brennan
Secretary
Headwaters Charitable Trust
478 Jeffers Street
DuBois, PA 15801

Ronald A. Lane
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, IL 60606-2832

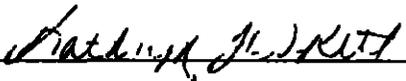


Exhibit 1

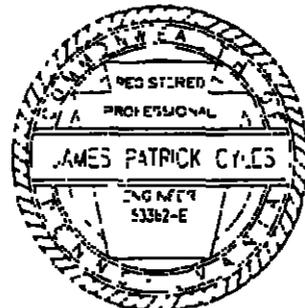
POINT OF ACCESS STUDY
for the
I-80 / GORTON ROAD INTERCHANGE

Rush Township
Centre County, PA

Prepared for:
Rush Township
150 North Richard Street
Philipsburg, PA 16866

Prepared by:
RETTEW Associates, Inc.
3020 Columbia Avenue
Lancaster, PA 17603

September 24, 2004
November 16, 2004
April 18, 2005



SECTION I - INTRODUCTION

PROJECT DESCRIPTION

This Point of Access Study has been completed to present the analysis for a new interchange on Interstate 80 (I-80) between existing interchanges at Exit 133 (Kylertown) and Exit 147 (Snow Shoe). The proposed interchange is located on I-80 in Rush Township, Centre County, Pennsylvania, at milepost 140. The interchange will provide access to the remote northern portion of Rush Township proposed for economic development.

The preparation of this study has been made to satisfy Pennsylvania Department of Transportation (PENNDOT) and Federal Highway Administration (FHWA) regulations and guidelines outlining new or revised points of access on the National Highway System or other limited access highways. The goal of the study is to provide justification on the need for an additional access point on the existing interstate system. All analyses associated with the proposed interchange have been documented. Justification is made by evaluating adequacy of the roadway network considering two alternatives for access: 1) access via the existing local roadway system, and 2) access via the local roadway system with a new interchange on I-80. This study examines traffic operations, environmental considerations, safety, and consistency with local and regional transportation planning. The roadways examined in this study include the proposed interchange, I-80 and all associated ramps between Exit 133 and Exit 147, and approximately 19.8 miles of the existing roadway network in Cooper Township, Clearfield County, and Snow Shoe and Rush Townships, Centre County. Exhibit I-1 shows a regional map of the project.

BACKGROUND

The study area along the I-80 Corridor starts at Exit 133 in Cooper Township, Clearfield County, PA, and runs approximately 14 miles east to Exit 147 in Snow Shoe Township, Centre County, PA. The proposed interchange on I-80 is located midway between these two existing interchanges, approximately seven miles from each, in Rush Township, Centre County.

The interchange at Exit 133 connects to State Route (S R.) 0053 and provides access to Kylertown, ½ mile to the north, with a population of approximately 426, Grassflat, 4¼ miles to the north, with a population of approximately 613; and Philipsburg, 8½ miles to the south, with a population of approximately 3,056. The interchange at Exit 147 connects to S R. 0144 via S R. 4005 and provides access to Snow Shoe, which is 1 mile west of the interchange, with a population of approximately 771. The physical nature of the region is rolling terrain.

The proposed interchange connects to Gorton Road and provides access to Moshannon, 5.7 miles to the north, with a population of 538. The interchange would also provide access to a large economic development site proposed in Rush Township 0.4 miles to the north.

The principal traffic generator of the region will be the development of the northern portion of Rush Township, Centre County. The Township, in partnership with Resource Recovery LLC, has proposed the development of a state-of-the-art waste disposal facility and industrial park near the proposed interchange location north of I-80. The development is expected to bring jobs and economic growth to an area of Pennsylvania in need of an economic stimulus. The region had relied on the presence of coal for many years. The mining industry, however, has declined and now jobs are needed. In addition, the manufacturing industries of the area are in decline. The Moshannon Valley Economic Development Partnership supports the construction of a new interchange on I-80 in Rush Township because of the expected impacts on job creation and economic growth. A letter from the Economic Development Partnership to PENNDOT has been included in this report.

The development site is proposed on land that is mostly a "brownfields" site previously mined for coal and in need of remediation or reclamation. The development consists of two components, one will consist of waste disposal and processing facilities, the other will be an industrial park. Waste disposal and processing facilities will initiate the recovery and recycling of resources that are extracted from solid wastes and will enable the production of renewable energy. The industrial park will allow developers of innovative technologies to condense operations and share infrastructure in order to improve the economic and environmental characteristics of their processes. Waste management and industrial activities are proposed exclusively in Rush Township, which is in need of economic development. No development is planned in adjacent Snow Shoe Township.

The development of the site, in conjunction with a new interchange on I-80, is expected to generate economic development in the region and produce a number of jobs. Appendix E provides a discussion of projected job creation and the economic benefits anticipated with the construction of the Rush Township development. Direct access to I-80 is essential to the Township's economic development objectives. Rush Township is currently divided by I-80, and the portion of the Township north of the interstate is underutilized economically and isolated from other development areas. Without a new interchange, the only access to the development site would be on rural, local roads. A new interchange would provide direct access to this large portion of Rush Township north of I-80, and through its connection with Gorton Road to the local roadway system, improve the overall access to I-80 and encourage the economic development of the region. Additionally, the interchange will provide direct truck access to the development site, thus protecting the local roadway network from this impact.

Resource Recovery LLC will privately fund the construction of the interchange and the improvements to the local roadway system necessary to eliminate the identified deficiencies.

PURPOSE OF INTERCHANGE

The proposed interchange is necessary to provide a safe and adequate regional access point capable of accommodating the anticipated future traffic, the majority of which are trucks into the Rush Township development site, while preserving the local roadway network for its intended local traffic

Impacts to the local roadway network, including roadway design considerations, community impacts, and safety, geometric, and operational concerns, can be minimized by allowing the new interchange. Structural capabilities of State and local roadways are not adequate for handling the heavy vehicles or the traffic volumes anticipated in the design year. Also, the 20-year traffic projections show that traffic operations at intersections within the local roadway system will fall to unacceptable levels. The improvements that would be needed to make the local roadway system adequate for the development traffic would have environmental and community impacts that can be eliminated by the new interchange access. Also, local and regional transportation plans do not account for the type of improvements that would be necessary to accommodate the truck traffic anticipated in future years

A new interchange would provide safe and efficient access to the region while allowing all existing transportation facilities to continue to operate in their intended manner. By agreement with Rush Township and in keeping with the current area wide transportation plans, the interchange will keep trucks generated by the development in Rush Township off of rural, local roadways and the local roadway system. This will allow the rural character of the communities along the local roadway system to be maintained. A new interchange would ensure that the economic benefits of Rush Township's proposed development are fully attained by providing the safe and desirable access necessary for economic development. With the new interchange, all existing facilities within the existing roadway network would continue to operate at acceptable levels

EXECUTIVE SUMMARY

The existing roadway network is limited in its providing access into the proposed development site, consisting of two interchanges 16 miles and 9 miles, respectively, from the economic development area. The existing roadway network does not provide for the direct, convenient access required for the proposed economic development in Rush Township. For the Local System Upgrade Alternative, improvements will be required to bring traffic operations to acceptable levels and to accommodate expected truck traffic. These improvements will possibly necessitate property condemnations and right-of-way acquisitions, and would be inconsistent with the stated goals of local and regional transportation plans. The existing roadway network was not planned, intended, or designed to accommodate the truck traffic to be generated by the Rush Township economic development.

Conversely, a new interchange on I-80 would minimize local traffic impacts and does not require improvements that would impact residential areas. Construction of a new interchange will allow all existing local roadways to continue to operate efficiently and without additional safety issues caused by expected increase in truck volumes. The new interchange will provide for safe and efficient access to the region and will not compromise the safety or operations of the existing interstate system. The new interchange will provide the direct and convenient access that is needed for successful economic development.

EXHIBIT III-14
 PRELIMINARY CONSTRUCTION COST ESTIMATE
 LOCAL SYSTEM UPGRADE ALTERNATIVE

Description	Estimated Cost
Clearing and Grubbing	\$135,000
Demolition	\$45,000
Earthwork	\$6,121,000
Pavement	\$13,525,000
Structure	\$600,000
Drainage Items	\$748,000
Topsoil, Seeding Items	\$686,000
Guide Rail	\$247,000
Signalization & Signal Upgrade	\$200,000
Utility Relocations	\$485,000
Erosion & Sedimentation Control	\$460,000
Maintenance and Protection of Traffic	\$1,410,000
Signing, Pavement Markings	\$201,000
Project Mobilization (6%)	\$1,490,000
Right-of-Way Takes	\$930,000
Contingencies (20%)	\$5,460,000
TOTAL ESTIMATED COST - 2004	\$32,743,000
TOTAL ESTIMATED COST - 2007	\$35,800,000

EXHIBIT III-27
PRELIMINARY CONSTRUCTION COST ESTIMATE
INTERCHANGE ALTERNATIVE

Description	Estimated Cost
Clearing and Grubbing	\$190,000
Earthwork	\$8,795,000
Pavement	\$5,112,000
Structures	\$2,680,000
Retaining Wall (Contingent Item)	\$1,000,000
Drainage Items	\$665,000
Topsoil, Seeding, Landscaping Items	\$409,000
Guide Rail	\$90,000
Signalization	\$100,000
Highway Lighting	\$260,000
Erosion & Sedimentation Control	\$200,000
Wetlands Mitigation (Contingent Item)	\$100,000
Maintenance and Protection of Traffic	\$2,400,000
Signing, Pavement Markings	\$253,000
Project Mobilization (8%)	\$1,800,000
Contingencies (20%)	\$4,800,000
TOTAL ESTIMATED COST - 2004	\$28,854,000
TOTAL ESTIMATED COST - 2007	\$31,500,000

Exhibit 2

**CENTRE COUNTY METROPOLITAN PLANNING ORGANIZATION (CCMPO)
COORDINATING COMMITTEE**

**Tuesday, September 27, 2005
6:00 pm
College Township Municipal Building**

Minutes

Voting Members Present:

Dan Ring, Chair
Elizabeth Goreham, Vice-Chair
Chris Exarchos
John Elnitski
Dan Klees
George Pytel
Barbara Spencer
Chris Lee
Frank Royer
Jack Shannon
John Yecina
Bob Corman
John Sychalski
Ron Buckalew
Tom TenEyck
Kevin Kline

Patton Township
State College Borough
Centre County
Benner Township
College Township
Ferguson Township
Halfmoon Township
Harris Township
Spring Township
Moshannon Valley Region
Mountaintop Planning Region
Penns Valley Region
Centre Area Transportation Authority (CATA)
Centre Regional Planning Commission (CRPC)
PennDOT Central Office
PennDOT District 2-0 Office

Non-Voting Members Present:

Matt Smoker
Rob Cooper

FHWA
Penn State University

Others Present:

Bob Crum
Tom Zilla
Trish Meek
Lori Shingler
Chris Price
Bob Jacobs
John Knowles
Cory Gehret
Susy Krosunger
Harold Nanovic
Karen Michael
Marla Fannin
Robert Bailly
Michele Barbin
Janet Burger
Laurie Barger
Harry Berlin
Barry L. Bierly
Suzanne R. Bierly
Jaime Bumbarger
Ieresa Burbridge

Centre Regional Planning Agency (CRPA)
CRPA
CRPA
CRPA
CCPO
CCPO
Philipsburg
Stiffler, McGraw & Associates
CCPO
PennDOT Central Office
PennDOT District 2-0
PennDOT District 2-0
Philipsburg
People Protecting Communities (PPC)
Moshannon
Snow Shoe Township
State College
Snow Shoe Township
Snow Shoe Township
The Progress
Snow Shoe

Others Present (Continued):

CCMPO COORDINATING COMMITTEE MEETING MINUTES

Tuesday, September 27, 2005

Page 2

Bob Burbridge
Susan R. Campos
Leslie Carlson
Ned Carlson
Norma Carlson
Patrick Couturiaux
Anne Danahy
Cathy Dauler
Chester DeFurio
Helen C. DeFurio
Jim Eckert
Darryl Harber
Marian Freed
JoAnn Gillette
Ann Glaser
Wes Glebe
Deb Gosa
William Hechinger
Carolyn Holt
Thomas Jech
Ron Johnson
Judith Johnsrud
Leif R. Jensen
George Khoury
Bert Kisner
John Knowles
Steve Lachman, Esq.
Lori Lange
Kathi Lewis
Pat Lewis
Ann Mandel
John Mandel
Beverly Martin
Kate McGrail-Poasley
Judy Mottin
Dan Mottin
Douglas W. Mottin, Jr
Barbara Natalie
Ted Onufrak
Harry Pionke
John Patishnock, Jr
Gary Pindelson
Linda Podisok
Calvin T Quick
Nancy I. Quick
George Rettew
Gabe Roy
Kenn Shope
Peggy Shope
Barbara Shufran
Gary Sinderson

Snow Shoe
Ferguson Township
Snow Shoe Borough
Snow Shoe Borough
Snow Shoe Borough
Rush Township
Centre Daily Times
State College Borough
Moshannon Forest Property Association
Association Land Holder
Senator Corman's Office
State College
PPC
Snow Shoe Township
Citizen
Ferguson Township
Bellefonte
Ferguson Township
State College
State College
Huston Township
State College
Voices of Central PA
Citizen
Citizen
Philipsburg Borough
PPC
Moshannon
Snow Shoe Township
Snow Shoe Township
Rush Township
Rush Township
Moshannon
Boggs Township
Moshannon
Snow Shoe Township
Snow Shoe Township
League of Women Voters of Centre County (LWVCC)
Centre County Solid Waste Authority
PPC
Benner Township
Weekly Reader
PPC
PPC
PPC
Rettew Associates, Inc
State College
Snow Shoe Township
Snow Shoe Township
Rush Township
WJAC

Others Present (Continued):

CCMPO COORDINATING COMMITTEE MEETING MINUTES

Tuesday, September 27, 2005

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Stan Smith	Oak Hall
Pamela Steckler	Ferguson Township
Thomas Thwaites	MSTA
Rosemary Walsh	PPC
Ed Walsh	PPC
Cliff Warner	Harris Twp
Sandy Watson	Snow Shoe Township
M. A. Williams	PPC
Pat Vernon	College Township
Mary Vollero	PPC
Resident	Ferguson Township
Resident	Philipsburg
Resident	State College Resident

1. Call to Order

Mr. Ring called the meeting to order at 6:00 p.m. and led the Committee in the pledge of allegiance to the flag.

2. Approval of Minutes

Mr. Klees made a motion to approve the minutes of the July 26, 2005 Coordinating Committee meeting. Mr. Corman seconded the motion, which passed unanimously.

3. Citizens Comments

There were no citizen comments for items not on the agenda.

4. Interstate 99 Acid Rock Drainage (ARD)

Mr. Kline reported that PennDOT is on the same track as last month. There are three remediation options being reviewed at this time. A pilot test is under way with the Bauxol option. Mr. Pytel asked if the dry summer was delaying results. Mr. Kline said that it is not.

5. Transportation Enhancements (TE)/Home Town Streets (HTS) Program

Ms. Meek said that the Philipsburg Front Street Streetscape sponsor is requesting additional Transportation Enhancement money.

Ms. Meek reviewed the policy for approving/disapproving project cost increases that was approved by the MPO in February 2004

- Prior to requesting additional funds, sponsors must consider revising the scope of the project and providing additional local funds.
- Project cost increases up to 20%, or a maximum of \$20,000, will be evaluated by a TE/HTS/Safe Routes to School (SR2S) Review Committee
- Project cost increases over 20%, or greater than \$20,000, will require a formal presentation to the Review Committee and may require an additional local match

The requested cost increase is more than \$20,000, so Philipsburg Borough gave a formal presentation to the Review Committee and is also providing an additional local match.

CCMPO COORDINATING COMMITTEE MEETING MINUTES

Tuesday, September 27, 2005

Page 4

Ms. Meek stated that the original federal funding for the project was \$137,304. Ms. Meek reviewed the funding that is available in the Transportation Improvement Program (TIP) line items which includes funds from the last Home Town Streets and Safe Routes to Schools (HTS/SR2S) cycle. There is currently \$695,776 available for cost increases and future funding rounds. She noted that Philipsburg has requested that the Presqueisle Street Sidewalk project be deprogrammed and the funds (\$99,645) be transferred to the Front Street Streetscape project. The TE/HTS/SR2S Review Committee reviewed the request and recommended the approval of additional money for the Front Street Project to the Technical Committee. The Technical Committee made the following recommendation to the Coordinating Committee:

- Deprogram the Presqueisle Street Sidewalk project and shift \$99,645 in the HTS/SR2S funding to the Front Street Phase II project
- Program an additional \$62,915 from the line item on the 2005-2008 Centre County TIP to the Front Street Phase II project.

Ms. Meek introduced John Knowles, Philipsburg Borough Manager and Cory Gehret the Front Street Streetscape Project Manager from Stiffler, McGraw and Associates.

Mr. Knowles noted that no matter what the Coordinating Committee decides, Philipsburg would like to deprogram the Presqueisle Street project. He stated that there are not enough funds to do both projects and the Presqueisle Street project is not far along in the planning process.

Mr. Gehret reported that the intent of the Front Street Streetscape project is to remove the overhead utilities from this downtown area. This involves removing the utilities, installing new curb and sidewalk and putting in lamp posts that resemble those that were present in the 1920's. The project has obtained environmental clearance.

Available funding for the project is \$379,212 and the current cost estimate for the project is \$541,772. The balance needed is \$162,560. Philipsburg is requesting that \$99,645 be shifted from the Presqueisle Street Sidewalk project and an additional \$62,915 be allocated to this project.

Mr. Gehret gave a brief history of the funding and the schedule for construction in April, 2006.

Mr. Klees said that Community Development Block Grant (CDBG) funds shown on one of the charts is \$180,000, but on another it shows \$127,108. He asked if this was the difference of what has already been expended. Mr. Knowles said that the figure of \$127,108 is strictly for construction. The balance will be used for design and inspection.

Mr. Klees said that the funding for all three programs is out of the same pot, but the competition for the funds went down different paths. He asked if it truly came from the same pot of funds. Ms. Meek clarified by saying that when the original Front Street project was approved, it was approved under the TE program. When the HTS/SR2S program was created, this project was technically converted to the HTS program. All the applicants that applied for HTS/SR2S funds in the last round were approved for funding. She said that by deprogramming Presqueisle Street, the question is whether it is fair to just shift it to another project. If it is not shifted, it would go back into the line item for other projects.

Ms. Meek said that normally there is a two-year cycle, but in order to bring the HTS/SR2S program into sync with the TIP process, there are two consecutive cycles. She said that staff has not been informed about what the allocation for the new round of funds.

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Mr. Klees said that a lot of projects are running into cost overruns and he was not sure how this would end up if they all requested additional money. Ms. Meek said that there has been an escalation of costs recently. She noted that the MPO has been very good at holding the line items and having that funding available so that the projects previously approved can continue to move. She felt that sponsors are getting more versed in the process and the estimates coming in are higher from the start.

Ms. Gorham made a motion to deprogram the Presqueisle Street Sidewalk project and shift \$99,645 in the HTS/SR2S funding to the Front Street Phase II project and program an additional \$62,915 from the line item on the 2005-2008 Centre County TIP to the Front Street Phase II project.

Mr. Spychalski seconded and the motion passed unanimously.

6. Consistency Review for Proposed New Interchange on Interstate 80

Mr. Crum explained the process for making sure that everyone has a chance to be heard. He said that Mr. Zilla would be making a short presentation to review the review process and the action requested. Following that, the floor will be opened for public comment and each person will have three minutes to talk. The Coordinating Committee will then discuss the issue and vote on the action.

Mr. Zilla reviewed that the proposed interchange is on the northwest side of Centre County, in the northern corner of Rush Township. It is a result of an economic development initiative from Rush Township. The proposed interchange would be located about seven miles west of the Snow Shoe exit and seven miles east of the Kylertown exit of Interstate 80. Secondary access is being proposed via a relocated portion of Gorton Road in Rush Township to the intersection of Routes 53 and 144 in the village of Moshannon.

Mr. Zilla reviewed the approval process for a new interchange. Key points to the proposal include:

- FHWA must approve access to an interstate highway
- Both FHWA and PennDOT have policies and guidelines about new access to an interstate highway
- CCMPO and Centre County must determine consistency with land use and transportation plans
- The request to FHWA must come through PennDOT

Mr. Zilla reviewed the basic steps, starting with PennDOT submitting a Point of Access Study (POA) to FHWA. The POA must address consistency with land use and transportation plans. If a POA is submitted, FHWA may provide "conceptual approval." It would then go forward to be evaluated by the National Environmental Policy Act (NEPA) process. Final approval of an access point comes when FHWA approves that NEPA document. For final approval, the CCMPO must also include the project on its TIP and Long Range Transportation Plan (LRTP).

The MPO's role is to determine the consistency of the proposed interchange on I-80 in Rush Township with the MPO's adopted Long Range Transportation Plan. The MPO is not determining consistency with land use plans.

Mr. Zilla noted that the MPO Technical Committee voted unanimously to recommend to the Coordinating Committee that the proposed new interchange is not consistent with MAP-2015. Also, by a vote of 6-5, the Technical Committee recommended that the Coordinating Committee indicate that the POA should be submitted to FHWA for further evaluation.

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He reviewed the reasons for these actions. Mr. Zilla said that one reason for forwarding the POA is that it will permit FHWA to determine if construction is feasible. If it is not technically feasible, access can be proposed from the local road system through a Highway Occupancy Permit request to PennDOT. Staff is greatly concerned about truck traffic on local roads if this alternative goes forward. In addition, further evaluation will provide the CCMPO additional time to decide whether to include the proposed interchange in its new LRTP and on a future TIP. The interchange must be included on these two documents in order to receive final approval from FHWA.

Mr. Zilla said that if the interchange does proceed to conceptual approval by FHWA, there would be further review of the alternatives for access in the NEPA process. It does not mean that the MPO supports the interchange at this time, but keeps the options open because of the concerns about traffic on existing roads. It also does not mean that the MPO will include the interchange on the LRTP or TIP.

The POA analysis assumed is the completion of Route 322 Corridor OI project. There is a concern about whether that is financially feasible. Also, the POA identified levels of service at "C" on I-80 in this area. Staff would like to know how close that level of service is to "D", which is not acceptable. Clearly, if there is traffic on Gorton Road there will be impacts. Although not noted in the POA study, the four-way stop sign in Snow Shoe at the intersections of Route 144 and Moshannon Avenue is a staff concern.

Mr. Klees clarified that the MPO's role is not to determine consistency with land use plans. On the slide of recommendations, the second bullet refers to the fact that a reason to support the POA is that Rush Township is developing a municipal comprehensive plan. He thought these statements conflicted with each other. Mr. Zilla replied that both the current and new LRTP make reference to coordinating land use and transportation and that bullet is aimed at those objectives.

Mr. Lee asked why it was not the role of the MPO to look at the consistency to the Comprehensive Plan. Mr. Zilla answered that according to FHWA guidelines, the body that is responsible for adopting the document plays the lead role. The County Comprehensive Plan is adopted by county government.

The floor was opened to public comment.

Mr. George Rettew, representing Rush Township, reported that Rettew Associates has prepared the POA for the new interchange off of I-80. The interchange was proposed as the primary access for an economic development project that Rush Township is strongly committed to because they feel there are many benefits to the community. The project consists of two parts, the landfill and an industrial park. The interchange construction, along with additional improvements identified in the POA study, will be 100% privately funded, along with reimbursements to the MPO for any maintenance charges that may be applied by PennDOT against the MPO's allocated funding. The interchange was proposed because direct access from the interstate is key to the success of the industrial park and the economic development that will come with it. The landfill, with its energy production, is the catalyst to attracting industrial users to the industrial park.

