

**Attachment 3**



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

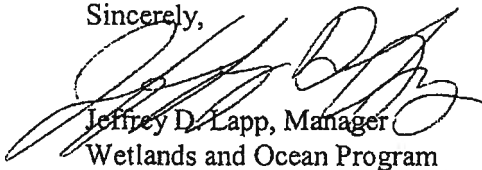
*Customer Service Hotline: 1-800-438-2474*

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