

Exhibit 9



U. S. DEPARTMENT
OF TRANSPORTATION

Federal Highway
Administration

Pennsylvania Division

APR 19 2007

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

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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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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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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U. S. DEPARTMENT
OF TRANSPORTATION

Pennsylvania Division

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

Federal Highway
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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

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