The approval of a new interchange is not an easy undertaking. Mr. Rettew said that they have already been involved for a year and half in detailed engineering studies. Those studies are done under close review and input by PennDOT. Going forward, the process will involve many more intensive studies – alternatives analysis, environmental reviews, community involvement, and engineering design – all of which requires many state and federal agency approvals. Rush Township believes that having an interchange for this project has clear advantages to the community and it makes approval of the interchange worth the time and effort to pursue it. It is, however, only worth pursuing if there is support from the MPO. The Township therefore requests that the MPO approve the staff recommendation presented and further, agree tonight to approve Rush Township's request to incorporate the interchange into the LRTP and TIP upon conceptual approval of the POA. Rush Township will not be able to move forward with the interchange without this commitment.

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Terry Burbridge, People Protecting Communities (PPC), said that they have owned property on Gorton Road since 1982 and bought it to enjoy the many recreational opportunities in the area. They just moved here permanently from Pittsburgh and built a new home on their property. She said that they moved here to get away from the industrial development that surrounded them, not to have one in their backyard. She noted that they were unofficially told that the value for their new home came in about \$20,000 less than it should have because of the threat of a landfill in the area. Resource Recovery's plan to use local roads and/or a new interchange is unacceptable. This is not the place to put a landfill and industrial development. These rural, winding roads cannot handle large volumes of truck traffic, as witnessed on two occasions to what happens to Routes 53 and 144 when I-80 is closed. She said that her short commute to work turned into a hairy drive, with tractor trailer trucks backed up from Kylertown. Traffic had to be directed by the police at the Snow Shoe Exit. She said that it can take two hours to get down the mountain when I-80 closes due to accidents and bad weather. Adding over 800 more trash trucks to this situation is ludicrous. Resource Recovery's planned improvements to Gorton Road to accommodate an interchange are a slap in the face to a community that has demonstrated a united and widespread opposition to their project. This developer has no right to toy with the lives and private property of area residents for what they term an "economic development project." The interchange and proposed improvements to Gorton Road will wipe out many homes -- front yards at the very least and nearly 100 seasonal homes. It will also wipe out a healthy tourism economy in the region and hurt local business. The many people who visit the area most likely will not continue to patronize an area with a huge landfill for their outdoor activities. Ms. Burbridge said that we must also consider that the Elk Scenic Drive goes through Snow Shoe Township. One could easily place a sign at the intersection of Gorton Road and Routes 53/144, calling it the intersection of the Elk Scenic Drive and Landfill Lane. She said they would much rather see recreational traffic on Gorton Road going to camps and seasonal homes to enjoy themselves rather than to service an industrial park and landfill. The Resource Recovery landfill will desecrate properties values and communities for miles. It will also destroy 5,800 acres of forested land and wildlife habitat. This does not sound like an economic development project. The proposed landfill interchange and industrial park is an unwelcome infringement on property and resident's way of life. It seems the only people that welcome this project are Rush Township Supervisors and developers. Resource Recovery and their consultants have proven to be dishonest, ruthless businessman. Ms. Burbridge noted that Mr. Rettew works for Rush Township on both their Comprehensive Plan and Resource Recovery's landfill and she felt this was a conflict of interest. This project adversely affects surrounding communities in many ways and should not be able to proceed. She said that she would like Mr. Shannon to consider how he would feel if the tables were turned and Snow Shoe was forcing an unwelcome project on him.

Rosemary Walsh, PPC, said she was presenting two sets of petitions. The first set has 2,200 signatures against the landfill, incinerator and industrial park. The most recent signers are hundreds of Rush Township residents. The other set has over 2,500 signatures opposing state funding for this project, which at the time the signatures were gathered was thought to be just an \$8.5 million appropriation that magically appeared in the capital budget in June 2004, just months after Resource Recovery filed their paperwork for their limited liability company. These signatures have been faxed to the Governor's Office as well as area legislators since July, 2004. Ms. Walsh said that she has received two responses from the Governor's Office saying that this project is either eligible or deemed considered for at least two different funding programs -- the Transportation Assistance Program and the Redevelopment Assistance Capital Program. Even though Mr. Flossdorf, Vice-President of Resource Recovery, claims that they have not applied for or intend to use public money, some of this project is still being referred for funding and people would like to know who is doing this and why. She said that they hoped to receive a reply to their inquiry about this from the Governor's Office soon. As tax paying citizens of the Commonwealth, people have the right to know this information. The point with the funding issue is that there seems to be plenty of local projects already on the books for the MPO that would benefit from state assistance. Why consider a project that could consume state money that is, as Senator Corman recently stated in his letter to the Governor, against the will of the people and already has been found to

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be inconsistent with local land use and future County plans by the Planning Commission and Board of Commissioners.

Ms. JoAnn Gillette, Snow Shoe Township, had two points to address. The first is the comment by Mr. Rettew about 800 trucks traveling the local roads. She said she has been involved with this situation since last year and has been in communication with the Department of Environmental protection (DEP) on a regular basis with regards to this project. She made two trips to the DEP office in Williamsport to look over information contained in their files with regards to Resource Recovery. The I-80 interchange has been a critical part of their project from the beginning. In an internal email between DEP personnel dated April, 2004, they mentioned Resource Recovery's provision to provide a new exit off of I-80 to access the site. In a presentation to the DEP, Resource Recovery again stated that importance of site accessibility via a major highway, thereby "substantially reducing road safety risks locally and regionally and avoiding local traffic burdens and the public safety risks and nuisances that such traffic can cause." Ms. Gillette said that by their own confession, using local roads will pose traffic burdens, safety risks and nuisances. For Resource Recovery to now threaten the use of the local roads runs counter to their sales pitch to the DEP. A totally separate traffic study will have to be conducted with regards to the feasibility of using local roads. Traffic can be one of the more difficult harms to mitigate and the Harms/Benefit Analysis is required should this company submit an application for a landfill. Sixteen questions must be addressed in Section J of the Environmental Assessment form to assist the DEP, in conjunction with the State Department of Transportation, to make a determination about local road use. Ms. Gillette believed that for Mr. Rettew to say quite honestly that over 800 trucks per day will be traveling on local roads is presumptuous at best.

The second point is that as a seasonal homeowner in the Moshannon Forest subdivision, there is a good thing going on in this area with seasonal subdivisions and recreational opportunities. She said they purchased their property in 1999 and built a camp, not only to have a woodsy piece of property to relax at, but also to have a camp to pass down through the generations. To know that there could now be a landfill and incinerator a few miles down the road taints the pleasure of owning this forest property not only emotionally, but financially as well. Seasonal homes are not afforded the same value consideration as a residence when it comes to the Harms/Benefit Analysis. That means that a landfill applicant does not have to compensate a seasonal home owner for any loss in the value of their property. Common sense dictates that the value of these properties will decline. If someone is looking to buy a seasonal home for rest and relaxation, they are not going to choose a property near a landfill and an incinerator. The many seasonal properties can suffer a double defeat, including the loss of peacefulness of a wilderness retreat and the monetary value in the investment.

Ms. Gillette urged the MPO to agree with the Planning Department's consistency review that this interchange and landfill project is totally inconsistent with local land use and future plans and should not be included in the long range transportation plans for Centre County.

Ms. Kathi Lewis, Snow Shoe Borough, said that the small town of Snow Shoe would be impacted by the landfill regardless of how the dump would be accessed. Whether by I-80 or local roads, Snow Shoe Borough will have traffic, even if it is only traffic when the interstate is closed. They will have to deal with the odor of a landfill and the resulting pollution. She said that she drives I-80 daily to work in Philipsburg and the proposed interchange will not benefit anyone traveling through the area. There is nothing there to do or see at this time. Access from this road would benefit only Resource Recovery. Ms. Lewis had concerns about inconsistency in presentations that have been made by representatives for Resource Recovery. The first inconsistency was a statement by Resource Recovery that the project would not go forward unless approved by both Snow Shoe and Rush Townships. Since we are here tonight, that has obviously changed. The second inconsistency is that without the I-80 interchange, the project would not go forward. Resource Recovery is now looking at using local roads to access its site. The original proposal was for a landfill, bio-reactor and industrial park. The bio-reactor has now disappeared from the plans. Resource Recovery has stated that there is a need for additional landfill capacity in Pennsylvania. In fact, there is currently no need for additional capacity for Pennsylvania's

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trash The only additional capacity needed is for out of state trash One final inconsistency Ms. Lewis noticed was the increase in the number of trucks claimed by Resource Recovery At the Centre County Planning Commission meeting in August, the landfill was expected to have 200 trucks per day By the time of the MPO Technical Committee meeting, that number had grown to 856 trucks per day This plan seems to be very fluid and appears to change to meet the needs of Resource Recovery Is this the type of company we want to operate a landfill in this area?

Ms Lewis's final concern is Resource Recovery's optimistic projection of economic development tied to this landfill She did not believe that FHWA would want to set precedent by approving an interchange just for the landfill She believed that Resource Recovery was promoting the industrial park as an economic development carrot to improve their chances of getting interchange approval There is no guarantee that the economic development will ever come to fruition Building an industrial site in the midst of state forest lands does not seem to be prudent planning In a July 5, 2005 letter to DEP, the consultant for Resource Recovery states that at some future point, it is the hope and the desire of the host municipality that the infrastructure built to support this large 30-year project will attract industries that will benefit from co-location with this project Ms Lewis said that this sounded much like the movie Field of Dreams. If you build it, they will come She asked who among us would be around 20-30 years down the road to follow through on this prediction She asked that the MPO please not base their decision on the current threat of using local roads or the hope that an industrial park would materialize She asked that that the MPO support the Planning Department's consistency review that this interchange and landfill is inconsistent with local land use and future plans and therefore should not be included in the LRTP for Centre County.

Mr. Darryl Farber, State College, said that he hikes and cross country skis at Black Moshannon. He has driven the local roads by the proposed project. He said that the American Society of Civil Engineering Code of Ethics states "Engineers should hold paramount the safety, health and welfare of the public." He said that Resource Recovery is now suggesting use of local roads when it clearly states in the host municipality agreement that "Resource is aware of the adverse impact that the high volumes of truck traffic will have on local roads and communities." This raises ethical questions Professional engineers are duty bound to uphold the Code of Ethics as a matter of principle and also as a matter of Pennsylvania law. It is a requirement for professional licensing. Both the interchange and the use of local roads are inconsistent with the Transportation Plan. Since final FHWA approval for the interchange says that it must be consistent with the Plan, there is no need for a POA. Mr. Farber asked the MPO to send a clear message to PennDOT and FHWA that the interchange and the use of the local roads are inconsistent with the Transportation Plan and that early termination of the POA request best serves the public interest

Ms Susan Campos, Ferguson Township, said that a month ago she was driving for several hours on I-80 She said that she was frightened by the extremely heavy truck traffic surrounding her She counted 12 trucks and only one car ahead of her. Ms. Campos was horrified at the idea that the proposed interchange will substantially increase truck traffic on I-80 She asked how it could possibly be consistent with the Transportation Plan.

Mr. Ron Johnson, Sierra Club member and Centre County resident, said that the Sierra Club's mission on this issue is clear As a community, we should do everything we can to encourage responsible waste management by reduce, reuse and recycling and disposing the remainder as close to the point of generation as possible In addition, the very idea of allowing a remote area surrounded by woodlands and a state park to literally be trashed upon by dumping garbage from hundreds of miles away demonstrates a blatant disrespect for the values of national undeveloped land and people who live there because of it. In contrast to the pictures shown previously by Resource Recovery, most have probably seen the DVD that gives a totally different presentation of this area That is why the Sierra Club joins with PPC and others in the community in opposition to this project.

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On a personal note, Mr. Johnson said that the only supporters of this project are either outsiders or those lured by "sucker money." There is no question that the vast majority of Centre County agrees that this landfill is totally inconsistent with what they want for their air, water and surrounding land. This has already been established and is very obvious from the number of people here tonight. He noted that there are not too many people here from Rush Township in support of the project. Resource Recovery is manipulative. Previously, Mr. Rettew had indicated that if the I-80 interchange is denied, the only clear option is to go through local roads. He said that a response to Mr. Rettew can be made tonight without wasting any more of our time or money on this issue. He urged the MPO to tell Mr. Rettew that since it has already been established that the landfill is inconsistent, the only clear option for this group is to forget the landfill.

Mr. Chester DeFurio, President of the Moshannon Forest Property Owner Association, said that collectively this group owns approximately 1,500 acres comprised of 50 seasonal property owners. The land starts just over the metal bridge, to the left of Gorton Road. Moshannon Creek joins 2/3 of the land that is owned. The Association is against the proposed landfill and has been since its conception. This will have a tremendous detrimental impact to the environment to the entire area. Mr. DeFurio said he was here to express the concern of the Association related to the discussion of the proposed transportation plans related to the landfill. They are concerned with the inconsistent data that Resource Recovery is using to support the argument in relationship to the interchange and use of local roads. The Association is especially concerned about the discussion and proposal to widen local roads to accommodate anticipated truck traffic. The impact would be disastrous. The Moshannon Forest Property Owner Association wants to go on record that they do not support the proposed I-80 interchange or the developing of local roads to accommodate a landfill. The only way to prevent the destruction of our communities is to stop this project in its entirety.

Mr. Steve Lachman, attorney pro bono for PPC, observed that all these people who are concerned about traffic on local roads are not saying give us I-80 as an alternative, they are saying no trash dump. He said it was ironic that the company that proposed to dump literally millions of tons of garbage in Centre County calls itself Resource Recovery. Since the MPO is considering the POA review out of fear of moving trucks on local roads, he used a "decision tree" to show the likelihood of getting to that point. If the MPO does what it should and says that the plan is inconsistent. The odds are that we have no dump because Resource Recovery has I-80 as an integral part of their plan. It is cheaper and easier to bring in the trucks. If there is no interchange, it is unlikely that the dump will go through. The result of that is that there is no further expense for government review, no further legal battles, no further expense as citizens, Resource Recovery does not have to waste anymore money in Centre County, we do not get stuck with cancer and polluted water and we do not have to worry about taxpayers giving Resource Recovery welfare for their project. If Resource Recovery still wants to go forward, their plans depend on truck traffic on local roads so they will have to get a Highway Occupancy Permit. Again, the MPO and citizens have an opportunity to comment on that, so there is a good chance that the occupancy permits never gets granted. Again, Resource Recovery out of the picture. On the slight chance that they get their Occupancy Permit, Resource Recovery still has to go through a Harms/Benefit Analysis in front of DEP. The MPO can again argue about the harm of using local roads, air pollution caused by the project, the waste of fuel from trucking all that garbage from New York and New Jersey and about the additional road fatalities. Again, if DEP makes the right decision, Resource Recovery is out of here. Last, even if DEP grants the permit, Resource Recovery still has to do something to those roads to make them suitable for trucks. Mr. Lachman said that Resource Recovery does not have eminent domain power in Snow Shoe Township. They are out of here. All of this depends on the MPO making the right decision tonight.

Harry Pionke, State College, discussed the economic realities of landfill business and where it leads. From talking to Waste Management and several other people, he found that landfill capacity is substantially overbuilt. This has created a buyer's market for people who use landfill services, and they are pushing for more price competition. One of the things that they have done is pressured the more remote landfills, of which this will be, to start discounting their tipping fees to cover the extra

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transportation costs required to use them. That is going up because the price of fuel is going up. In addition, the remote landfills are generally operating at fractions of their capacity. He said that Somerset is running at about 1/3 capacity and Tallytown is running at full capacity. Tallytown is located in Philadelphia. This information was provided by the manager of Waste Management. Mr. Pionke said this leads to key questions. How much will this affect Rush Township's income expectations? It could be devastating. How will it affect the industrial park? The industrial park is likely to be made up of Resource Recovery owned or heavily subsidized companies. They are going to have to put a lot of money into that to make it go and he asked if the landfill would provide those funds. He asked how they could afford an interchange costing \$10-\$50 million. This is not a gold mine anymore. Mr. Pionke said that what has been gotten from Resource Recovery are all the reasons, but there is no business plan or a documented proposal. What we have is a sales pitch. He said that it is poorly done and it is filled with smoke and mirrors. A feasibility study is needed, but not by the FIIWA. A feasibility study is needed by Rush Township and Resource Recovery and it needs to be directed toward their own sales pitch.

Ms. Judith Johnsrud, State College, said she represented the Sierra Club and was Chair of its National Committee on Radiation. She said that it may seem distant from this issue, but in fact it is not. She said that she was also on Pennsylvania's Advisory Committee on Low Level Radioactive Waste Disposal. She said that citizens have not talked much about the content of the 800 trucks coming into the community on a daily basis. Citizens need to understand that the state of Pennsylvania permits radioactive waste to be disposed of in municipal landfills like the one that Resource Recovery is proposing. Similarly, at the national level, the Nuclear Regulatory Commission and DPA are in the process of deregulating far more of the radioactive waste that otherwise would go into a properly designed low level waste facility. In fact, DPA and the NRC just recently adopted regulations to allow radioactive materials to travel with no identification whatsoever. Therefore, Ms. Johnsrud believed this was an issue, given the likelihood that I-80 and the new I-99 will potentially bring far more materials into our community. All of this together is antithetical to the purposes of the MPO. Ms. Johnsrud referred to the shift going on currently to our future energy supplies – oil, gas and diesel fuel – that would affect the cost of transportation and the impact of a landfill. She added that the American people are suddenly waking up to the fact that we are all producing more trash than we should. She hoped that the MPO would take advantage of the opportunity to halt the approvals of this proposed landfill and will do so tonight.

Ms. Kathy Dauler, State College Borough, said that she opposed the proposed I-80 interchange. She said that in the past 23 years of living in Pennsylvania she has visited her mother many times, who lives in New Jersey. She said that she has never been proud of the policies that New Jersey has about trash and recycling. However, she is proud of the much better policy in Pennsylvania. She said that she is often behind a garbage truck as she drives along I-80 on its way from New Jersey or New York going somewhere in Pennsylvania. It is easy to tell when you are behind a garbage truck because of the smell and it's easy to figure out how many of them there are. She said that she does not want anymore of them. Ms. Dauler said that it was important to think about how Centre County has worked really hard on recycling and disposing of trash in a better way than New Jersey and New York. This is a really beautiful piece of land that is going to be spoiled by other people's trash, including her mother's. She said that she often tells her mother that the can she does not want to wash out because it's too much trouble is probably going to end up somewhere in Pennsylvania. She and her mother have had many disagreements about this. Pennsylvania does not need more trash coming from New Jersey or New York.

Mr. John Mandel, Rush Township, stated he was at the meeting to let people know that all of Rush Township is not in favor of this landfill, let alone the interchange. He said he attended the first meeting at Rush Township Building when the landfill was proposed. He suggested that there be a referendum put on the ballot for the people. He said this was too big of a decision for two Township Supervisors and the Secretary. This decision was made not in an evening meeting, but a morning meeting on the Friday before Memorial Day. He stated that is very upsetting. Mr. Mandel felt there was a better use

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for the land in Centre County than a dump. He attended the last meeting in Rush Township and Mr Couturiaux said that there are thousands of people that support this project. Mr. Mandel said that they had to be from Resource Recovery. He said that his family walked around their neighborhood, which is the same neighborhood as Mr Shannon's, and 90 percent of the residents there oppose the project. He said he was turned down by one man who is a garbage truck driver, but he said that his wife would sign the petition. If this issue had been put on a ballot, citizens would not be here tonight because it would have been over. Mr. Mandel said he was opposed to the interchange and opposed to the landfill.

Mr Dan Mottin, Moshannon, said that he and his wife just built a house on Gorton Road and moved in last March. They found out about the landfill while their house was being built. He said he agreed that the Rush Township Supervisors had too much power, but they made the choice that they felt best for their township. He said that he graduated from Philipsburg-Osceola School District and his friends were all anxious to graduate and get out of Pennsylvania. But he wanted to stay here. Mr Mottin said that he loves it here and often goes hunting and fishing. He did not want that to end or move somewhere else. He did not want to tell his friends how to get to his house by saying that it was beside the biggest landfill east of the Mississippi. As citizens of Pennsylvania, we have to do everything we can possibly do to support and protect our state.

Ms. Michelle Barbin, PPC, said that at the Technical Committee meeting in September the interchange was unanimously confirmed as being inconsistent with the MPO's Long Range Transportation Plan. The decision then became a little contentious: Should the POA request proceed or not? She felt that it should not. It is a waste of tax payer's money and the civil servants' time. No one has the right to sacrifice a sustainable outdoor recreation economy at the expense of this proposed project. Outdoor recreation generates \$18 billion a year in Pennsylvania alone. Wildlife based recreation accounts for \$2 billion annually. Combined with hunting and fishing, the total economic impact of wildlife based recreation in Pennsylvania is nearly \$6 billion annually. Snow Shoe, Cooper, and Burnside Townships and the regional economy in the northern forest are part of this growing, sustainable economy that depends on high quality environmental and ecological assets, including wildlife habitat. These assets are evidenced by the growth in the rural seasonal properties, the development of the Snow Shoe Rail Trail and the continued patronage of anglers, hunters, trappers, hikers and bird watchers. Ms. Barbin said that bird watchers have the rare opportunity to view interior forest species. Interior forest habitat is constantly threatened by sprawl and forest fragmentation has profound effects on interior forest wildlife. Additionally, this area is part of the Pennsylvania wilds, one of the last areas left on the east coast of the United States. She said that this area is to Pennsylvania as the Adirondacks are to New York. The quality of wildness is comparable. Siting an interchange for a proposed landfill or industrial development that will detract from and degrade this established outdoor recreation economy, one that depends on the assets of wildness, remoteness, peace and serenity, is nothing more than robbing Peter to pay Paul. Undeveloped areas are just as salient to some economies as developed ones are to others. None have been requested until now because none have been wanted or needed. The inconsistency of the interchange and the Long Range Transportation Plan is not through neglect of our planners, but through the foresight and common sense of all citizens.

Mr Harry Berlin, State College, said he has been following this controversy through newspapers and TV. He said he did not feel there was a landfill deficiency in Centre County. He said he was not as knowledgeable as other citizens have been, but if you have a choice between a landfill or a resort that somebody might propose, it is an easy choice.

Pastor Douglas Mottin said he lives on Gorton Road and his children and grandchildren play in a yard there. The nation has been through Hurricanes Katrina and Rita recently and he said that this proposed landfill is a like catastrophe to the community. The only difference is that the hurricanes were an act of nature and the landfill would be an act of committees such as the MPO and others who approve this terrible tragedy. Pastor Mottin stated that he loves the community that he lives in. He said he opposed this landfill with all his spirit and all his heart.

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Ms. Pam Steckler, State College, said that she was impressed with what citizens have said so far. She referred to Mr. Rettew saying that access was key to the development of this park and landfill and that it would only be worth pursuing if approved by the MPO and incorporated into the Long Range Transportation Plan. She requested that the MPO not approve the interchange so that we do not ever have this dump to worry about.

Mr. Bill Hechinger, State College, thought that part of the consistency review should require that the company proposing this be consistent. The company that we are dealing with has shown that they are not consistent. In the future the landfill may have an incinerator and it may also contain low level nuclear waste materials. This waste will inevitably end up in the incinerator and low level nuclear waste has isotopes that release every bit of their energy when they get in people's lungs. Mr. Hechinger said that he has been in the Sprout State Forest with a person who used to work with the Fish and Wildlife Commission. He said that in the spring, there are hundreds of migratory song birds that could be in danger. This is one of the birds' highways going northward. In addition, since the incinerator will affect everybody in Centre County, the voice of every township and borough should be equal to those two Commissioners in Rush Township.

Mr. Wes Glebe, State College, attended a democracy school at Wilson College two weeks ago and said that it was a real eye-opener for him. It gave a historical overview of the Constitution and how the corporate entities in this country have gained such a powerful foothold. There were people who came in from other townships and municipalities that had faced issues similar to this one. He said that once an issue gets into committees, regulations and planning, that is when people find out that they do not have much power. He said that now is the time to put a shoulder behind this and make every effort to stop it.

Ms. Lori Lange said that she has roots in the Centre Region. After graduating from Penn State she moved to Maryland, where she lived four miles from a landfill. She now has three sons and looked for a home in this area over the Memorial Day Weekend. They closed on their house on July 22 and no one had informed them that there would be a landfill again four miles from their home. She said that in Maryland her children could not play outside for fear of traffic and drive-by shootings. Ms. Lange said that her son developed a bronchitis condition every summer and would be on an inhaler. Since moving here, he has not had to use the inhaler once. She said that when they drove by the landfill in Maryland there was always a smell of chemicals in the air. Ms. Lange noted that her husband was from New York and she told him that he is the only New York trash allowed in this county. She felt she represented the mothers in the community of Moshannon that want their children to be able to run freely and bike ride. If Gorton Road were to be made into a highway, they would not be able to do that. She does not want her new home to be ruined.

