

208 West Third Street, Suite 101
Williamsport, PA 17701-6448
July 18, 2006

Northcentral Regional Office

Fax 570-327-3420

CERTIFIED MAIL NO. 7005 1160 0005 4193 7553

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

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

Dear Mr. Able:

The Department of Environmental Protection (DEP) has determined that the referenced application for the subject facility has been deemed administratively incomplete under the requirements of 25 Pa. Code Section 271.202 .

The following items need correction and/or clarification:

1. Form D- Environmental Assessment - The Municipal Waste Management Regulations, 25 Pa. Code §273.202(5) prohibits a landfill to be permitted over recoverable coal unless the permittee owns the mineral rights to that coal. In Section 2.0 of the narrative for Form D, under the heading, *Coal New Landfill*, a statement is made that Resource Recovery, LLC. (RRLLC) owns all coal that remains at the site. This statement appears to be incorrect. In accordance with a statement in the Form HW-C, Compliance History, RRLLC does not currently own the property and has an agreement of sale with the current property owner to purchase the property. Does this agreement include the mineral rights? Please provide the Department with a copy of the agreement of sale referenced in Form HW-C. Also, the statement in Form D referring to the ownership of the coal rights shall be verified and corrected if necessary.
2. Form E – Contractual Consent of Landowner: Form E requires that a parcel map be attached which outlines the entire proposed permit area. This has not been submitted Please submit a copy of the Form E map. In addition, a copy of the deed referenced shall be provided.

It is not clear if the Form E also provides the required consent to both RRLLC and the Department for areas on the permit that are currently leased to other entities within the proposed permit area. According to Form HW-C, there are seven holders of record to a leasehold interest within the proposed permit area. Is this correct? Please verify the status of these leasehold interests and if the Landowner Consent provided by the Form E overrides the rights of these leaseholders.

Note that your response, including each item noted above, must be received by DEP within 90 days of receipt of this letter or the application will be denied. A revised Page 2 of Form A - Application for Municipal or Residual Waste Permit must be re-signed by the applicant, notarized and marked with the revision date.

In regard to DEP's Money Back Guarantee Program, the clock tracking the elapsed time in the review of your application has stopped while you prepare a response to this letter. The clock will restart when you provide the requested information.

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
File