Mr. Ed Walsh said that all the people gathered here tonight are all brothers and sisters of Mother Earth. The vast majority of us see her as emerging in the mountaintop area and there are all kinds of hopeful signs about what is going to take place in the future if we keep our heads about us. A few of our siblings claim to have given up on the earth's chances for a healthy recovery. Resource Recovery told us last year that nothing else would work up there except a dump, which really made the people love them. They want us to see things their way and they want us to sell our mother for experimental purposes while they still have time to profit. These are still our siblings. These siblings claim to have strong connections among other wealthy and political siblings, who own such businesses as local construction companies here in Centre County. They prefer to operate in the shadows and they look like they are taking in hundreds of millions if the rest of us abandon our beloved mother. We're not going to do that. We remind those few who are tempted to disagree and sell us out that we live in a representative democracy where the will of the people is, by law, more important than the wealth and power of a select few individuals. While we support their right to disagree with us in honest debate of mother earth's treatment, we become deeply saddened when we come across evidence that they are sneaking around in the shadows making deals that are obviously unfair to the earth and to the rest of us, while supposedly profiting only yourselves. Mr. Walsh said "supposedly" because the law of

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unintended consequences in human behavior is as absolute as gravity or any other physical law. None of us are intelligent enough to foresee all the consequences of our decisions. The trail of our mother may come back immediately to haunt us in the form of a fatal accident by a defective garbage truck on I-80, snuffing out the life of a beloved child, or it may inflict harm gradually by contaminating our ground water and our air for generations. Another law which ancient myths teach is that matricide, the killing of one's mother, never goes unpunished. Mr. Walsh said that we intend to do all that we can, using open and democratic strategies, to prevent such a crime. We ask the few brothers and sister who disagree with us to play by the rules of representative democracy. We will be especially grateful to, and as protective as possible towards, whistle blowers with the courage to speak out when they come across grossly unfair or bullying tactics used against the rest of us and our mother for a few of our more venal siblings in this struggle.

Mr. Klees made a motion that the Centre County MPO find the proposed new interchange on I-80 in Rush Township not consistent with Mobility Action Plan 2015, the CCMPO's current adopted long range transportation plan. Mr. Spychalski seconded.

Mr. Yecina, representing the Mountaintop area, thanked all the citizens for coming out and speaking their minds and he said he was very proud of all of them. He recommended that this interchange be found inconsistent and not forwarded it to FHWA. Mr. Exarchos said that Mr. Klees only made a motion to find the interchange inconsistent with the Long Range Transportation Plan.

Mr. Exarchos noted that there were two landfills being proposed in this general area. He was concerned that the second one is still proceeding and probably has even less thought going into it. No one has even discussed where all those trucks are going. He wanted to make it clear that two landfills were proceeding almost in parallel. He thought that a lot of the comments here tonight would apply to both.

Mr. Shannon said that we are charged in this Committee with making transportation policy. He said that we have gotten a bit astray of that. He said that another developer has a proposal right across the creek in Clearfield County. He noted that Rush's agreement with Resource Recovery attempts to maintain some type of control and protection, mostly with the agreement of an interchange. He said that any concerns they have with Snow Shoe Township can be mitigated and they are in the process of meeting with Snow Shoe Township now. He said that the impact of the interchange is much less on Centre County traffic than the proposal in Clearfield County. Every truck that comes to the landfill in Rush Township would still be coming if the proposal goes through in Boggs Township in Clearfield County. Mr. Shannon said that there would also be an influx from the south that will travel the entire breadth of Centre County with no controls and no agreements.

Mr. Klees said he did not want anyone to read anything between the lines of his motion. He said that he thought about this a lot and the motion is strictly as the words stated in the agenda document. It is not consistent with the adopted Long Range Plan, although that does not mean that at some future time it couldn't be made to be consistent. He felt very strongly that if there is plan or policy in place, it should be used as the guideline. Mr. Klees said he would not wish truck traffic on the local roads in that area. He cautioned people to be careful in the sense that people might think they got what they asked for if the MPO votes not to support this interchange, but we have no control over how this will turn out. Having the landfill go in without the interchange would be a serious problem for everyone.

Mr. Pytel said he was very upset when he read the staff recommendation, and was concerned that the long range planners were responding to a threat in developing the recommendation. He did not think PennDOT would allow the truck traffic on the local roads. Those roads would have to be updated and therefore be on the TIP.

Mr. Ring said the motion before the Committee is whether the landfill and the roads are consistent with the Long Range Plan. A vote was called and the above motion passed unanimously.

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Mr. Shannon made a motion that the POA be forwarded to FHWA for further evaluation. Mr. Sychalski seconded.

Mr. Elnitski asked PennDOT if the trucks would be allowed to travel the local roads if Resource Recovery improved them. Mr. Kline said that PennDOT would ask for a traffic impact study. If it was feasible to improve the roads, it was possible.

Mr. Exarchos said that one other thing that must be thought about is if at some point it goes to court. Once the courts step in, he thought there would be different outcomes than what people wanted. He said there was the possibility of the landfill using local roads. He said he was likely to support the motion.

Ms. Goreham asked if Gorton Road was a township road and who had authority over its use. Mr. Yecina said that Gorton Road is a township road, with a weight limit of 10 tons posted.

Ms. Goreham referred to a policy called Procedural Guidelines for Highway Feasibility Studies dated September 1998. There was a section on management studies that referred to early termination of a study based on evidence established on preliminary comparisons of user benefits and costs, information on the lack of financial feasibility, or a demonstration based on public involvement that a facility is generally unwanted or unneeded. Ms. Goreham asked if this policy was still valid. Mr. Smoker, FHWA, said he had internal discussions with the Pennsylvania Division FHWA Office and found that the clause was developed under a program referred to as the National Corridor Planning and Development Program and also to coordinate border infrastructure. The policies are set forth for funding that is received under the corridors and borders program. The guidelines mentioned earlier as part of the consistency review is actual federal aid policy signed by the Federal Highway Administrator and those are the policies that we need to follow for adding additional highway capacity to an interstate system.

Ms. Goreham asked what would happen if the MPO does not forward the POA. Mr. Smoker said that FHWA has asked the MPO for a consistency review, not for whether it should review the document in the end or not. FHWA recognizes the high level that staff has put forth to date and the level of review and evaluation. The actions of this Committee and Centre County Planning Commission will be heavily reviewed if and when a POA is delivered to the FHWA office. Ms. Goreham asked if the POA review was independent of the MPO. Mr. Smoker said that was correct.

Mr. Exarchos understood the motion as being to send forward the idea and tell FHWA that we found this to be inconsistent. Mr. Ring said that the motion was to submit the POA to FHWA for further evaluation.

Mr. Elnitski asked if someone else could submit the POA and FHWA would review it whether the MPO asked for it or not. Mr. Smoker said that under the federal aid policy there are eight points that need to be addressed in a POA. One of those is local and regional transportation and land use consistency. The MPO has been asked by FHWA through PennDOT and Rush Township for its review and approval, or recommendation, if the Long Range Plan is consistent with this proposal.

Mr. Elnitski said the second recommendation is to request a study. He thought the motion was useless because it was already being performed. He asked what the motion was asking for that FHWA is not already doing. Mr. Shannon said he was asking that the POA be forwarded to FHWA. Mr. Elnitski asked if this would be done anyway, without the MPO's action. Mr. Smoker said he could not comment on if or when PennDOT would submit a document for FHWA review. Mr. Elnitski asked if someone other than the MPO could submit it to FHWA. Mr. Smoker said that the MPO would not submit the POA for review. That would come from Rush Township to PennDOT, then from PennDOT to FHWA if they feel that the POA meets procedures.

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Mr. Lee understood that it was PennDOT's discretion to advance the POA to FHWA. What the MPO would be doing is either encouraging or not encouraging PennDOT to send it to FHWA. Mr. Exarchos thought that both statements should be on record. Ms. Goreham said it somehow feels like an endorsement if the MPO pushed it on to the next stage.

Mr. Elnitski asked Senator Corman's representative if Governor Rendell is supporting this project. Mr. Eckerd said he could not answer that. Mr. Elnitski said that he was afraid that if the landfill went forward in Clearfield County, they do not have the type of government that Centre County does to control the situation. That is why he was in favor of advancing the study.

Mr. Pytel said that the proposal does not meet the Long Range Transportation Plan because it does not include the project and the interchange is not consistent with the Centre County Comprehensive Plan. He asked why there is a long range planner if those plans are not being followed. If we have a plan, but it's a "maybe," then maybe we need new planners.

Mr. Shannon said there is a Long Range Transportation Plan that is in the process of being updated. This project has been requested by one of the municipalities. At some time, the MPO is going to have to deal with it.

Mr. Pytel said he did not think the MPO had any right to address something on "maybes," "canbes" and "should bes." The MPO has the right to make the motions that they did and anything else would be jeopardizing the Committee.

Ms. Goreham encouraged the MPO members to vote on the motion and not consider what could happen in Clearfield County.

A vote was taken about whether to go to a vote on the above motion or continue discussion. The vote was to continue discussion.

Mr. Szychalski asked CRPA staff for further explanation for why they recommended submitting the POA for further evaluation. Mr. Zilla said he did not have the confidence in the Highway Occupancy Permit process to stand before the MPO and tell them that access on local roads would not happen. He said it was his responsibility, regardless of threats or anything else, to give the MPO alternatives that may occur so that the MPO could make decisions. He had concerns and needed to voice those to the MPO. If this goes through the Highway Occupancy Permit process, he was not confident that we would be able to make the mitigations necessary.

Mr. Elnitski said that if the POA is not moved ahead for the study, access on the local roads could happen anyway and the MPO would lose the power to mitigate. Mr. Zilla said that the possibility certainly exists. It will be harder through the Occupancy Permit process, particularly if those improvements are privately funded.

Mr. Lee clarified that Mr. Zilla was saying that the landfill might happen and if the POA is not studied, then the local roads might be used through the Highway Occupancy Permit process, which has less controls. Mr. Zilla said this was correct. Mr. Lee asked how the POA study would help that situation. Mr. Zilla answered said that the POA and NEPA process would provide the MPO more opportunities to provide comments. It also compares the benefits and impacts of the interchange and access from the local road system. Mr. Lee asked who did this study. Mr. Zilla said that PennDOT would submit the POA to the Bureau of Highway Administration and a NEPA document would be done through PennDOT by the developer.

Mr. Klees referred to the steps on the slide presentation. He said that his understanding was that once it gets to the NEPA process and it meets the requirements, it gets harder for the MPO to turn it around and stop it. He said his reading of that chart tells him that he should not recommend the second motion.

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because his fear is that it will get further down the road it will be harder to stop Mr Exarchos noted that it would have to be put on the TIP as well.

Mr. Exarchos said that the landfill itself was a land use problem Zoning is the primary standing for a piece of property and his concern was that in the end, there are circumstances where the interchange will not affect whether the landfill goes in or not He said he would rather watch what happens with the land use consideration and keep the options open for an interchange. There are still opportunities through the TIP to stop the interchange. He was concerned about the worst case scenario of a landfill going in without an interchange for access

Mr Pytel said there is a question of whether or not this meets the Long Range Transportation Plan. If the answer is no, then the MPO should not request a future study to see if it can Mr Ring noted that this motion was on the table right now. Mr. Pytel said that in 1995 a woman was killed by a truck on Centre Hall Mountain. PennDOT came to the MPO and asked the MPO if that road could be closed down to truck traffic. The MPO voted for that and the road was shut down to truck traffic. That is some of the power the MPO has with PennDOT The problem is whether to open Pandora's box by further studying the POA

The motion on the floor is that the POA should be submitted to FHWA for further evaluation, made by Mr Shannon and seconded by Mr Spychalski The MPO voted on the motion The motion failed due to a tied vote of 7 for and 7 against, with two abstaining

FOR

B Corman
J Elnitski
C Exarchos
J Shannon
J Spychalski
J Yecina
D Ring

AGAINST

R Buckalew
E Goreham
D Klees
C Lee
G Pytel
F Royer
B Spencer

ABSTAIN

K Kline
T TenEyck

7. Transportation Enhancements/Home Town Streets/Safe Routes to School Programs

Ms Meek said that this item needs action tonight so that applicants for these programs have an idea of the guidelines and evaluation criteria are for the programs. Ms Meek said this is very similar to the process used in the past three rounds.

There is currently an open round of funding for Transportation Enhancements/Home Town Streets/Safe Routes to School (TE/HTS/SR2S) and the application deadline is Friday, September 30 at 3:00 p.m. All applications must be submitted electronically

The MPO needs to consider an evaluation process, schedule and criteria. The proposed process would include the formation of a TE/HTS/SR2S Review Committee to evaluate the applications Members will include representatives from the Technical Committee, Centre County Planning Office, PennDOT District 2-0 and PennDOT Central Office Individuals from municipalities or agencies who are submitting an application can not serve on the Review Committee Ms Meek reviewed the staff recommendation for the Committee, noting that one more Technical Committee representative is needed

Ms. Meek said that a joint meeting of the MPO Technical and Coordinating Committees will need to be scheduled. This provides applicants an opportunity to give a ten minute presentation on their projects. After that meeting, the Project Review Committee will rank the projects and make a recommendation on project funding to the MPO

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Reviewing the evaluation criteria, Ms. Meek said that there were some criteria that are established by the state and the MPO is required to use these as part of the selection process. These include Project Description, Financial Information, Matching Funds and Project Readiness, Project Manager, Hazardous Route Issues (SR2S), and Attendance at a Workshop.

Ms. Meek noted that additional local criteria is encouraged and during the last round one of those was whether or not a project met program objectives and was worth up to 25 points. In response to MPO comments, staff also recommended that a criterion be added for whether a sponsor had received funds in a previous round. If a sponsor has never received program funds, they would receive five additional points. If a sponsor received funds between 1994 and 2000, they would receive three points and if they received funds between 2001 and 2005, they would not receive any points. The Technical Committee is recommended the staff proposal to the Coordinating Committee.

Ms. Meek reviewed the schedule for the TE/HTS/SR2S evaluation. In October, the MPO will receive applications from PennDOT, with comments. A joint MPO meeting will be held in November or December and in January, 2006 the MPO will forward their priorities to PennDOT. The State Transportation Commission approves projects in April and in June the TIP would be amended to include the approved projects.

Reviewing the funding allocations, Ms. Meek said that the MPO has been good at conserving the money for these programs and using it to fund cost increases and future projects. There was almost \$700,000 dollars in the TIP line items for this type of project. With the approval of the Philipsburg cost increase, \$632,861 remains for the current round. She said that there will be a new allocation as well, but that figure is not yet known.

Mr. Spychalski made a motion to approve the process and schedule for evaluating and making recommendations about funding for candidate TE/HTS/SR2S projects. Mr. Exarchos seconded and the motion passed unanimously.

8. Centre County Long Range Transportation Plan (LRTP)

This item was postponed to a special meeting on October 25, 2005.

9. Announcements

Announcements were included in the agenda.

10. Adjourn

The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Lori Shingler
Recording Secretary

Exhibit 3



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Pennsylvania Field Office
315 South Allen Street, Suite 322
State College, Pennsylvania 16801-4850

November 5, 2005



FyI. Jim M... WM

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

Dear Ms. Dingle:

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

Threatened and Endangered Species

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

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

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

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

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

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

Other Fish and Wildlife Resources

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

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

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

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

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

Summary

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

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

Sincerely,



David Densmore
Supervisor

Enclosures

cc:

Corps - Pluto
PFBC - Spotts, Urban
EPA - Walsh
PGC - Kost
DEP - Means

ARM Group, Inc
(Att: Ned Whaler, Bill Tafudo, Amy Gulden)
1129 West Governor Road
Hershey, PA 17033-0797

Rettew
Timothy Falkenstein
3020 Columbia Avenue
Lancaster, PA 17603

Readers file
Project File - Kagel, Dombroskie
ES: PAFO:JKagel/jak:tp:11/9/05
Filename: 2005-0389 landfill

Enclosures include:

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

Exhibit 4

County of Centre



PLANNING OFFICE

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

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DIRECTOR
ROBERT B JACOBS
ASSISTANT DIRECTOR
CHRISTOPHER M PRICE

TO: Centre County Planning Commission

FROM: Robert B Jacobs, AICP, Planning Director

SUBJECT: Consistency Review with Local, Regional, and County Land Use and Transportation Plans for the Rush Township Point of Access Study

DATE: July 19, 2005

Background and Status

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

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

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

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

Policy – It is in the national interest to maintain the Interstate System to provide the highest level of service in terms of safety and mobility. Adequate control of access is critical to providing such service. Therefore, new or revised access points to the existing Interstate System should meet the following requirements

5 The proposal considers and is consistent with local and regional land use and transportation plans. Prior to final approval, all requests for new or revised access must be consistent with the metropolitan and/ or statewide transportation plan, as appropriate, the applicable provisions of 23 CFR part 450 and the transportation conformity requirements of 40 CFR parts 51 and 93.

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

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

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

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

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

Local, Regional, and County Planning

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

Rush Township

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

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

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

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

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

Snow Shoe Township

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

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

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

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

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

Regional Planning

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

County Planning

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

Pennsylvania Municipalities Planning Code, Act 247 Guidance

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

One of the key elements of this consistency review involves the responsibilities of adjacent municipalities and the County regarding land use planning near municipal boundaries. Section 301 (a)(5) notes that municipal and county comprehensive plans shall include

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

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

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

Further, Section 301.4 notes that:

“municipal comprehensive plans which are adopted shall be generally consistent with the adopted county comprehensive plan”

Finally, Section 306(1) notes that

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

Centre County Consistency and Compatibility Analysis

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

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

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

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

Developments of Regional Significance

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

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

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

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

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

Consistency with the Centre County Comprehensive Plan

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

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

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

In addition, the Groundwater Section recommends the encouragement of

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

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

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

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

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

"policies to identify and implement alternative fuels as a viable energy alternative"

(although the plan does encourage such planning to occur on a regional basis)

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

“access to high-quality comprehensive transportation networks is one component to business location decisions”

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

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

Growth Management

Forest Objectives:

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

Forest Recommendations.

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

- Encourage through incentives the protection, preservation, and management of forest resources for their economic and environmental benefits
- Support protection and wise land use management of mountain ridges to protect sensitive features, i.e., groundwater recharge areas, wildlife habitats, and scenic vistas

Sewer Service/ Systems Objectives

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

Sewer Service/ Systems Recommendation

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

Transportation Goal

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

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

Environmental Protection

Natural Resources Goal:

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

Forest Objectives:

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

Flood Plains and Wetlands Recommendations:

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

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

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

Community and Economic Development

Energy and Communications Recommendations:

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

Surface Water Objectives.

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

Surface Water Recommendations:

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

Economic Development Recommendations:

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

- Land use regulations should recognize the relationships between tourism activities and retail opportunities and promote such opportunities (e.g. bed and breakfasts, historic preservation districts, etc.) consistent with sound planning practices
- The County's recreational amenities should be inventoried with related retail opportunities identified.
- Linkages between recreational opportunities (e.g. trail interconnections, greenways) should be identified and promoted.

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

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

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

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

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

RECOMMENDATIONS

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

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

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

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

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

- **Rush Township** – prepare and adopt a Comprehensive Plan (consistent with the County Comprehensive Plan) that plans for appropriate infrastructure to serve the intended use and provides adequate transitional devices, as required by the MPC, to protect the residents of Snow Shoe Township
- **Rush Township** – prepare and adopt local land use controls (e.g. zoning ordinance) to implement the adopted Comprehensive Plan.
- **Rush Township** – advance the proposed interchange as a locally sponsored and privately funded project through the MPO's Long Range Transportation Plan process. This process ensures that both the Technical Advisory Committee and the Coordinating Committee can review all potential area-wide impacts (including impacts to the existing interstate system) and make an appropriate determination that identifies and mitigates potential impacts
- **Resource Recovery** – execute a host municipality agreement with Snow Shoe Township and/or Centre County identifying potential impacts and detailing a plan to mitigate those impacts. This host agreement will also be recorded with any subsequent subdivision and/or land development plans.

The preparation of these comprehensive and coordinated land use controls and agreements involving both Rush Township and Resource Recovery with input from Snow Shoe Township and Centre County (as required by the MPC) appear necessary to provide the protections that an individual municipality alone cannot. For example, Rush Township has previously attempted to identify and mitigate some of the potential impacts associated with this development proposal; including the development of an interstate access interchange to minimize traffic impacts on Snow Shoe Township.

In fact, one of the conditions identified in the host agreement between Rush Township and Resource Recovery is the construction of an access interchange from Interstate-80. Further, the initial Point of Access Study submitted by Rush Township to PennDOT bolstered Rush Township's assertion that significant negative traffic impacts could be experienced by neighboring Snow Shoe Township if the local road system were to be utilized. The POA study clearly demonstrates an understanding by both Rush Township and Resource Recovery that the local road network is incapable of handling the anticipated traffic and was not planned, intended, or designed to accommodate the anticipated traffic or the required improvements (e.g. condemnations).

Recently however, Rush Township and Resource Recovery have expressed an interest in amending the host agreement to allow for the use of the local road network to serve the proposed development, to the detriment of Snow Shoe Township. In addition, they have requested PennDOT to evaluate a potential Highway Occupancy Permit (HOP) for access to the proposed landfill from the existing State Route system in Snow Shoe Township. This is counter to the current agreements in place and cause for concern in regards to Snow Shoe Township.

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

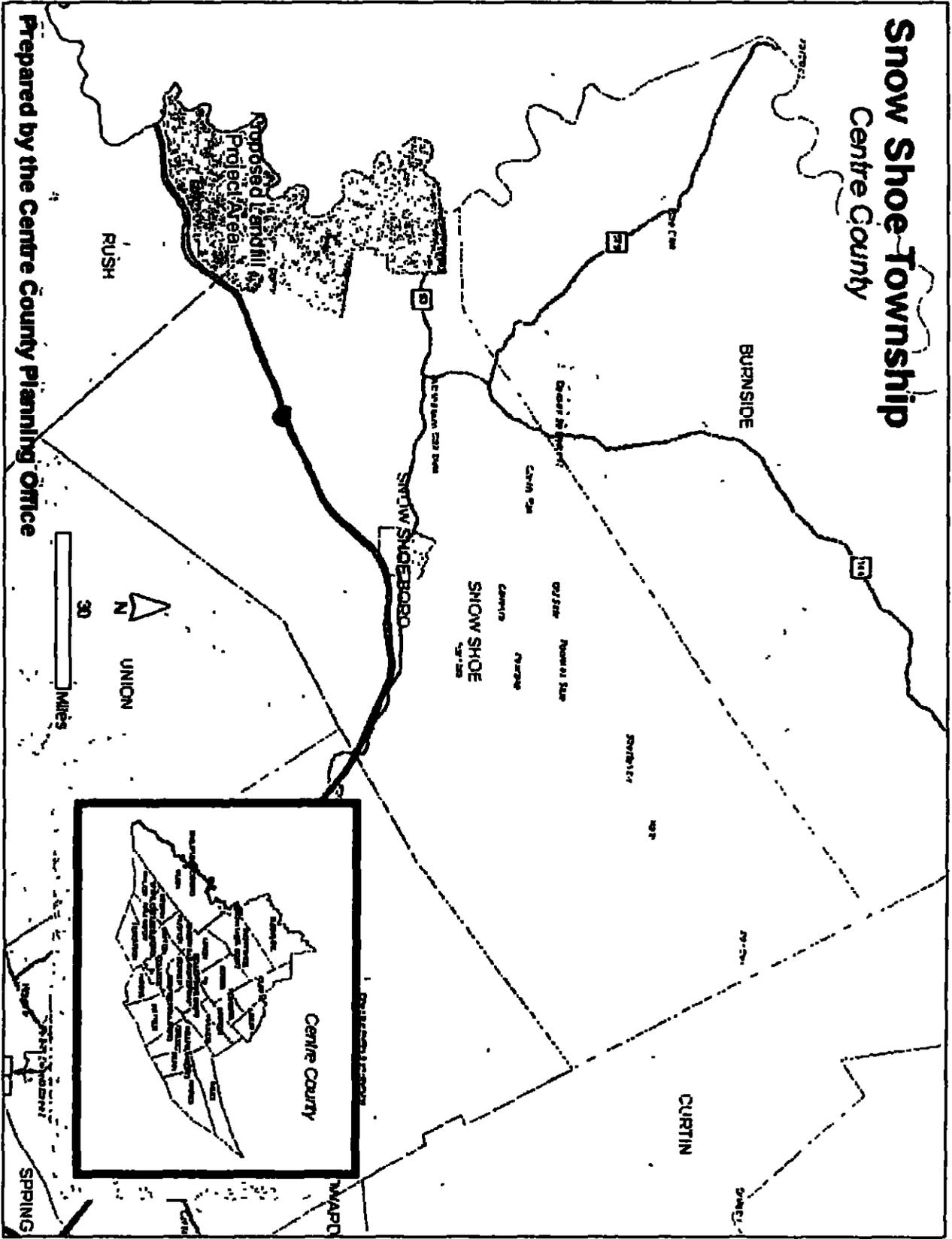
Ultimately, it will be the determination of the Centre County Planning Commission and Board of Commissioners to decide consistency of this proposal with the Comprehensive Plan now and in the future.

map enclosures

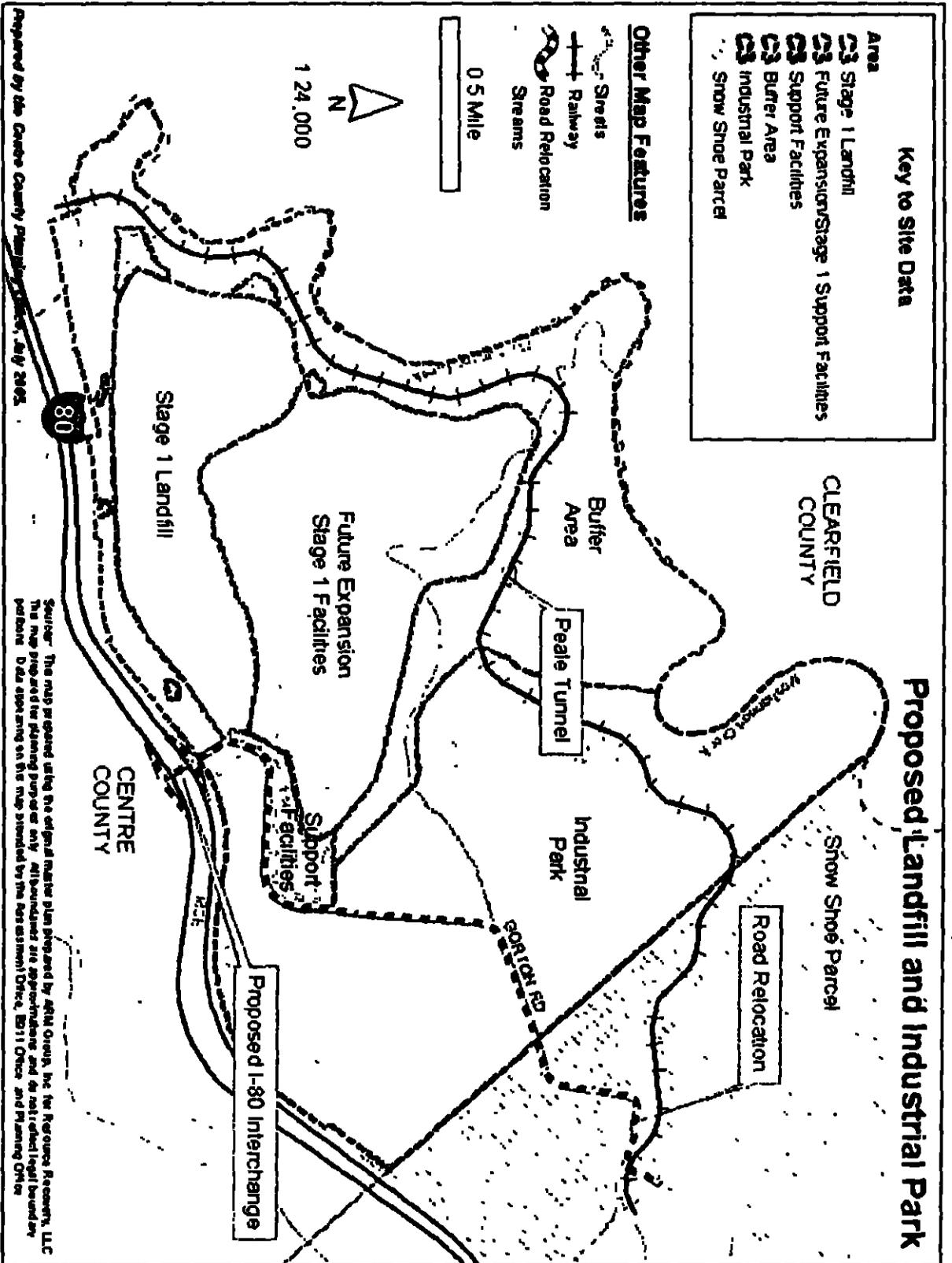
pc: Centre County Board of Commissioners
Timothy T. Boyde, Centre County Director of Administrative Services
Christopher M Price, AICP, Assistant Planning Director
Robert A Crum, Director, Centre Regional Planning Agency
Thomas P Zilla, AICP, Centre County MPO Transportation Planner
Mike Bloom, Centre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

rbj/ cmp

Snow Shoe Township Centre County



Prepared by the Centre County Planning Office



Proposed Landfill and Industrial Park

National Wetlands Inventory and Natural Heritage Inventory

BURNSIDE

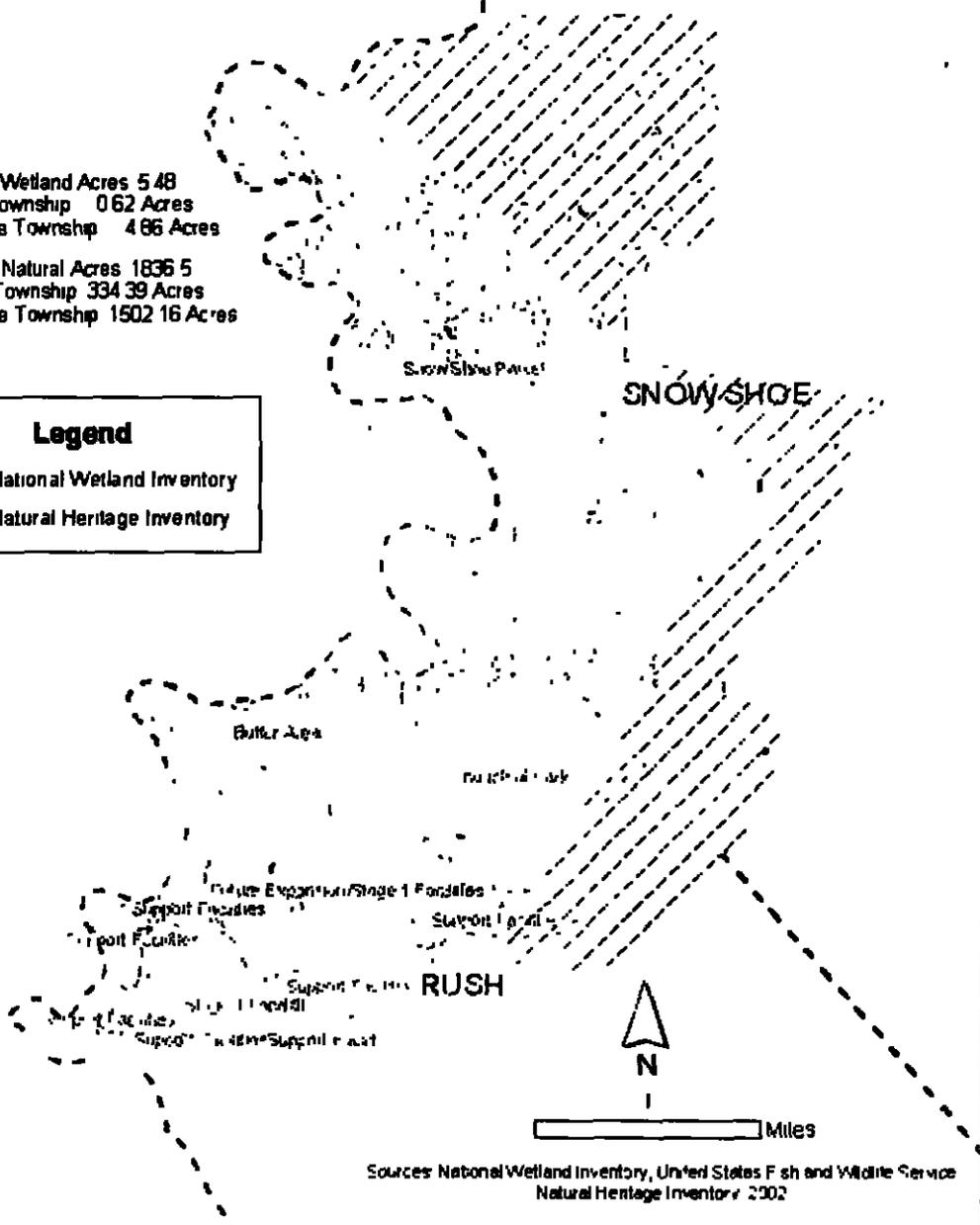
Total Wetland Acres 548
 Rush Township 062 Acres
 Snow Shoe Township 486 Acres

Total Natural Acres 1836.5
 Rush Township 334.39 Acres
 Snow Shoe Township 1502.16 Acres

Legend

 National Wetland Inventory

 Natural Heritage Inventory



Sources: National Wetland Inventory, United States Fish and Wildlife Service
 Natural Heritage Inventory 2002

Prepared by the Centre County Planning Office

Exhibit 5

**CENTRE COUNTY METROPOLITAN PLANNING ORGANIZATION (CCMPO)
COORDINATING COMMITTEE**

**Tuesday, March 28, 2006
6:00 p.m.
College Township Municipal Building**

Minutes

Coordinating Committee Members Present:

Chris Exarchos	Centre County
Steve Dershem (for Scott Conklin)	Centre County
Dan Klees	College Township
George Pytel	Ferguson Township
Ron Buckalew	Centre Regional Planning Commission (CRPC)
John Elnitski	Benner Township
Chris Lee	Harris Township
Elizabeth Goreham	State College Borough
Bob Neff	Halfmoon Township
Dean Roberts (for Tom TenEyck)	PennDOT Central Office
Frank Royer	Spring Township
Karen Michael (for Kevin Kline)	PennDOT District 2-0 Office
John Spychalski	CATA
Bob Corman	Penns Valley Planning Region
Bryce Boyer	Patton Township
Jack Shannon	Moshannon Valley Planning Region
John Yecina	Mountaintop Planning Region
Bill Griffith (for Tom Poorman)	Lower Bald Eagle Planning Region

Non-Voting Members Present:

Matt Smoker	Federal Highway Administration (FHWA)
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Others Present: (a full list of citizens and others is attached)

Bob Crum	CRPA
Tom Zilla	CRPA
Trish Meek	CRPA
Tim Geibel	CRPA
Mike Bloom	Centre County
Harold Nanovic	PennDOT Central Office
CNET	
Chris Price	Centre County Planning Office
George Khoury	Citizen
Judy Larkin	Penn State University
Ann Glaser	Citizen

Mike Joseph	CDT
Jaime Bumbarger	The Progress
Pat Boland	Forever Broadcasting
Jim Steff	COG
Anne Danahy	CDT

6. Centre County Long Range Transportation Plan (LRTP)

Mr. Klees stated that the purpose of this agenda item is for the MPO to consider requests for various projects on the current LRTP to be re-ranked in the Plan. He said that for the I-80 Interchange, representatives from Rush Township are going to speak to their request to re-rank this project. The MPO staff will report on issues related to the request, and then the public will given an opportunity to speak. He said that he had previously announced that input would be limited to 10 minutes and a lot of people felt that this was an unfair amount of time. He said that there may be time for more people to speak. Mr. Crum will time the speakers and each person will have up to 90 seconds to make their point. Mr. Klees asked that comments be limited to those that have not already been stated. He asked also that no noises be made during the input process.

Mr. Elmitski said that if this was a referendum vote, he would probably vote no for a landfill. However, the MPO has heard that the people do not want a landfill and that the people feel that without an interchange there will not be a landfill. He said he would like to hear why the interchange might cause the other roads a problem. He thought that the citizens need to understand that the MPO is not a planning organization, but an allocation organization. If a member has a project in their township that is fully funded by outside sources and the MPO has to put it on the TIP because it is a federal road, he would expect the MPO to support that project. The MPO is here to support each other in road building, not to be political about some project being built. Bringing in the politics of a project rather than a road will undermine the MPO.

Mr. Klees said that the MPO has struggled with how any re-ranking would occur for the eight projects in this agenda item. He said that the goal was to consider whether the MPO wanted to re-rank the projects. How that would be done is yet to be determined. He did not think the MPO could decide how to re-rank them tonight.

Mr. Pytel said that the MPO does not come here to support big money to put interchanges on roads. The MPO's position is to find where interchanges should be, regardless of the amount of money the sponsor has.

a. I-80 Rush Township Interchange

Mr. Shannon said that under discussion tonight is the Rush Township Industrial Enterprise Zone, which would be made up of a possible project for a landfill and a possible project for recycling. The key point this evening is an interchange to access the area that has been indicated in Centre County. He showed the exact location on a map. He said this was specified in the Rush Township Comprehensive Plan as one of the areas that they would like to see industrial development. This area had been abandoned by the group who took the coal and timber out of it and has not been reclaimed. Due to its proximity to I-80, if an interchange were located there, local homes and roads would not be impacted.

Mr. Shannon said that some of the areas are holding water. There are also some areas that have no algae, as the water is not able to sustain life. The site is located near Red Moshannon,

which is effected greatly by mine acid drainage. It will eventually join the Black Moshannon, where it will sustain life. The advantage of a project here is to start to mitigate the effect of mine acid drainage.

Mr. Yecina said that if this exit is not approved, the truck traffic would come through the local roads. He showed specific routes on slides, including Routes 53 and 144. Only construction traffic would be using Gorton Road. He showed a slide of where the exit would come off of I-80, saying he would much rather see the trucks coming from there than on the local roads. Mr. Yecina stated that all the Supervisors in Snow Shoe Township support the exit over use of local roads. He talked to Borough Council and five of those members also support the interchange. Approval of this motion provides the best access for the landfill. Voting against the interchange is saying that the local roads are a better option. He said he would appreciate it if the MPO would think this through and not put traffic on the local roads.

Mr. Pytel referred to the slide of I-80 and the land there. He asked how many acres of land were shown. Mr. Shannon said that the area in the slide was approximately 2800 acres, with about 300 utilized by the landfill and about 350 acres utilized by the industrial park.

Mr. Pytel asked what made Rush Township think that PennDOT would approve truck traffic on the local roads. Mr. Yecina said that any developer has the right to use the state roads.

Mr. George Rittew, Rittew Associates, said that they prepared the POA and are working with Rush Township on this project. He strongly encouraged MPO members to support fellow members in this request for an interchange. He said this was not a land use issue and the transportation project was fully funded. It would not have an impact on MPO funding or any projects on their list. He said that land use is determined by Rush Township's Comprehensive Plan. The interchange obviously reduces impacts on the local roads in the area. The interchange supports Rush Township's development of an Industrial Enterprise Zone and this is really just a first step in a long process. This is not about a final vote for approving an interchange.

Mr. Pytel asked if Resource Recovery had a permit to put a landfill in. Mr. Rittew said they are working on a permit. Mr. Pytel thought that approval of an interchange would help get the permit. Mr. Rittew said that this was about the transportation issue.

Mr. Zilla reviewed the process involved, saying that the MPO has received a request from Rush and Snow Shoe Townships to amend the current adopted Long Range Transportation Plan. Because the amendment process is similar to the process to adopt a new LRTP, this request is being addressed as part of the new LRTP and not an amendment to the current Plan.

Mr. Elmitsky asked if, during the ranking process, any thought was given to a project funded by an outside source being on a different list than the projects for ranking. Mr. Zilla said that was not discussed and would be up to the MPO.

Mr. Zilla said that options for consideration tonight would include the following:

Defer the request until Centre County determines the consistency of the interchange with the Comprehensive Plan

Include the interchange on the project list for the new LRTP

Include the interchange on the LRTP as a project for future consideration

Not include the project on the LRTP

The adoption process to amend the current long range transportation plan or adopt a new one are very similar. The MPO would approve the Final Draft of the Plan to be advertised for public comment, an air quality conformity analysis would have to be done for projects with air quality significance, a 30-day comment period and public meeting would be held and then action could be considered. Those are the basic steps for either an amendment to the current LRTP or adoption of a new Plan.

Mr. Exarchos said that the mission of the MPO is to prioritize highway projects that are important to the community and allocate the limited resources to take care of more urgent needs. He thought that the LRTP has been designed as a vehicle to achieve those goals. Here there is a project that does not meet two criteria: 1) it is not publicly funded and 2) it is not a project with community benefit. Mr. Exarchos said that he is not saying that there are not implications that would affect the general good. He found it difficult to prioritize a project for which there is no logical basis to set a priority. Mr. Exarchos believed that a different process was needed to deal with fully funded projects that are intended for a limited benefit. Once the project is ranked, it does a disservice to other projects that would be bumped further down on the list. He said that the MPO was not here to pass judgment on the land use issue. That was a decision made by Rush Township. The MPO could instruct staff to develop a process for how privately funded projects would be considered, but not put them on this list. The MPO should probably not have an opinion on those since they do not present a challenge or affect other projects. Or the MPO could say that they have no opinion and it does not belong on the list of projects, but they could pass the POA on to FHWA and tell them to do whatever they do with it.

Ms. Goreham disagreed. She said that it certainly impacts the public and there would be transportation impacts on I-80. The public will bear the cost in many ways, including air quality, water and land use. The MPO found this project inconsistent with land use plans a couple of months ago and decided not to forward the POA to FHWA for further review. The MPO must face the audience, let them speak and determine if we are going to give it special consideration.

Mr. Shannon said that the MPO did not deal with the project in regards to land use, only regards to the LRTP. Land use is another issue. The MPO is to relate the interchange to transportation.

Mr. Lee said that the list of candidate projects were based on criteria. He asked if any of those criteria were based on money. Mr. Bloom said that the Local/Municipal Support Priority criterion was set up with two general project characteristics: the priority ranking assigned by the individual municipality or sponsor of the project and the commitment of the non-federal share. Mr. Zilla said that the cost of the project was not considered in the ranking. Mr. Lee said that none of the projects are ranked on whether it is public or private money. Mr. Zilla said that it was considered only in the above example, where if a sponsor was committing money to a project, they would gain points in that one particular criterion.

Mr. Lee said that highways shape communities and there needs to be a coordination of land use and transportation planning. The impact of highways is on more than the movement of cars and trucks.

Mr. Buckalew said that it is not always clear cut in private or public money and sometimes involves both.

Mr. Exarchos noted that a motion was needed in order to have a debate on the issue. Mr Klees said that the item under consideration is the re-ranking of the Gorton Road Interchange.

Mr. Shannon made a motion that the CCMPO incorporate the I-80 interchange project at mile post 140 in the 2007-2010 Transportation Improvement Program and be included in the approved Final Draft of the Centre County Long Range Transportation Plan, with the stipulation that the new interchange will be privately funded and that no public funds will be required for its construction; and further that the CCMPO shall recommend that the Pennsylvania Department of Transportation submit the POA for the proposed new interchange to the Federal Highway Administration for action. Mr. Yecina seconded the motion.

Mr. Exarchos said that he could not support the motion as stated. He said that he could not support the part of the motion saying that it should be included on the TIP. He did not see the rationale for including this.

Mr. Klees opened the floor for citizen comments.

Ms. Kathi Lewis, Snow Shoe Borough, said that some of the members of the MPO have said that this is not a landfill issue. She said that was good - if you take the landfill out of the picture, what is left is thousands of acres of forested recreation land that is appropriately accessible by adequately maintained dirt roads that impose a minimum cost to taxpayers. These minimal costs are offset in part by seasonal property real estate tax dollars and taxes on goods and services purchased by outdoor recreational enthusiasts. Let's continue to keep the landfill out of the picture. Ms. Lewis noted that Rush Township says that it needs and deserves this interchange, but for what? How could residents even access it, let alone find it useful? Where could it lead in Rush Township? To connect this interchange to Route 504, the nearest existing Township road, it would require the construction of a road more than six miles long through state forest and across rugged terrain. Still keeping the landfill out of the picture, it might be the village of Moshannon, with a population of 528, which can benefit from this interchange midway between Snow Shoe and Kylertown. The newly adopted Rush Township Comprehensive Plan that was so quickly drafted by Rittew Associates and recently adopted by two of Rush Township's Supervisors, states that this interchange will connect to Gorton Road and provide access to Moshannon, which is 5.7 miles to the north.

Mr. Ken Shope, Snow Shoe Township, said that the sole purpose of constructing an I-80 interchange is to enhance the chances of getting a landfill permit approval and greatly increase the volume of trash trucks. Resource Recovery stated they would build an I-80 interchange, trucks in/trucks out with no local roads used, or the project would not go forward. Because they cannot build a private closed-loop interchange, it will have to connect to a public road. Mr. Shope said that it would not be a Rush Township public road, but Gorton Road in Snow Shoe Township. The connection will open the local roads to truck use because you will not be able to stop the trucks from sneaking in the back door through the local roads. We have no local police force and the citizens will have to police the truck traffic and once the drivers know there is a back door to the landfill via Gorton Road, they will use it for shortcuts when I-80 shuts down or it is congested or to avoid safety checks. The trucks avoiding the safety checks will be the ones that are overloaded, leaking and hauling illegal contents, so the worst of the violators will be the ones using local roads. Mr. Shope said that the interchange should not be added to the Long Range Transportation Plan (LRTP).

Ms. Teresa Burbridge, Snow Shoe Township, said that the Snow Shoe Township Supervisors countered the wishes of their citizens by signing a cooperation agreement with Resource Recovery. The Supervisors caved to this unscrupulous developer's threats and scare tactics. Snow Shoe residents and property owners have not signed this agreement and have no intention of cooperating with Resource Recovery. Residents of Snow Shoe Township and Borough signed

petitions against the interchange over the last three weeks. She said that they tried to limit signers to only those who live on the access route, but others insisted on signing to express their opposition. Out of 154 signatures, only 22 did not live along a proposed local route. Only two households between Exit 147 and Moshannon did not sign because of Resource Recovery's threats. Others simply were not home. Ms. Burbridge stated that 194 signatures collected on a separate petition do not live along the proposed access route. She said that the people are willing to take their chances with local roads and the petition shows that no one should claim support of the interchange to protect the people of Snow Shoe. The people will lose either way with the landfill, interchange or not. They will suffer from increased traffic from the interchange when I-80 is closed or backed up. For health and safety, the people are sold either way. Last September's presentation by Mr. Rittew indicated that Gorton Road would have to be widened and straightened to accommodate the interchange. Ms. Burbridge said that she, for one, could potentially lose her front yard and property value.

Ms. Krista Kahler, Rush Township, said that many Rush Township citizens oppose the interchange and dump, despite what Mr. Shannon may tell the MPO. Likewise, many Philipsburg and South Philipsburg residents, who Mr. Shannon supposedly represents here, oppose this project as well. Over 500 Moshannon Valley residents have signed petitions against this landfill, but their Supervisors do not listen. Rush Township Supervisors never bothered to find out what residents thought before they signed the host agreement. When citizens took it upon themselves to express opposition at meetings and through letters, the Supervisors did not listen. In October 2005, residents pleaded with Supervisors not to amend the host agreement to allow the use of local roads. The Supervisors did not listen. After 20 years of inaction on a Comprehensive Plan, Rush Supervisors quickly pushed through the old plan with a few updates, which were written by a firm involved with Resource Recovery. At the lone public hearing, Supervisors would not even answer questions. Citizens begged for more time to review the plan and provide input, but the Supervisors would not listen. Last November, the true will of Rush residents was finally heard. They voted out a status quo Supervisor and voted in someone who actually listens. Make no mistake, citizens will eventually be heard by all elected officials, they only hope it will not be too late to stop this horrible project.

Ms. Elizabeth Wood, Cooper Township, said that there are people in her township who live less than 1.5 miles from the proposed landfill site and their voices have not yet been heard. She said she is just one Clearfield County resident, but she brings 256 signatures from other Clearfield County residents opposing the I-80 interchange/landfill project. These numbers do not even scratch the surface of those opposing the project. Ms. Wood asked members to consider the detrimental consequences that will result and understand that this is not just a Centre County issue, but a Central Pennsylvania issue. The negative implications will affect every person in Central Pennsylvania, stretching far beyond the borders of Centre County. She said that Centre County has the obligation and responsibility to consider its neighbors when it comes to this issue. She asked that members listen to all the people who will be affected and what they are saying. They do not want the interchange and they do not want the landfill.

Mr. Ken Hall, Snow Shoe Township, said that Dan Hawbaker has said that there will be 600-800 jobs here, but he is full of smoke. There is no question that there will be jobs from the landfill. That is not what is before the Committee. Dan Hawbaker is giving that information so that there is another reason to put an interchange here - the reason being an industrial site. Mr. Hall said that this is the poorest excuse for an industrial site ever seen. This site has no public sewer or water and doesn't even have electricity. The majority of the ground is severely deep mined. Several areas are unsuitable for industrial development. Because there is an interchange, there is going to be industrial development. Mr. Hall said that the closest thing to industrial development Snow Shoe has gotten in 40 years is the Fed Ex building. This interchange is only a half of an interchange. People would have to drive 7 miles to Kylertown, get off and back on I-80, then drive 14 miles west. The employment derived from the people of

Rush Township will have to get on I-80, drive 14 miles to Snow Shoe, then get off and back on to drive back 7 miles to the interchange. He said it was a hell of a site.

Ms. Jean Shufan, Rush Township, said that the most important thing affecting property values is location. Centre County has many beautiful locations and has been blessed with a housing market that shows steady increases in value year after year. It is harder and harder for young families to find affordable homes. As a result, areas that require a longer commute, such as the Mountaintop Bald Eagle area and the Philipsburg area are seeing stronger markets than in the past. The average sale prices in those areas are \$128,000 and \$78,000 respectively and offer a much-needed affordable option. The reality of what the landfill will bring to Centre County is anything but property value enhancing. Buyers want safety first for their families, so trucking is going to lower property values. The stench associated with landfills is going to push them down even more. Throw in the hordes of insects and rodents feeding on garbage and watch those values soar! When informed buyers find DEP's study on landfills and find that 97 percent of them are oozing radioactive leachate, word spreads and values plummet. When toxic landfill leachate contaminates the ground water and streams, most property owners will wind up in foreclosure. Centre County will end up a modern-day glowing ghost town and a massive cleanup bill. Gone will be today's elected officials and gone will be the limited liability corporation named Resource Recovery.

Ms. Pam Steckler, Ferguson Township, said that she was here as a conservationist. The Pennsylvania Constitution, in Article I, Section 27 guarantees citizens the right to clean air and water and preservation of a clean environment for all the people of Pennsylvania, including generations to come. Ms. Williams felt that this project is inconsistent with our Constitution. This is not just a local issue, but involves the entire state. The parcel is in the midst of an outdoor recreational area, bordering Moshannon State Park. A landfill industrial park is definitely inconsistent with maintaining clean air and water in this area. Black Moshannon Creek is designated as a high-quality cold water fish stream. It is known to support native brook trout and should be protected and preserved. Habitat fragmentation caused by this project will negatively affect migratory bird populations. Additionally, the project will permanently affect nearly 11 acres of wetlands, making this project nearly four times as damaging to wetlands. The global warming and pollution caused by the possibility of 900 truck trips needs to be included in this equation. Centre County is already in non-compliance with the Clean Air Act. Ms. Williams said that this project will severely impact our right to clean air, water and environmental resources. As Pennsylvanians, we deserve a no vote for the interchange and landfill.

Ms. Maryann Williams, Rush Township, asked why any economy would allow destruction of its precious natural assets. In addition to the natural beauty of wildlife, such as the bald eagle along the west branch of the Susquehanna, the majestic elk and even the mountain lion, we also claim established recreation on our rivers, overnight hiking on our trails and the multi-use rail trail, which is the envy of any community. A 1997 Study shows that Pennsylvanians spend \$40 billion in outdoor recreation. These tourism dollars will grow with the new Pennsylvania Wild Initiatives. The neighboring counties work to attract, not detract, tourism. For example, a one-hundred foot statue of a white tailed deer will soon be displayed near the Pennsfield exit on I-80. Hopefully Centre County's symbol will not be a landfill along I-80. Nature is our drawing card and our goal is long-range tourism planning.

Mr. Mike Savage, Rush Township, said that the purpose of the MPO is not just to carry out funding allocations for FHWA, but rather to apply sound planning consideration to transportation planning. He said that in this case, the interchange does not meet a transportation need. Without the landfill, it will simply be an interchange to nowhere. Mr. Savage said if the interchange is placed higher on the LRTP planning list; it will push projects that benefit regional interests lower on the list. No matter what is claimed, the project will

probably use taxpayer dollars. Two state Representatives have already noted that state funds are being sought for the project and the Governor's Office has said that it could be eligible for the TOT Program. Both the MPO and PennDOT are listed as potential funding sources in the Rush Township Comprehensive Plan. If the MPO puts the interchange in a priority position, it will be seen by others as a priority for the Centre Region rather than what it really is: a private interchange to serve a for-profit business. Mr. Savage requested that Mr. Yecina and Mr. Shannon recuse themselves from voting because of an obvious conflict of interest.

Mr. Klees noted that there were several more people who would like to speak. He asked the MPO whether they wanted to continue hearing testimony.

Mr. Neff made a motion to move on with the meeting without additional citizen comment. Mr. Corman seconded.

Mr. Exarchos said that he had a large stack of correspondence in his office, in addition to that which was included with the agenda. He assured citizens that he has read all the comments. Citizen comments are being read and he did not want anyone to feel that, even if their voices are not heard tonight, their concerns have not been heard.

Several residents voiced the opinion that they had a right to comment tonight. Mr. Klees said that they have taken numerous public comments and have received much written correspondence and petitions. What he heard here tonight covered a broad range of concerns and it may or may not directly affect how the MPO votes on the issue. He felt that the MPO has a right to determine how long that comment period goes on. The MPO has other items on their agenda tonight that need attention as well as this item.

A role call vote was taken on the motion to end public comment at this time. The motion carried with a vote of 8 for and 7 against.

Mr. Lachman approached the podium and began speaking, despite Mr. Klees telling him that the vote was taken and comments would not be recognized. Several citizens asked Mr. Lachman to sit down.

Mr. Pytel stated that he has not seen any new information to change the original MPO vote, which found the interchange to be inconsistent with the LRTP. Second, if this request is granted, it will take road planning out of the hands of the MPO and put it in the hands of people with money.

Mr. Elnitsky said that he could not support the full motion made by Mr. Shannon. He thought that a project like this should be on a separate list. The MPO can look at fully funded projects from a transportation standpoint, including air quality and how it affects other roads. He did not think it was appropriate to put the project on the TIP.

Mr. Shannon said that he understood that for the project to happen at all, it must be on the TIP. Mr. Zilla said that in order for the project to be considered by FHWA, it has to be on the LRTP. In order to receive environmental clearance, it must be on the TIP. Mr. Shannon said that was the purpose for the motion as stated. Mr. Elnitsky said that even if it had to be on the TIP, it should not have to be ranked since it was fully funded.

Mr. Smoker said that for conceptual approval, the POA process requires that a project be consistent with local and regional transportation and land use plans. Mr. Klees asked for clarification about the issue of this site connecting to another road. He asked if Gorton Road met the qualifications for a public road. Mr. Smoker said that a new interchange must be

connected to a public road, for public use. The condition of the road would be discussed and analyzed during the POA study process. Mr. Klees said that if the road was inferior, the developer would have to make improvements. Mr. Smoker said he was not sure if that would be addressed through the POA or the rest of the development process for the interchange.

Mr. Klees asked Mr. Jacobs if the fact that Rush Township adopted their Comprehensive Plan affected the previous comments from the County Planning Office. Mr. Jacobs said that with Rush Township adopting a Comprehensive Plan, the issue of consistency has not changed since the original determination last year. Mr. Klees asked if the County had any legislative oversight over Rush Township's adoption of the Comprehensive Plan or the land uses determined within that plan. Mr. Jacobs said that as part of the approval process, Rush Township is required to submit a Comprehensive Plan to Centre County, adjacent municipalities and the school district for review. Centre County completed their review last month, recommending that if there were no changes made to the document, that it would be inconsistent. Since it was adopted, Centre County's position is that it is inconsistent.

Ms. Goreham said that the motion was very broad. She said that she had great concerns about moving the project up to the 2007-2010 TIP right away because that would put it above all the other projects that have not even been discussed yet. Ms. Goreham said that if this motion passed, she asked if that would preempt all the choices for the other projects. Mr. Zilla said that with the stipulation that the interchange project is 100% privately funded, it would not affect other projects on the TIP. Mr. Goreham asked how it would be guaranteed that it will be 100% privately funded because there is pursuit of redevelopment assistance and transportation assistance.

Mr. Klees asked if there have been past projects that were completely funded privately. Mr. Zilla said that he could not remember any such projects. There have been other projects that were private/public partnerships.

Mr. Exarchos said that the process used by the MPO is not designed for this type of project. He thought it was very dangerous to put the project on the LRTP list because after it is listed there, it opens the door for other funding sources and that made him nervous. Mr. Exarchos said that he understood that FHWA did not necessarily need for the project to be on the LRTP and they are more concerned with the consistency. He said that there is not a lot that the MPO can do about the consistency. The Comprehensive Plan for the County never anticipated this kind of land use. He thought that the developer and FHWA should work it out.

Mr. Lee said he was inclined to vote against the motion and thought that the issue should be looked at if and when it is permitted by DEP. Mr. Royer agreed, saying that voting now may be premature.

Mr. Dershem said he was not in favor of the current motion. One motion that he would favor would be that the Centre County Metropolitan Planning Committee not incorporate the I-80 interchange on the 2007-2010 Transportation Improvement Program. This is consistent with the MPO's vote in 2005 when there was a determination of inconsistency with the Long Range Transportation Plan. In addition, staff be instructed to develop a process to review privately funded projects. Further, the MPO shall recommend that PennDOT forwards the Point of Access study to the Federal Highways Administration, with the current findings of Centre County and the MPO.

Mr. Elintsky asked how the POA is funded. Mr. Smoker said he did not know for sure on this particular study. Mr. Elintsky asked if there was a way for the public to be involved while FHWA was doing the study. Mr. Smoker said that the POA is not a final approval. There are multiple steps beyond this. The POA determines the engineering and operational characteristics of the

proposed interchange and if it can function and operate as intended. If FHWA conceptually approves the POA, it then moves into a lengthy environmental process. This would provide numerous opportunities for public comment and review.

Mr. Boyer did not feel that the MPO should make a judgment about whether a landfill industrial complex is put there. However, if it is built, the MPO would be remiss in not looking at the impacts to transportation and safety if there were no interchange. It is a different sort of project in that it was privately funded. Mr. Boyer also felt that it would be premature to vote on the interchange now, but that it should be kept in mind if the landfill is actually going to be built.

Mr. Klees said that he was very uncomfortable with the level of detail in Mr. Shannon's motion.

Mr. Pytel said that at the last meeting, the MPO voted down PennDOT using 150 trucks a day for 200 days to haul the acid rock. It would be hard to convince him that 600-1000 trucks a day could use the local roads.

Mr. Elnitsky said that the POA could come back saying that it was not feasible to put an interchange there. He said that if Mr. Shannon would be willing to remove his motion, he would be willing to make a motion to send the POA to FHWA for feedback.

Mr. Shannon said that FHWA was looking for an indication of consistency. When the motion was developed, it was crafted to fit what was thought to be necessary. If those details can be worked out, he did not have a problem with that. However, he did have a problem with the MPO not taking action because there was not a permit or approval. He said that those were part of the steps that are taken. Without the POA, nothing moves forward. This step would start the investigation moving.

Mr. Savage said that Mr. Shannon was one of the people who spoke earlier in favor of the proposal and he is speaking now from the table, and yet the people who have other views are not permitted to rebut. Mr. Klees said that Mr. Shannon and Mr. Yecina are members of the MPO and they have signed agreements that they have to support the interchange. That is not a secret. Mr. Klees said that every one is capable of judging those comments.

Mr. Shannon said that he would withdraw his motion so that discussion can ensue concerning a simpler motion to send the POA to PennDOT and FHWA.

Mr. Lee made a motion to defer the request until if and when DEP permits the landfill Ms. Goreham seconded the motion.

Mr. Exarchos said that the risk of this motion is that if this landfill gets approved, it will use local access. He preferred to have the POA sent to FHWA and it can be figured out between them and the developer.

Ms. Goreham thought that otherwise, the MPO is running the risk of facilitating the project. The landfill should apply for the permit on its own and if it is approved, the MPO will consider the interchange.

Mr. Exarchos said that part of the process is that the developer must show access to the project. If there is no interchange, the developer will have to show access with the local roads. By the time it comes back here, it may be too late to reverse that.

Mr. Pytel said that before PennDOT allows traffic on the local roads, it would probably come through the MPO. This is what happened in Centre Hall.

Mr. Elnitsky asked if it was true that DEP would not even look at the application without the POA. Mr. Shannon said that DEP only requires access.

Ms. Goreham asked if there would be a time when it would be too late to consider the interchange. Mr. Smoker said that was a land development process issue, not an FHWA issue.

The motion before the MPO was to defer the request until DEP permits the landfill. A roll call vote was taken and the motion passed with a vote of 8 in favor and 7 against

There was some discussion concerning how the next agenda items would be discussed and voted upon. It was decided to discuss each item separately.

Mr. Exarchos made a motion to direct staff to look at the issue of how the MPO deals with privately funded transportation projects and recommend a process for that. Mr. Elnitsky seconded the motion. The motion passed unanimously.

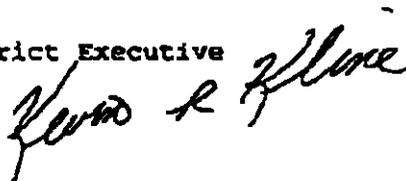
Exhibit 6

DATE December 1, 2006

SUBJECT Centre County - Rush Township Interchange
Point of Access Study

TO R Scott Christie, P.E., Director, Bureau of Design
Attn Daryl Kerns, F.E., HQAD
7th Floor, Keystone Building

FROM Kevin R. Kline, P.E., District Executive
Engineering District 2-0



The District has completed its review of the Rush Township, Gorton Road Interchange, Centre County Point of Access Study for the construction of a new interchange on Interstate 80 at Gorton Road

The Point of Access Study document submitted meets the guidelines of Design Manual 1A - Appendix G except for the consistency determinations for land use and Centre County's Long Range Transportation Plan. We request that copies of the POA study be forwarded to FHWA for their review.

Should you have any questions, please contact Karen L. Michael, P.E., at 814-765-0426.

020/KLM/bmn
11276-2-klm
c K. R. Kline, P.E.

Exhibit 7



U. S. DEPARTMENT
OF TRANSPORTATION

Federal Highway
Administration

Pennsylvania Division

January 19, 2007

240 Walnut Street Room 202
Harrisburg, PA 17101-1710

In reply refer to
HEV-PA.1

Center County, Pennsylvania
Rush Township
CENAB-OP-RPA
Resource Recovery LLC
04-02142-8

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

Dear Dr. Pluto:

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

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



Handwritten notes:
Kempthorn one for
-114
copy Highway
Harrisburg
Bureau
State
Sally
240 Walnut Street Room 202
Harrisburg, PA 17101-1710

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1/11/22/07

Per the discussion with your office, it is understood that the USACCE will likely serve as the Lead Federal Agency for the undertaking consistent with the CEQ regulations (40 CFR 1500-1508) implementing the National Environmental Policy Act (NEPA) At the appropriate time, we would like to discuss with your agency the project scope and the appropriate Federal agency roles in order to ensure that the NEPA study serves the needs of our respective actions. Please contact either David Cough at 717-221-3411 or Deborah Suci Smith at 717-221-3785 to establish a time to meet or conference.

Sincerely yours,

/s/ David W. Cough

James A. Cheatnam
Division Administrator

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

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Exhibit 8



U S DEPARTMENT
OF TRANSPORTATION

Federal Highway
Administration

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2000 0010 0000
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In reply refer to

January 23, 2007

HFV PA 1

Centre County
Interstate 80
Point of Access Study
Proposed Privately Financed
Interchange

Mr. M. G. Patel, P.E.
Chief Engineer for Highway Administration
Pennsylvania Department of Transportation
Harrisburg, Pennsylvania

Dear Mr. Patel:

We have reviewed the Point of Access (POA) Study for a new Interchange on Interstate 80 at Milepost 140 transmitted with your December 14, 2006 letter. The review is guided by the FHWA Policy entitled "Interstate System Access" (updated June 17, 1998), under the subtitle: Additional Access to the Interstate System, which includes eight specific requirements that must be met prior to conceptual approval. This review is for a conceptual approval and is based on a determination of engineering and operational acceptability. Final approval may be granted upon evidence of compliance with the National Environmental Policy Act (NEPA) and documentation of meeting all the requirements of the Interstate System Access Policy. This POA study fails to satisfactorily document all the requirements of the Policy as discussed below, therefore conceptual approval cannot be granted at this time.

- Requirement #1: The POA document failed to demonstrate that the "existing interchanges and/or local roads and streets in the corridor can neither provide the necessary access nor be improved to satisfactorily accommodate the design year traffic demands while at the same time providing the access intended by the proposal". There are numerous



considerations that enter into this decision, including traffic, safety, operational and environmental factors. The FHWA therefore, views the local system upgrade alternative as being viable, and should be further evaluated. The FHWA does not support the elimination of any of the alternatives at this time. However, if an upgrade alternative is carried forward into the NEPA process, this FOA requirement may be met during the NEPA process.

- Requirement #5: The proposal has not demonstrated consistency with regional land use and transportation plans. At this point it appears that the proposal is inconsistent with both the Centre County Comprehensive Plan and the Centre County Metropolitan Planning Organization's (CCMPO) Long Range Transportation Plan.

While the document contains information related to environmental impacts and considerations for the interchange, a lead Federal agency has not been identified for the proposed project and the FHWA has not participated in determining the scope of an environmental study. It will be necessary to ensure that the requirements of the Council of Environmental Quality (CEQ) regulations pursuant to NEPA, regarding agency coordination and conduct of the study are met.

We have reviewed the traffic analysis and geometric layout for the proposed interchange and in general find it to be acceptable, however the two items identified above must be satisfied before the FHWA can conceptually approve the proposed interchange, and the requirements of NEPA must be satisfactorily met before FHWA final approval can be given. At this time we advise that the project sponsor work with the MPO to consider the adoption of the proposed transportation improvement(s) in the approved 2006 Centre County Long Range Transportation Plan. Furthermore, the sponsor should work with the appropriate entities to ensure consistency with local and regional land use and transportation plans.

Please advise this office when the environmental study is expected to commence.

Sincerely yours,

/s/ David W. Cough

James A. Cheatham
Division Administrator



cc. Tom Pluto, Ph.D., USACOE
John Peterson, U.S. Congress

cc. Scott Christie, P.E., PennDOT, BOD
Kevin, Kline, P.E., District Executive, PennDOT 2-0
Jim Ritzman, P.E., PennDOT, Program Center

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Exhibit 9



U. S. DEPARTMENT
OF TRANSPORTATION

Pennsylvania Division

228 Walnut Street, Room 508
Harrisburg, PA 17101-1720

Federal Highway
Administration

APR 19 2007

In reply refer to:
HEV-PA

Centre County, Pennsylvania
Interstate 80 - Point of Access Study
Proposed Privately Funded Interchange

Jack Shannon
Rush Township Supervisors
PO Box 152
Philipsburg, PA 16866

Dear Mr. Shannon:

On April 4, 2007, representatives from the Department of Environmental Protection (DEP), the Pennsylvania Department of Transportation (PENNDOT), The US Army Corps of Engineers (USACE), and Federal Highway Administration (FHWA) met regarding the proposed, privately funded I-80 Interchange and associated proposed landfill in Centre County which Rush Township is sponsoring on behalf of Resource Recovery Inc.

The purpose of this meeting was to identify and discuss the respective regulatory roles and responsibilities for approval(s) and anticipated permitting actions relative to the specific proposal before each agency. This meeting was held, in part, to comply with the Council of Environmental Quality regulations implementing the National Environmental Policy Act (NEPA). These regulations, in part, require Federal agencies to collaborate in the environmental review of projects that require actions by several Federal agencies. To the extent practical, a single environmental review process will be followed to satisfy the requirements of all State and Federal agencies. Several issues of concern were discussed which should be taken into account as you pursue further development of this project.

The FHWA reviewed the conceptual point of access report and advised you via a letter to PennDOT on January 25, 2007 that the proposed interchange is not consistent with land use and transportation plans. On March 22, 2007, Mr. George Test, Esq.,

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AMERICAN
ECONOMY



your Solicitor, wrote to this office and took issue with FHWA's determination concerning land use and transportation plan consistency. In a separate letter dated April 17, 2007, (enclosed) we responded to this inquiry in detail.

Submittal of a conceptual point of access (POA) report is not required; however approval of a final POA report following NEPA approval is required. The Conceptual report is designed to provide an up front evaluation of new Interstate interchange proposals to determine whether the proposals meet certain requirements prior to conducting detailed environmental studies. The intent is to ensure that time and funding resources are not unnecessarily expended on proposals which cannot be approved.

No phase of the transportation proposal is currently included in either the Centre County Metropolitan Planning Organization (CCMPO) Long Range Plan (LRP) or in the Transportation Improvement Program (TIP). Because this will be a regionally significant project that will eventually require a Federal Action pursuant to 23 Code of Federal Regulations (CFR) Part 450.324 (d) (e) (g), some phase must be included in either the TIP or LRP in order for FHWA to participate in the study. Therefore, we recommend that you approach the CCMPO to include, at a minimum, the environmental study phase (pursuant to NEPA) of the proposal on an amended TIP. This study may allow the CCMPO to determine whether the proposal has sufficient merit to include future phases on the TIP and/or LRP.

Should the results of the environmental study phase be incorporated by the CCMPO into the LRP and/or TIP, FHWA may entertain any finding in a final approval pursuant to the National Environmental Policy Act (NEPA). Please note that ultimately, the FHWA cannot approve an environmental study until the project is fully funded on a financially constrained, air quality conforming LRP and/or TIP.

FHWA cannot mandate that the proposal demonstrate land use and transportation plan consistency prior to commencement of the environmental study, however we do advise that by proceeding with the study without first incorporating the proposed project into the transportation planning process as required by 23 CFR 450, there is a significant risk that final NEPA and POA approval will not be forthcoming and that time and financial resources could be lost. Each State and Federal agency may consider this when committing to participate in the study.

The regulatory agencies that participated in this meeting are concerned with proceeding with environmental studies and permitting actions on this project without a definitive project

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AMERICAN
ECONOMY



scope and an access plan. We understand that the PA DEP Phase I review cannot proceed until the issues surrounding the interchange are resolved. The USACE, which had, prior to this meeting, issued a public notice soliciting public comment on the proposal, will be issuing a letter to you in the near future requesting a definitive project scope. If the proposed project proceeds with an interchange as a key transportation component, the FHWA and PennDOT also need to have a definitive project scope with clearly defined purpose and need.

If and when you proceed with the environmental study, you should contact Karen Michaels, Assistant District Executive for Design in PennDOT District 2, at 814-765-0428, who will assist you in coordinating the process that will be followed.

Sincerely yours,

for David W. Coupl
James A. Cheatham
Division Administrator

Enclosure

ec: D. Kerns, PennDOT BOD
B. Sexton, PA DEP
K. Kline, P.E., District Executive, PennDOT District 2-0
K. Michael, PennDOT District 2-0
J. Ritzman, PennDOT
S. Christie, P.E., PennDOT
V. Hobbs, USACE
T. Pluto, USACE

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AMERICAN
ECONOMY





U. S. DEPARTMENT
OF TRANSPORTATION

Pennsylvania Division

228 Walnut Street, Room 508
Harrisburg, PA 17101 1720

Federal Highway
Administration

April 17, 2007

In reply refer to:
HEV-PA.1

Centre County, Pennsylvania
Interstate 80 - Point of Access Study
Proposed Privately Funded Interchange

Jack Shannon
Rush Township Supervisors
PO Box 152
Philipsburg, PA 16866

Dear Mr. Shannon:

The Federal Highway Administration (FHWA) has reviewed the March 22, 2007 letter from your solicitor regarding the January 25, 2007 FHWA response to a request for a Conceptual Point of Access approval for the referenced project. The March letter focuses singularly on the FHWA position that Requirement #5 of the FHWA *Policy on Additional Interchanges to the Interstate System* was not reasonably demonstrated, and concludes that this requirement is satisfied by inclusion of the proposed interchange in the Township plan.

As stated in our January letter, the FHWA policy requires that the proposal must demonstrate consistency with regional land use and transportation plans. It is generally acknowledged that consistency with land use planning is an issue best determined by the State and local government(s). The role of a Metropolitan Planning Organization (MPO) has been identified and defined in regulations (23 Code of Federal Regulations (CFR) Part 450) specific to the regional consideration of proposed transportation projects, and regional and local land use. The FHWA does not have a specific approval role for local or regional land use plans. For transportation projects, the FHWA will accept a determination from the MPO and Commonwealth of Pennsylvania, through inclusion of proposed transportation projects on a regional Transportation Improvement Program (TIP) or Long Range Plan (LRP), and a determination of a proposed transportation projects consistency with local and regional land use planning.

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It is important to recognize that the regional transportation plan for the Centre County MPO is subject to review by the FHWA specifically for air quality conformity requirements. The transportation plan must be consistent with regional and local land use plans as evidenced by the inclusion of the project or phases of the project on the LRP or TIP and by reasonable updates to the overall transportation plan as identified in 23 CFR 450.322(e)(f). The regulatory authority for the FHWA role in review/approval of the regional/local transportation plan can be found in 23 CFR Parts 450.316 and 450.322.

Thank you for sharing your position regarding the proposed project and land use consistency.

Sincerely yours,

/s/ David W. Cough

James A. Cheatham
Division Administrator

cc: George S. Test, Esq., Solicitor, Rush Township
Kevin Kline, P.E., District Executive, PennDOT District 2-0
Jim Ritzman, PennDOT
Scott Christie, P.E., PennDOT

S:\FY2007\Apr\I-80 POA RushTownship.dss.doc

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Exhibit 10



Pennsylvania Department of Environmental Protection

208 West Third Street, Suite 101

Williamsport, PA 17701-6448

October 2, 2006

Northcentral Regional Office

Fax 570-327-3420

CERTIFIED MAIL NO. 7006 0100 0005 3589 6187

Mr E B Abel, Jr, President
Resource Recovery, LLC
3925 Columbia Avenue
P.O. Box 476
Mountville, PA 17554-0476

Re: Administrative Completeness Review
Resource Recovery Landfill Application
LD No 101685
Resource Recovery, LLC
APS No 583150, Auth No 632293
Rush Township, Centre County

Dear Mr. Abel

The Department of Environmental Protection (DEP) has determined that the referenced permit application for the Resource Recovery Landfill in Rush Township, Centre County, is administratively complete. As you know, on June 28, 2006, the timeline for the review of this application was negotiated between yourself, Rush Township, Centre County and DEP. At that time, a DEP review timeline of 21 months (630 days) was agreed upon.

During the technical review, Mr. Joseph Figured will be the lead reviewer evaluating the adequacy of the application to determine compliance with applicable rules and regulations. Mr. Figured will also coordinate comments from other technical staff, as necessary, to complete a comprehensive evaluation of the application.

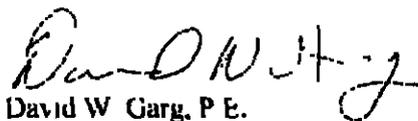
As a preliminary matter, pursuant to 25 Pa. Code § 271.3, the Department is requesting additional information regarding the proposed Interstate 80 interchange. The interchange is integral to the siting of the proposed landfill, and yet there is minimal information contained in Phase I of the permit application. Prior to proceeding with further review of the application, the Department requests that Resource Recovery submit further information to the Department regarding the I-80 interchange. Specifically, the Department is requesting that Resource Recovery submit information regarding the process for obtaining approval for construction of the interchange. In responding, Resource Recovery should, at a minimum, indicate what information has been requested from the pertinent state and federal agencies, what deficiencies, if any, the pertinent state and federal agencies have noted in the information previously submitted to them by Resource Recovery, what the process is for obtaining state and federal

approval, what is the anticipated length of time to obtain approval, and where Resource Recovery's request is in the administrative process. Given that traffic has a significant role in the Environmental Assessment, and there appears to be significant uncertainty as to the fate of the proposed interchange, the Department's Phase I review cannot proceed until the issues surrounding the interchange are resolved.

The Waste Management Program is also aware that the Watershed Management Program has determined that there appear to be significant deficiencies regarding the Chapter 105 permit. These deficiencies, and the manner in which they are resolved, will have a definite impact upon the siting and/or design of the landfill. The wetlands issues also significantly impact the Department's Phase I review of the Form D - Environmental Assessment for Municipal and Residual Waste Management Facilities. For these reasons, in addition to the Interstate 80 interchange issues, until the issues raised by the Watershed Management Program are also resolved, the Department's Phase I review will be unable to proceed.

Accordingly the Department's Phase I review will be suspended until Resource Recovery resolves the uncertainties connected with the Interstate 80 interchange and the wetlands issues raised by the Watershed Management Program. If you have any questions or require further assistance, please call me at 570-327-3752.

Sincerely,



David W. Garg, P.E.
Facilities Manager
Waste Management

cc Rush Township
Centre County Commissioners
Central Office- Municipal and Residual Waste Division
Bill Tafuto, ARM Group Inc
Gary Byron
Dan Spadoni
Joe Figured
File

Exhibit 11

**208 West Third Street, Suite 101
Williamsport, PA 17701-6448
February 7, 2007**

Northcentral Regional Office

Fax 570-327-3420

CERTIFIED MAIL NO. 7006 2150 0003 5203 4662

**Mr. E. B. Abel, Jr., President
Resource Recovery, LLC
3925 Columbia Ave.
P.O. Box 476
Mountville, PA 17554-0476**

**Re: Resource Recovery Landfill Application
Resource Recovery, LLC, I.D. No. 101685
APS No. 583150, Auth No 632293
Rush Township, Centre County**

Dear Mr. Abel:

I have received your January 5, 2007, letter regarding the status of the Department of Environmental Protection's (the Department) review of your application for the proposed Resource Recovery landfill in Rush Township, Centre County. I hope this letter will answer your questions.

As the October 2, 2006, letter from David Garg, P.E., Facilities Manager, Waste Management Program, to you stated, your application was determined to be administratively complete. However, because the proposed I-80 interchange is integral to the siting of the proposed landfill, Mr. Garg's letter requested additional information regarding the interchange be submitted prior to proceeding with further review of the permit application. As the letter states, the Department's Phase I review cannot proceed until the issues surrounding the interchange are resolved. The letter went on to further state, that the Department's Phase I review will be suspended until Resource Recovery resolves the uncertainties connected with the Interstate 80 interchange and the wetlands issues raised by the Watershed Management Program.

On December 4, 2006, The Department received a response to our October 2, 2006, letter. This letter was submitted by ARM Group, Inc. (ARM) on your behalf. As part of the response, ARM's letter addressed the question regarding the anticipated length of time to obtain approval and where Resource Recovery's request is in the administrative process. ARM's response included as an attachment, a letter from Rettew Associates, Inc., in which these questions were addressed. Rettew stated that PennDOT had approved the Point-of-Access (POA) Study for the interchange and had forwarded the POA to the Federal Highway Administration (FHWA) for their review. At the time of ARM's letter, this was incorrect. While PennDOT's Engineering District 2-0 had completed its review and recommended forwarding the POA to the FHWA for review, the POA was not forwarded by PennDOT until December 14, 2006. Rettew's letter stated that it is a two-step process to gain approval from the FHWA. The first step is a conceptual approval. Following the conceptual approval, the National Environmental Policy

Act (NEPA) process occurs. As we have explained before, the interchange is integral to the siting of the proposed landfill. Traffic has a significant role in the Environmental Assessment review, which includes the Harms vs. Benefits review. At this time, the Department still feels there are uncertainties remaining with the approval of this interchange. The Department's Phase I review will remain suspended until Resource Recovery LLC can provide information that the FHWA has completed the NEPA process and approved the I-80 interchange.

Finally, to answer your question regarding the "DEP days" review time, the DEP alternate review time will be on hold until we receive the information that the FHWA has completed its conceptual review and the NEPA process and approved the I-80 interchange. While I understand your opinion that the review of the December 4, 2006, submission should be "on the clock", I disagree with it. Our original timeline negotiations during the L MIP meeting were made with the understanding that substantial information relating to the interchange would need to be contained in the application. Upon beginning the review of the application, it was determined that the uncertainties discussed above remained as to the approval of this interchange. As such, the additional information was requested and we have reviewed this information "off the clock".

If you have any questions or require further assistance, please call me at 570-327-3695.

Sincerely,

Robert C. Yowell,
Regional Director
Northcentral Region

cc: James Miller
Rush Township Supervisors
Centre County Commissioners
Kevin, Kline, P.E., District Executive, PennDOT 2-0
Bill Tafuto, P.E., ARM Group, Inc.
File

Exhibit 12



Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063

May 19, 2008

Secretary

717-787-2814

Ms JoAnn Gillette
Application Review Committee
People Protecting Communities
P.O. Box 38
Clarence, PA 16829

Dear Ms Gillette:

Thank you for your recent letter regarding your concern for the proposed landfill in Rush Township, Centre County. I appreciate your position regarding the development plans submitted by Resource Recovery, LLC (RRLC). Also, I appreciate the amount of effort that your group has undertaken to learn the permitting process and to be involved in the process.

Your correspondence references the letter that was sent to me by RRLC, and provides a rebuttal to the claims by RRLC. In that letter, RRLC provided a fairly detailed synopsis of the development plans that its company has for the Rush Township property. In addition, RRLC also provided a list of proposed benefits that it believes will arise from the development of the property. Finally, RRLC requested that the Department of Environmental Protection (DEP) proceed in its permit review of the landfill application that was submitted to DEP's Northcentral Region.

My staff informs me that the Northcentral Regional Office permit application review staff for the landfill has not begun the extensive Phase I and Phase II reviews of the application. Accordingly, DEP is not in a position to respond to many of your comments. However, I want to make your group aware that DEP's position conveyed to RRLC by letter from the Northcentral Regional Director, Robert C. Yowell, on February 7, 2007, remains unchanged. At this time, DEP still believes that there are significant uncertainties remaining with the approval of the proposed Interstate-80 interchange. DEP's Phase I review will remain suspended until RRLC can provide information that the Federal Highway Administration has completed the National Environmental Policy Act process and approved the I-80 interchange. Therefore, until the questions/issues regarding the proposed interchange are resolved, DEP is unable to proceed with its review of the application.

Thank you for your interest in this matter. I hope this information is helpful. If you have any questions, please contact Mr. Michael D. Sherman, Deputy Secretary of Field Operations, by e-mail at msherman@state.pa.us or by phone at 717-787-5028 or Mr. Robert C. Yowell, Director of our Northcentral Regional Office, by e-mail at ryowell@state.pa.us or by phone at 570-327-3695.

Sincerely,

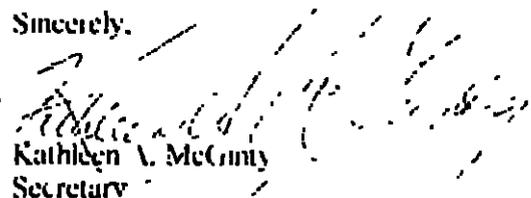

Kathleen A. McGinty
Secretary

Exhibit 13



Pennsylvania Department of Environmental Protection

208 West Third Street, Suite 101

Williamsport, PA 17701-6448

October 2, 2006

Northcentral Regional Office

Fax 570-327-3565

CERTIFIED MAIL NO. 7005 2570 0001 1573 8029

ARM Group, Inc.
William S. Tafuto, P.E.
1129 West Governor Road
P.O. Box 0797
Hershey, PA 17033-0797

Re: Preliminary Technical Review
Resource Recovery, LLC
Application No. E14-492
Rush Township, Centre County

Dear Mr. Tafuto:

In respect to the Dam Safety and Encroachments Act (32 P.S. § 6931 *et seq.*) and the companion rules and regulations, 25 Pa. Code Chapter 105, the Department has begun the technical review of your application and determined that sufficient issues exist to preclude further technical review. The Department prefers to send out only one technical deficiency letter. However, in this case, we felt it best to deal with the deficiencies in two stages. For example, it would be pointless to deal with the details of wetland replacement prior to reaching agreement over wetland impact. Our major issues follow.

First, your project site selection depended heavily on interstate highway access and yet your alternatives analysis only considered two sites with direct interstate access. How did you determine that there were only two suitable sites with direct interstate access in your landfill service area?

Second, your alternatives analysis does not consider a "no build" alternative. What are the consequences of not building this landfill at this site?

Third, your project site selection depended heavily on interstate highway access and "ample size to co-locate related facilities (recycling, renewable energy, etc.)." These related projects border on primary impacts because they are part of the project objectives. They are, at the very least, highly likely secondary impacts. Chapter 105 14(b)(12) requires the Department to consider the effects of secondary impacts associated with, but not the direct result of, a proposed encroachment.

You deal with secondary impacts of future development of this 5,758-acre site in two sentences on page h-8 of your application. You state that the I-80 interchange and Peale Road relocation will affect approximately 0.7 acres of emergent wetlands, and that there will be no aquatic resource impacts involved with the Industrial Park portion of this project. This is inadequate. The application must account for, and include all aquatic resource impacts anticipated during construction of the I-80 interchange. Also, it must demonstrate how you will guarantee that there will not be any aquatic resource impacts associated with the industrial development of the remaining 4,200-acre tract.

Fourth, to paraphrase Chapter 105 18a(b), the Department will not grant a permit to encroach in non-exceptional value wetlands unless the applicant demonstrates that the project will not have a significant adverse impact on the wetlands. Areal extent of impact is one factor in determining significance. The Department contends that filling 10.6 of the 19.0 acres of wetland found within the 500-acre landfill permit boundary is significant. Furthermore, the wetlands to be filled are mostly those unaffected by old mining, while those to be avoided are on the mine-scarred portions of the site.

The application, in one sentence and with little elaboration, states that undermined areas were avoided. Yet the plans for design alternative 4 clearly indicate that undermined areas were considered as part of a landfill footprint with a capacity double the proposed footprint. Also, at pre-application meetings, you have stated that undermined areas may be considered in future landfill expansion. Please explain in detail why the currently proposed 274-acre landfill footprint cannot include the mined areas, and thereby avoid the larger wetlands in the unmined areas. And, while you are at it, explain in detail why the footprint cannot be reduced to avoid wetlands.

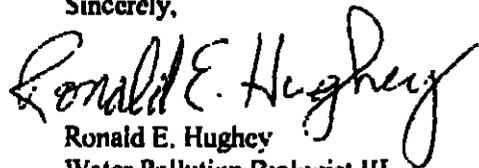
Fifth, please include a statement on water dependency as required by Chapter 105.13(d)(1)(ii)(D)

Within 60 days, please respond to the above issues in writing. The Department will continue its evaluation of your application at that time. If these major issues are resolved, you may yet receive a detailed deficiency letter dealing with problems found during our complete review of the application and wetlands replacement plan. Regardless, you will have a final opportunity to correct any deficiencies, which will be in a pre-denial letter, before the Department makes a final determination.

If you believe the stated omissions are not significant, you have the option of declining and asking the Department to make a decision based on the information you have already made available. If you choose this option, you should explain and justify how your current submission satisfies the issues noted above. Please keep in mind that if you ignore or fail to respond to this request within 60 days upon receipt of this letter, your application will be denied.

If you have any questions regarding the identified omissions, please contact me at the above address or by telephone at 570-327-3660.

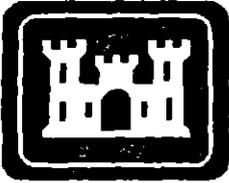
Sincerely,



Ronald E. Hughey
Water Pollution Biologist III
Operations Section
Water Management

cc: Centre County Conservation District
Pa Fish and Boat Commission
U.S. Army Corps of Engineers
Waste Management
File

Exhibit 14



PUBLIC NOTICE

US Army
Corps
of Engineers
Baltimore
District

In Reply to Application Number
CENAB-OP-RPA(RESOURCE RECOVERY,
LLC)04-02142-8

PN-07-06

Comment Period: January 16, 2007 to February 14, 2007

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) as described below:

APPLICANT Mr. Ed B. Abel, President
Resource Recovery, LLC
3925 Columbia Avenue
P O Box 476
Mountville, PA 17554-0176

LOCATION In wetlands adjacent to unnamed tributaries to Mosnannon Creek and Laurel Run in Rush Township, Centre County, Pennsylvania

WORK. To discharge dredged or fill material into approximately 3.64 acres of Federally regulated (jurisdictional) wetlands associated with the construction of a municipal landfill and supporting facilities. The jurisdictional wetlands to be impacted include 2.89 acres of palustrine forested/palustrine emergent (PFO/PEM) wetlands, 0.69 acre of palustrine scrub-shrub/palustrine emergent (PSS/PEM) wetlands, and 0.06 acre of PEM wetlands. An additional 7.01 acres of isolated wetlands (non-jurisdictional pursuant to Section 404 of the Federal Clean Water Act) are proposed to be impacted. The construction of approximately 12.0 acres of wetlands on-site is proposed as mitigation. Additional on-site mitigation proposed includes 440 linear feet of riparian planting and 5.8 acres of upland habitat enhancement.

All work will be completed in accordance with the enclosed plans. If you have any questions concerning this matter, please contact Dr. Tom Pluto at (814) 235-0574.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity, on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonable may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof, among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public, Federal, State, and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing, and to determine the overall public interest of the proposed activity. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, Attn: Dr. Tom Pluto, State College Field Office, 1421 South Atherton, Suite 102, State College, Pennsylvania 16801, within the comment period specified above.

The applicant is required to obtain a water quality certification in accordance with Section 101 of the Clean Water Act from the Pennsylvania Department of Environmental Protection through the issuance of a Section 105 permit or through direct application to the Regional Office in the area of the proposed project. The Section 101 certifying agency has a statutory limit of one year in which to make its decision.

The applicant must obtain any State or local government permits which may be required.

A preliminary review of this application indicates that the proposed work will not affect Federal listed threatened or endangered species or their critical habitat pursuant to Section 7 of the Endangered Species Act, as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. Currently no archaeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

The evaluation of the impact of this project on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 403 of the Clean Water Act. Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, Attn: Dr. Tom Pluto, State College Field Office, 1631 South Albarton, Suite 101, State College, Pennsylvania 16801, within the comment period as specified above to receive consideration. Also it must clearly set forth the interest which may be adversely affected by this activity and the manner in which the interest may be adversely affected.

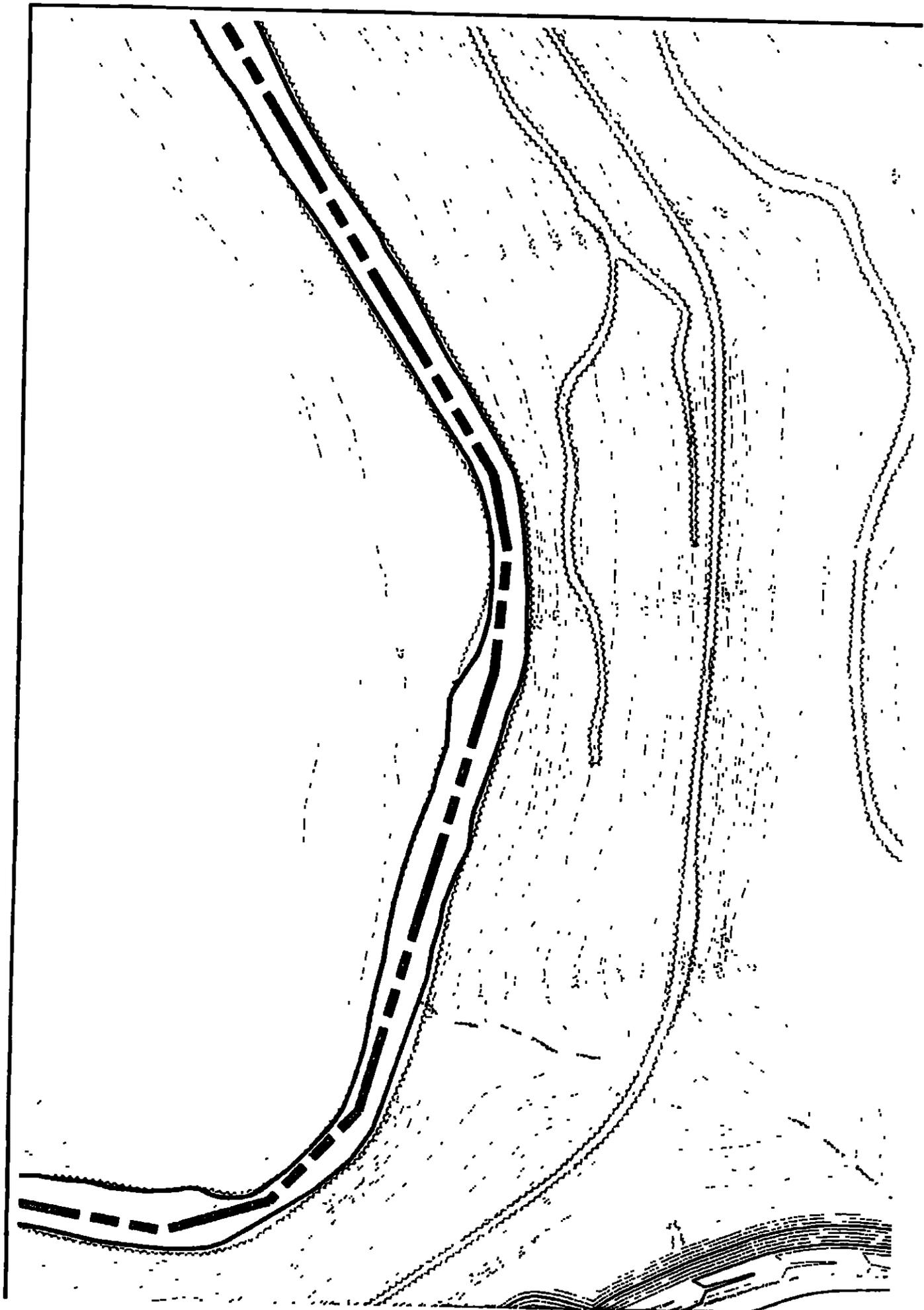
It is requested that you communicate this information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

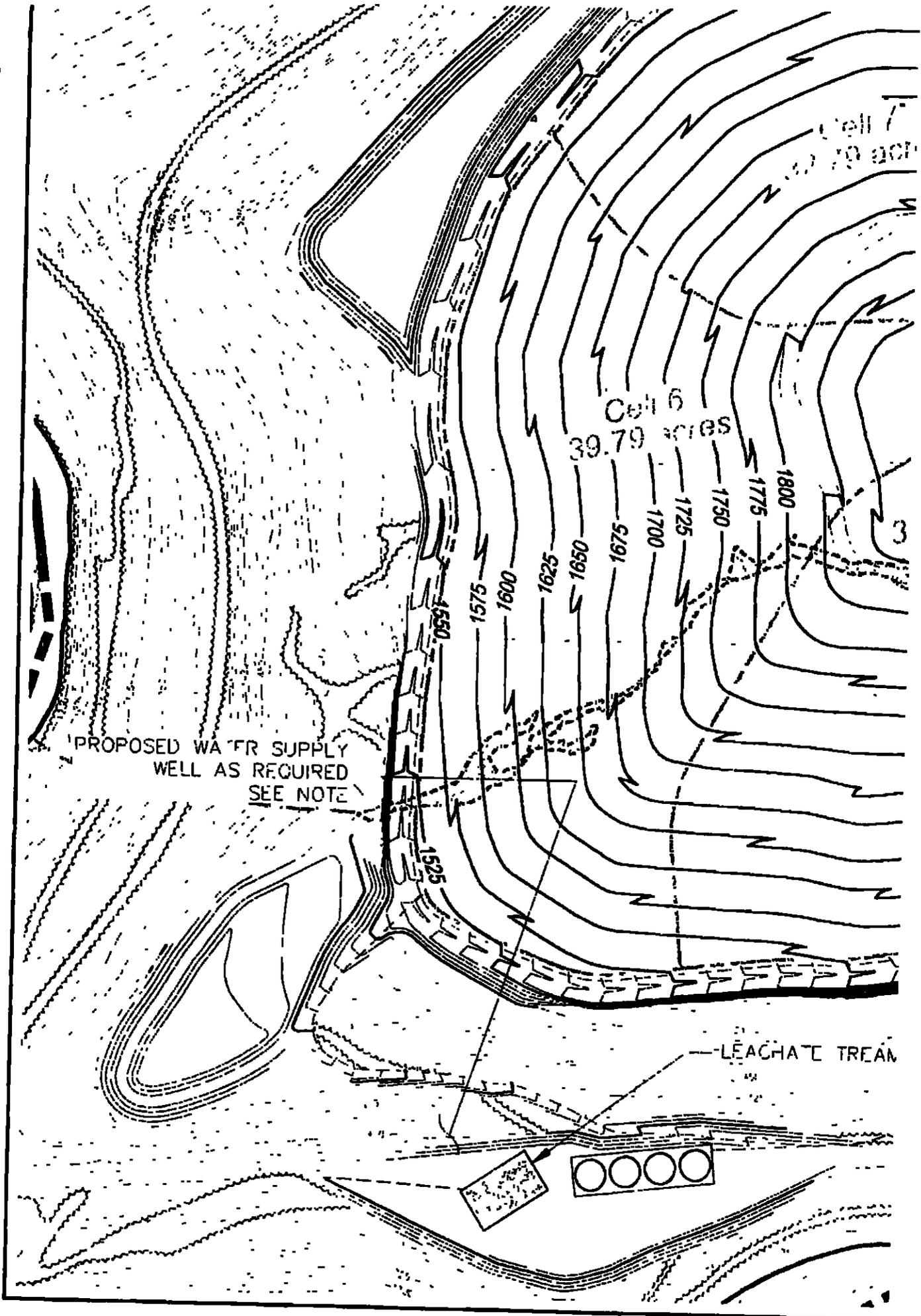
FOR THE DISTRICT ENGINEER



Irwin Garshot
Chief, Pennsylvania Section

ENCLOSURE





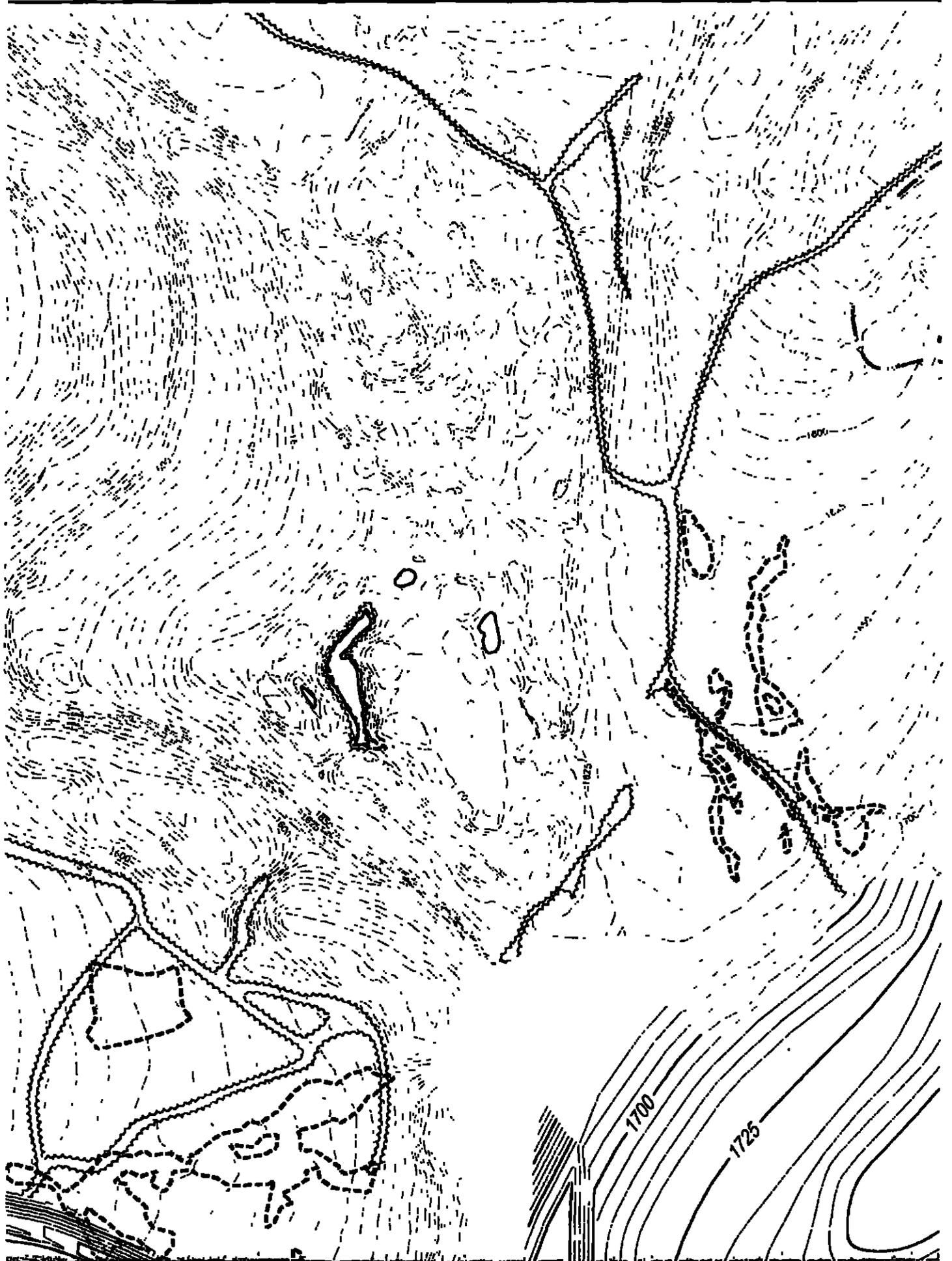
PROPOSED WATER SUPPLY
WELL AS REQUIRED
SEE NOTE

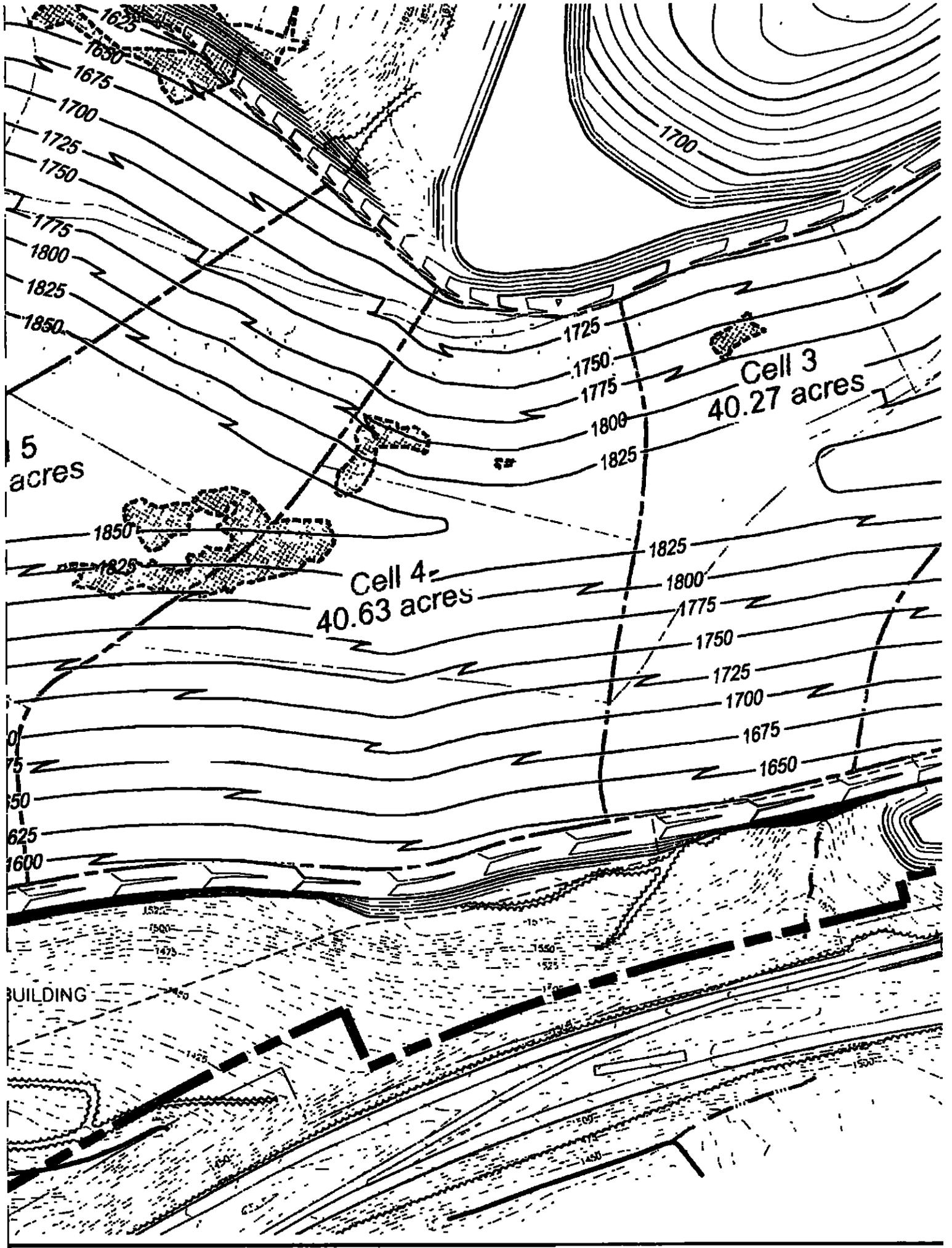
Cell 6
39.79 acres

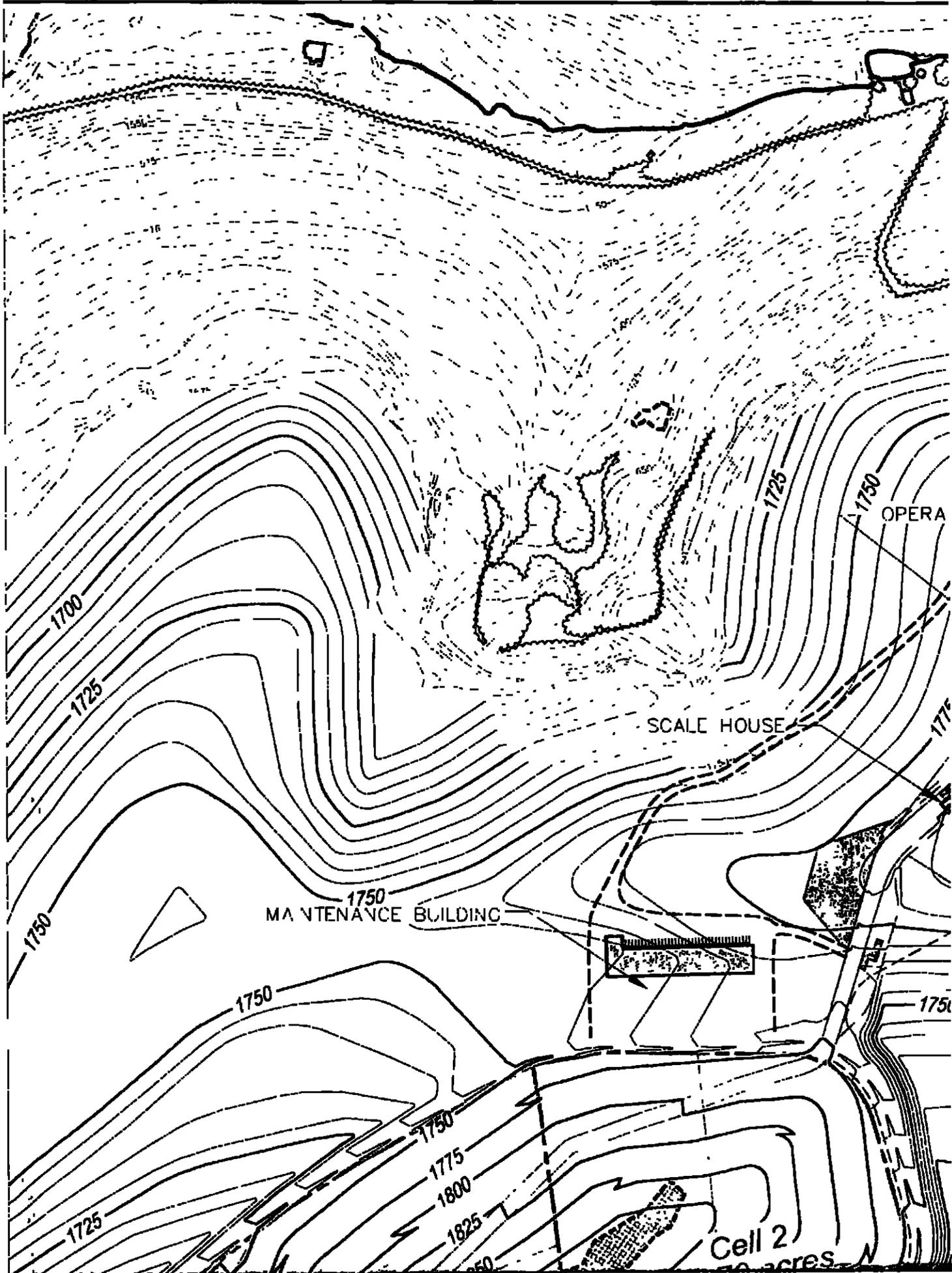
Cell 7
20.29 acres

LEACHATE TREATMENT









1550

1575

1600

1625

1650

1675

1700

1725

1750

OPERA

1700

1725

SCALE HOUSE

1775

1750

1750

MAINTENANCE BUILDING

1750

1750

1750

1775

1800

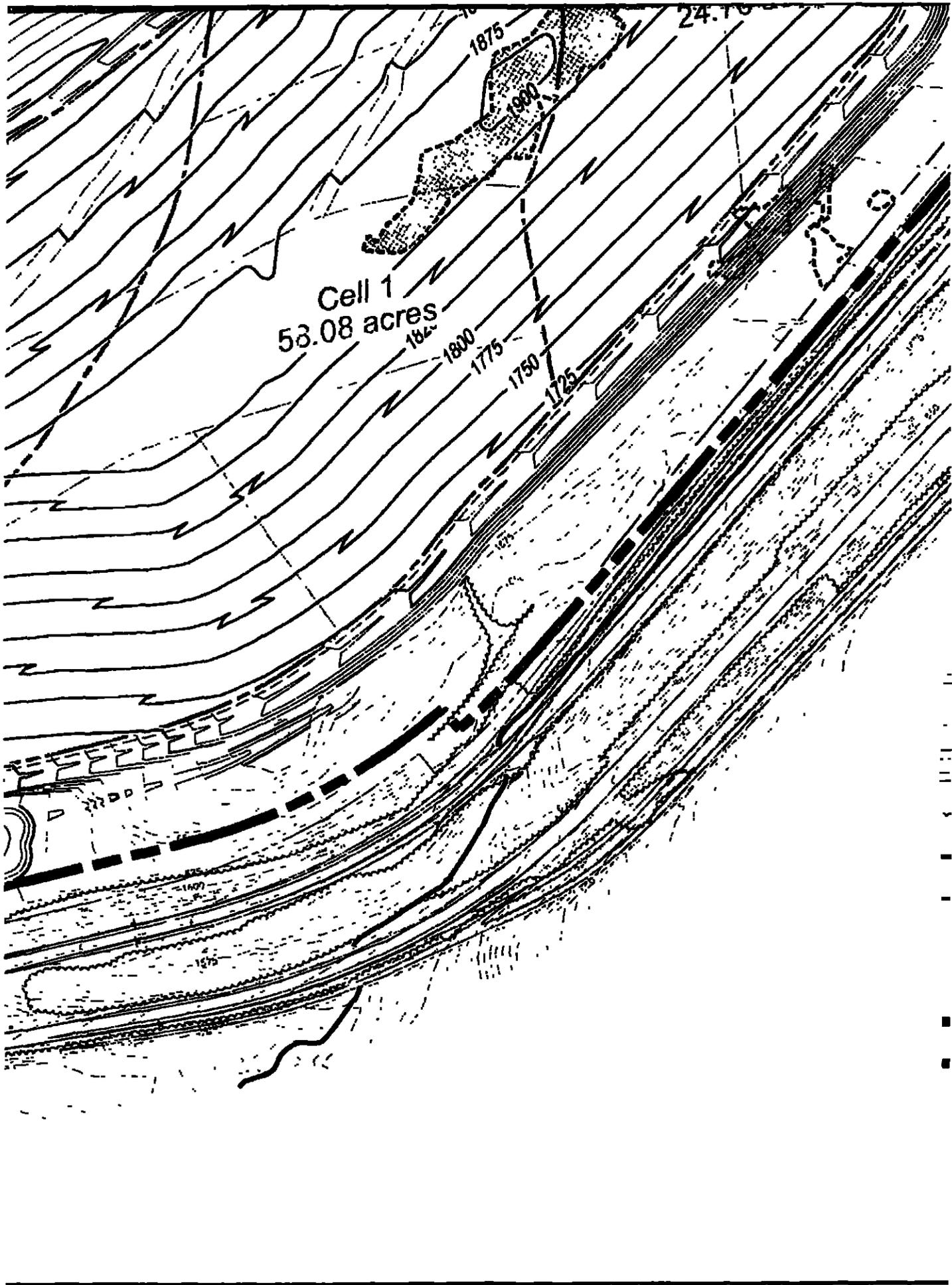
1825

1850

1725

Cell 2

10 acres



Cell 1
53.08 acres

1875

1800

1775

1750

1725

24.16

1800

1775

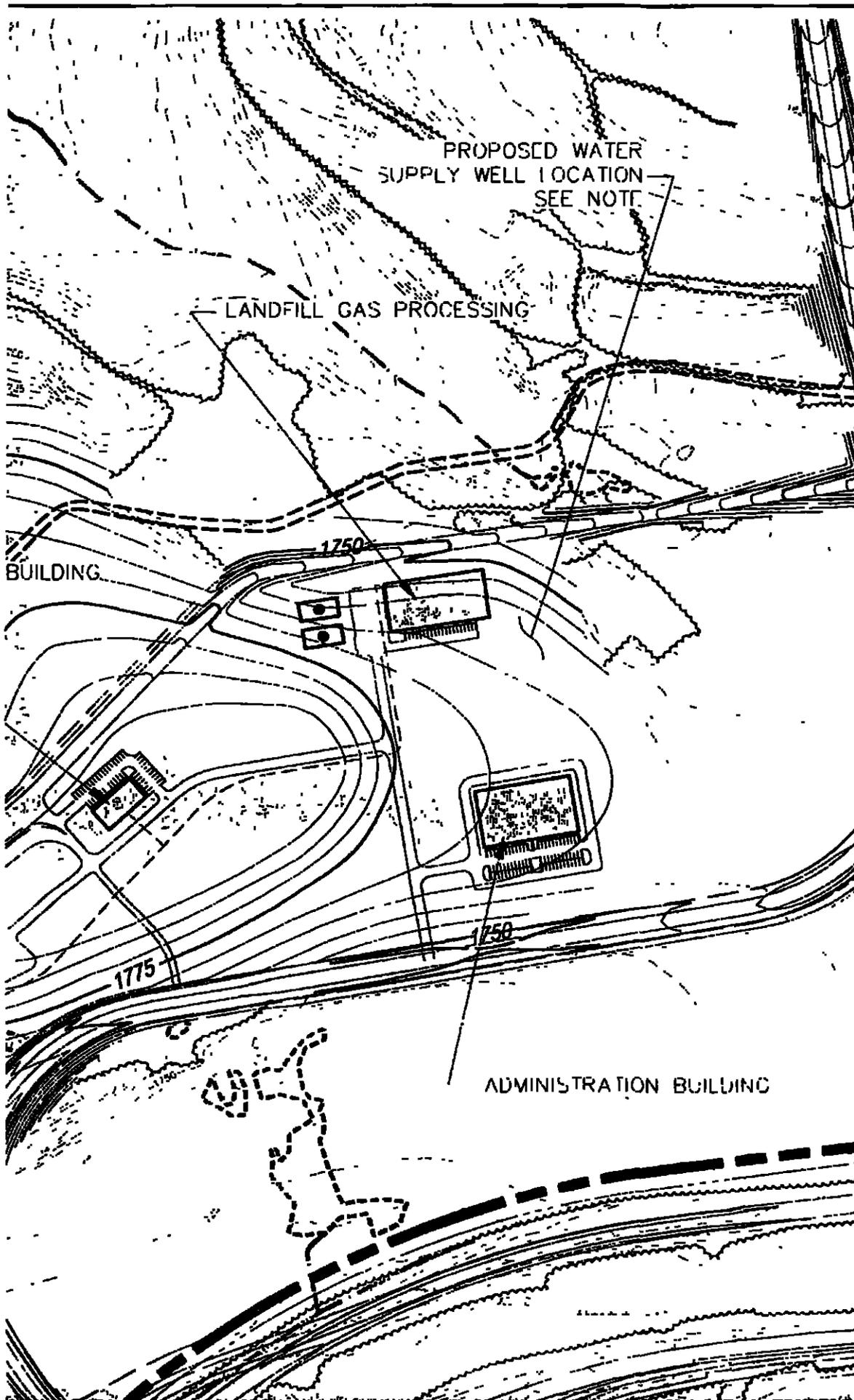
1750

1725

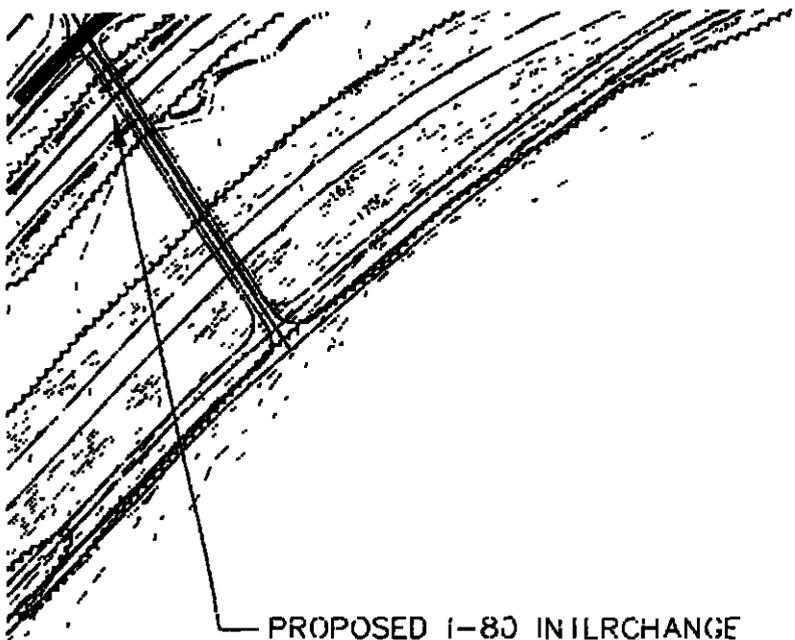
1900

1699

1679

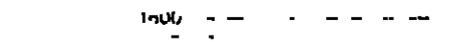
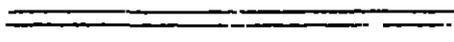
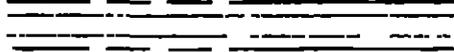
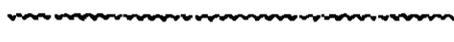
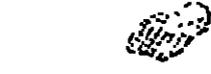
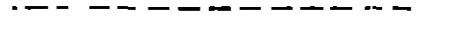


SAYING TITLE SITE PLAN			
PROJECT TITLE RESOURCE RECOVERY, LLC RESOURCE RECOVERY LANDFILL			
LOCATION RUSH TOWNSHIP CENTRE COUNTY, PENNSYLVANIA		No.	Revision
		Date	By



PROPOSED I-80 INTERCHANGE

LEGEND

-  EXISTING CONTOUR
-  EXISTING PAVED ROAD
-  EXISTING UNPAVED ROAD
-  PROPOSED ROAD
-  EXISTING TREELINE
-  EXISTING STREAM (PERENNIAL)
-  EXISTING STREAM (INTERMITTENT)
-  EXISTING BUILDING
-  EXISTING POND
-  EXISTING PROPERTY BOUNDARY
-  EXISTING TOWNSHIP LINE
-  PROPOSED WETLAND IMPACTED
-  PROPOSED CELL BOUNDARY
-  PROPOSED SUB-CELL BOUNDARY
-  PROPOSED SEWAGE CONVEYANCE



ARM Group Inc.

Earth Resource Engineers and Consultants
 1129 West Governor Road • Hershey, PA 17033-0797
 Ph: (717) 533-8600 Fax (717) 533-8605



designed	ARM	scale	1" = 300'
checked	-	date	03/31/2006
drawn	MPG	project no	04117-4-1
graphic scale	 SCALE IN FEET		
Tab		F-2	

Exhibit 15



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

February 13, 2007

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

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

Dear Mr. ~~Garskoff~~, *Irwin*

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

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

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

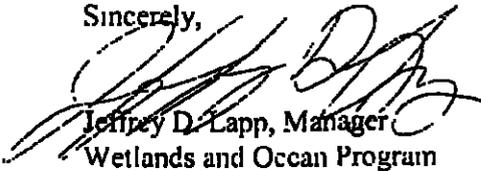
EPA is very concerned that the project as proposed has not demonstrated that impacts to waters of the U.S. have been avoided or minimized to the greatest extent practicable as required by the

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

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

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

Sincerely,



Jeffrey D. Lapp, Manager
Wetlands and Ocean Program

cc: Cindy Tibit, USFWS, State College, PA

Exhibit 16



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Pennsylvania Field Office
315 South Allen Street, Suite 322
State College, Pennsylvania 16801-4850

February 14, 2007

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

Dear Colonel Mueller:

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

These comments are prepared in accordance with the requirements of the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e) and the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). They are to be used in your determination of Section 404(b)(1) Guidelines compliance (40 CFR 230) and in your public interest review (33 CFR 320.4) as they relate to protection of fish and wildlife resources. We have previously commented on this project in letters dated October 23, 2006 (to the Pennsylvania Department of Environmental Protection), November 5, 2005 (to the applicant's consultant); June 14, 2005 (joint letter with the Department); and June 9, 2004 (to the applicant's consultant) (copies enclosed). Aside from complying with the procedural requirements of the Endangered Species Act for the landfill site, the applicant has not modified the project to address any of our previous comments, so we are incorporating those comments herein by reference.

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

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

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

Summary

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

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

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

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

Sincerely,



David Densmore
Supervisor

Enclosures

cc.

DFP – Steven Means
PFBC – David Spotts, Chris Urban
EPA – Marria O'Malley-Walsh
PGC Jeff Kost
Centre County Conservation District

Mr Rich Adams
Water Management Program
PA Department of Environmental Protection
Northcentral Regional Office
208 W. Third Street
WilhamSPORT, PA 17701

ARM Group, Inc
(Attn: Ned Whaler, Bill Tafudo, Amy Gulden)
1129 West Governor Road
Hershey, PA 17033-0797

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

Retnew
Timothy Falkenstein
3020 Columbia Avenue
Lancaster, PA 17603

Representative Mike Hanna
State Representative, 76th District
102 Turnpike Street
P.O. Box 1134
Milesburg, PA 16853

Centre County Commissioners
Willowbank County Office Building
420 Holmes Street
Bellefonte PA 16823-1488

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

**Ms Michele L. Barbin
P O. Box 142
Snowshoe, PA 16874-0142**

**Ms Terri Burbidge
221 Gorton Road
Moshannon, PA 16859**

Readers file

Project File – Kagel

ES files, archive – Dombroskie

LS: PAFO.JKagel/jak-1/23/07

Filename: Y:\FROFFICE\Drafts\Drafts 2007\snow shoe landfill Corps IP II.doc

Enclosures include:

- 1) FWS letter dated June 9, 2004**
- 2) DEP letter dated June 14, 2005**
- 3) FWS letter dated November 5, 2005**
- 4) FWS letter dated October 23, 2006**

Exhibit 17



Pennsylvania Department of Environmental Protection

186 Enterprise Drive
Philipsburg, PA 16866
February 5, 2007

Moshannon District Office

(814) 342-8200

FAX (814) 342-8216

Centre County Planning Commission
3rd Floor Willowbank Unit
Valentine & Holmes Streets
Bellefonte, PA 16823

RE Glenn O Hawbaker, Inc
SMP #14070801
Rush Township, Centre County

Gentlemen

An application for a Small Industrial Minerals Surface Mine Permit has been received by this office. Attached are portions of the application for your reference.

We invite you to submit comments to DEP related to comprehensive plans and zoning ordinances under Acts 67 and 68, which amended the Municipal Planning Code to support sound land use practices and Growing Smarter. The new law directs state agencies to consider comprehensive plans and zoning ordinances when reviewing applications for permitting of facilities or infrastructure. We have enclosed a copy of a Land Use Questionnaire that has been completed by the applicant.

Please identify any land use concerns or issues associated with the proposed project if there are any. Along with your comments, you are also encouraged to send as much information as necessary to support your comments. This can include a copy of the sections of your comprehensive plan that relate to the project and a copy of any applicable zoning ordinances. You may also want to identify locally designated growth areas, Keystone Opportunity Zones, efforts to preserve open space and prime farmland and similar information.

If you wish to comment on the above subject permit application, please submit your comments in writing to this office within 30 days.

Sincerely,

Dr. Charles E. Miller, Jr., P.G.
District Mining Operations

Enclosures

1 opo cc
1 facesheet - cc
Land Use Questionnaire

cc Lead Reviewer Charles E. Miller, Jr., P.G.
eFACTS/Permit Appl. File

CEM/jt



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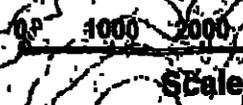
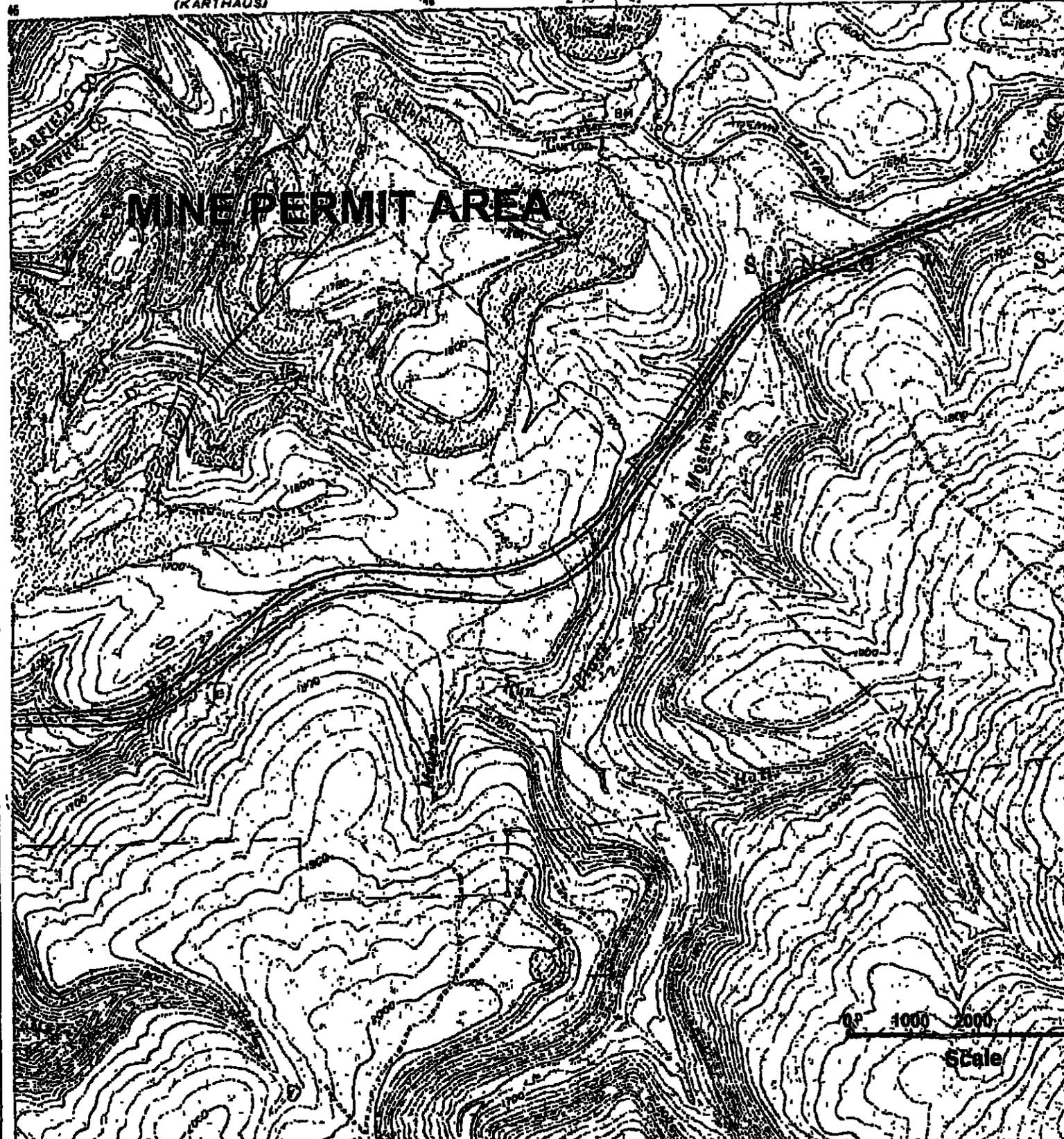
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WILSON AND CO.

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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF MINING AND RECLAMATION

Date Received	14070801
Permit Number	

**PERMIT APPLICATION
FOR SMALL NONCOAL (INDUSTRIAL MINERAL)
SURFACE MINE**

Before completing this form, read the step-by-step instructions provided with this Permit Application Package.

SECTION A. APPLICANT INFORMATION		
Applicant Name: Glenn O. Hawbaker, Inc. Telephone Number: (814) 359-5051		Mailing Address: 711 East College Avenue Pleasant Gap, PA 16823
License Number: 2128		Subcontractor: Will a subcontractor mine the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No List the name and mining license number if applicable.
SECTION B. DESCRIPTION OF ACTIVITY		
Mine Name: Moshannon Aggregates Type of Mining: <input type="checkbox"/> Bank <input type="checkbox"/> Pit <input checked="" type="checkbox"/> Quarry <input type="checkbox"/> Strip <input type="checkbox"/> Other		Mineral(s) Mined: Sandstone
SECTION C. SITE INFORMATION		
Receiving Stream: Moshannon Creek	Total Acres To Be Affected By Mining Activities: 5.0	USGS Quad: Black Moshannon - 7 1/2 minute Quad.
Tributary to: West Branch Susquehanna River	Total Acres To Be Authorized For Mining (Extraction): (5 Acre Maximum) 5.0	Location. Distance in inches from Lower Right Hand Corner of the 7 1/2 minute USGS Quad North 19.4 West 8.9
Depth of Mining: Topsoil/subsoil. <u>2 to 5 inches</u> ft Overburden: <u>0 to 45 feet</u> ft Mineral Mined <u>55 feet</u> ft TOTAL DEPTH <u>100 feet</u> ft	Maximum Annual Production For This Site: <input checked="" type="checkbox"/> 2,000 tons <input type="checkbox"/> 10,000 tons Acres to be Bonded: 5.0	County: Centre Municipality: Rush
Name and Address of Landowner(s): CLOG, Inc. 820 Waterfront Drive Lancaster, PA 17602 (Attach additional sheet if necessary)		Blasting: Will blasting be conducted at this operation? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No A blast plan must be submitted and approved prior to any blasting The blast plan form is available from DEP District Mining Offices
Erosion Control Measures: Complete the Erosion Control Plan on Exhibit I or provide an alternate erosion control plan.		Groundwater: Will this operation encounter groundwater? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
Revegetation Plan: <input checked="" type="checkbox"/> Grasses/Legumes <input type="checkbox"/> Trees/Shrubs <input type="checkbox"/> Other _____ Complete the Revegetation Schedule on Exhibit I		Type of Reclamation: <input type="checkbox"/> Approximate Original Contour <input checked="" type="checkbox"/> 35° Terrace <input type="checkbox"/> Other (specify) _____
Onsite Processing Activities: Will processing activities be performed on this site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Check applicable box or boxes <input checked="" type="checkbox"/> crushing <input type="checkbox"/> sorting <input type="checkbox"/> cutting or shaping <input checked="" type="checkbox"/> screening <input type="checkbox"/> washing/cleaning <input type="checkbox"/> other _____		Fugitive Dust Control <input checked="" type="checkbox"/> Periodic watering as needed <input type="checkbox"/> Maintain low speeds on haulroads <input type="checkbox"/> Other (specify) _____

DEP LAND USE REVIEW QUESTIONNAIRE

Operator Glenn Q. Hawbaker
Project Name Moshannon Aggregates
Project Location Rush Top, Centre Co.

Acts 67 and 68 of 2000 amend the Commonwealth's Municipalities Planning Code (MPC) to promote sound land use practices and Growing Smarter. One of the provisions in these two new laws is the requirement for all state agencies to consider comprehensive plans and zoning ordinances when reviewing applications for permitting of infrastructure or facilities. Comprehensive plans and zoning ordinances are defined as county, municipal, or multi-municipal comprehensive plans adopted under the MPC and zoning ordinances adopted under the MPC.

DEP requires that you answer the following questions about your permit application and submit the questionnaire with your application. For help in determining how to answer some of the questions in terms of your individual project, please refer to the Policy for Consideration of Local Comprehensive Plans and Zoning Ordinances in DFP Review of Permits for Facilities and Infrastructure. (To view the policy, visit www.dep.state.pa.us/DirectLINK_DEP_Land_Use_Reviews) You may also contact the District Mining Office that is handling your permit application.

Please answer the following two questions to determine whether you are required to complete the land use section below:

1. Is this application for any of the following authorization types, which are affected by the land use policy?

Coal Surface Mining Permit
Refuse Disposal Permit
Coal Processing
Coal Underground Mining Permit – surface facilities
Industrial Mineral Large Surface Mining Permit
Industrial Mineral Small Surface Mining Permit
Industrial Mineral Bluestone Surface Mining Permit
Industrial Mineral Underground Mining Permit – surface facilities

YES NO

2. Will the project involve new land development, change the existing use of the land, or change the "footprint" of an existing facility?

YES NO

If the answers to both of the above questions are "YES", you are required to complete the Land Use Information questions below. If the answers to either question is "NO", you do not need to proceed any further. Include this questionnaire with your permit application.

LAND USE INFORMATION

1 Is there a municipal comprehensive plan?

YES NO

2 Is there a county comprehensive plan?

YES NO

~~3 Is there a multi-municipal or multi-county comprehensive plan?~~

~~YES NO~~

4 Is the proposed project consistent with these plans?

YES NO

5 Are there municipal zoning ordinances?

YES NO

6 Are there joint municipal zoning ordinances?

YES NO

7 Is the proposed project consistent with zoning ordinances?

YES NO

8 Does the proposed project require a change or variance to an existing comprehensive plan or zoning ordinances?

YES NO

9 Are any zoning ordinances that are applicable to this project currently subject to any type of legal proceeding?

YES NO

10 Have you obtained all applicable local zoning and building approvals?

YES NO

11. Will the project involve any of the following:

11.1 a site under DEP's Land Recycling Program? YES NO

11.2 Reclamation or re-mining of a previously mined site? YES NO

11.3 A Keystone Opportunity Zone, Select Site or Enterprise Development Area? YES NO

11.4 A designated Growth Area? YES NO

12 Have local municipal or county land use comments been submitted to the Department?

YES NO

Note: Applicants are encouraged to submit copies of local land use approvals or other evidence of compliance with local comprehensive plans and zoning ordinances.

County of Centre



PLANNING AND COMMUNITY DEVELOPMENT OFFICE

Willowbank Office Building
420 Holmes Street
Bellefonte, Pennsylvania 16823-1488
Telephone (814) 355-6791
FAX (814) 355-8661
www.co.centre.pa.us

BOARD OF COMMISSIONERS
C CHRIS EXARCHOS, *Chairman*
STEVEN G DERSHEM
JOHN T SAYLOR

DIRECTOR
ROBERT B JACOBS

ASSISTANT DIRECTOR
CHRISTOPHER M PRICE

March 1, 2007

Dr. Charles E. Miller, Jr , P G.
PA DEP District Mining Operations
186 Enterprise Drive
Philipsburg, PA 16866

RE Glenn O Hawbaker, Inc - SMP #14070801 – Rush Township,
Centre County

Dear Dr Miller,

The Centre County Planning and Community Development Office received the above application notice. The Planning Office's comments are as follows:

This application is located on the 5,758 acre property currently owned by CLOG and proposed as a landfill site by Resource Recovery, LLC (RR LLC). At the present time, a permit for that landfill has been submitted to PA DEP in Williamsport for review Mr David W. Garg, P.E Facilities Manager – Waste Management Division at the PA DEP Williamsport Office is in charge of the permit review

In regards to the mining permit application's land use information, the following comments are provided for your review:

Question 1. – Yes, Rush Township Comprehensive Plan 2006

Question 2 – Yes, Centre County Comprehensive Plan 2003

Question 4.– No, the Rush Township Comprehensive is inconsistent with the Centre County Comprehensive

Question 5 – No, Rush Township. Yes, Snow Shoe Township

Question 7. – No, the RR LLC permit application and the Hawbaker Mining application are inconsistent with the Snow Shoe Township Zoning Ordinance due to the Forest/ Open Space designation and the sole access to the proposed uses are through Snow Shoe Township. The CLOG property is located within both Rush and Snow Shoe Townships.

Question 9 – Yes, RR LLC is currently challenging a County Subdivision and Land Development ordinance that deals with Developments of Regional Significance

Based on the RRLLC permit request, which is on hold pending approval for a proposed access interchange to I-80 and a required FHWA NEPA environmental review and approval, the Planning Office recommends that this mining permit application be suspended or denied until the above landfill permit issues have been resolved

Should you have any questions, or require additional information, please call this office. Thank you

Sincerely,


Robert B. Jacobs, AICP
Planning Director

pc. Timothy T. Boyde, County Administrator
Christopher M. Price, AICP, Assistant Director
David W. Garg, P.E., PA DEP Facilities Manager – Waste Management
file

Exhibit 18



Pennsylvania Department of Environmental Protection

186 Enterprise Drive
Philipsburg, PA 16866
August 24, 2007

Moshannon District Office

(814) 342-8200
Fax No. (814) 342-8216

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

Re: Small Industrial Mineral Application
Glenn O. Hawbaker, Inc.
Small IM # 14072801
Rush Township, Centre County

Dear Ms. Gillette

We have completed our initial review of Glenn O. Hawbaker's small industrial mineral sandstone mining application. I am forwarding a copy of the correction letter that we sent to the company following that review.

Our review took into account the letter that you submitted in June containing many comments about the proposed mining and about other proposed development in the area. Although we recognize that your group has many concerns about the proposed landfill and industrial development, we must limit our review of Hawbaker's application to the issues directly related to the small mining application. As you can see from our correction letter, we have some concerns about the proposed mining that must be addressed before we consider issuing a permit.

The landfill application will be thoroughly reviewed by staff in the Northcentral Regional Office of DEP. They will be addressing all of the landfill related issues that you raised in your June letter.

We will keep you posted on the progress of the small industrial mineral permit review once the company responds to our correction letter.

Sincerely,

John P. Varner, Chief
Permit & Technical Services Section

Encl:

cc: Michael W. Smith
Charles Miller
Small IM File





Pennsylvania Department of Environmental Protection

186 Enterprise Drive
Philipsburg, PA 16866
May 31, 2007

Moshannon District Office

(814) 342-8200
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Pat Federinko, P.G.
Glenn O. Hawbaker, Inc
711 East College Avenue
Pleasant Gap, PA 16823

RE: Correction Letter
Glenn O. Hawbaker, Inc.
SMP # 14072801, Moshannon Aggregates
Rush Township, Centre County

Dear Pat:

Your application for a Small Industrial Minerals Surface Mining Permit whereby you propose to bond 5.0 acres on the lands of CLOG, Inc. located in the above-referenced township and county has been reviewed. We recently had a field review completed for this site. To continue processing this application, the following issues must be addressed:

1. Provide a detailed map showing the following items within 1000 feet of the permit streams, discharges, wetlands, pipelines, surface mine areas, structures/camps, water supplies, location and identification of piezometers, and evidence of abandoned underground coal mining.
2. Because the proposed permit is located within coal country and there are AMD discharges in the area, two overburden holes in the permit are needed. These need to be drilled and analyzed to the proposed total depth. If coal is encountered at that bottom depth, the holes should extend to 0.5 feet below the coal. Submit the drill logs, overburden analyses, and, if needed, alkaline-addition plan.
3. Why were piezometers emplaced at this site? Provide diagrams, sampling, and information on each. What is the frequency of sampling at the piezometers?
4. Because this is in coal country, characterize the water quality of the receiving streams. Establish monitoring points and provide at least two background samples that include coal-permitting parameters.
5. Provide two background samples of point-source flows, especially the deep-mine discharge that is approximately 1000 feet off the permit.
6. Inventory private water supplies within 1000 feet of the proposed permit. One large camp is located approximately 800 feet north of the permit. Complete the attached Modules 8.1(A) and 8.2(A) for each.

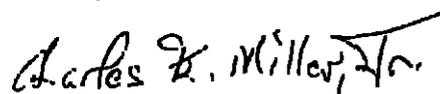


7. Will coal be encountered at the proposed site? If yes, what will be done with the encountered coal and how do you propose to prevent the formation of AMD?
8. Will groundwater be encountered? If so, how do you intend to treat it given the small size of this permit and the depth to which you plan to go?
9. Your application indicates that crushing and screening will occur. Will the daily rate require an air-quality permit? If so, you need to obtain this permit
10. Because this is a five-acre permit, benching will be necessary. Will there be adequate room for support, including treatment ponds should they be needed?
11. Previously I notified you of Centre County's Planning and Community Development Office's review of your land-use questionnaire. Their response indicated your proposed permit is inconsistent with the Snow Shoe Township Zoning Ordinance. Have you addressed this issue?
12. The aforementioned deep mine discharge may be hydrogeologically connected to your proposed mining. How do you plan to prove or disprove this concern?

A team of Department staff reviewed this application. The engineering was reviewed by a licensed professional engineer or under the responsible charge of a licensed professional engineer. A licensed professional geologist reviewed the geology.

If you have any questions, please contact me at the Moshannon District Office.

Sincerely,



Dr. Charles E. Miller, Jr., P. G.
District Mining Operations

cc: Steven C. Starmer
Charles Miller
Paul Kephart
eFACTS/Permit Appl. File

CEM/cav