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## Attachment 2

**Mr. E. B. Abel, Jr. Letter, dated June 30, 2005,  
and ARM Letter, dated July 5, 2005**

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# RESOURCE RECOVERY, LLC

P.O. BOX 525, MOUNTVILLE, PA 17554 (717) 285-2020

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June 30, 2005

Mr. William S. Tafuto, P.E.  
ARM Group Inc.  
1129 West Governor Road  
P.O. Box 797  
Hershey, PA 17033-0797

Dear Bill:

On approximately July 1, 2003, our site development company, now known as Resource Recovery, LLC, began a search for a property that would be suitable to accommodate a municipal solid waste (MSW) landfill and an industrial development that could be served, in part, from energy produced from the methane gas generated by the landfill. It was our objective to also beneficially use the gas so that it could be readily used for energy beyond the limits of the site development.

Due to the size of the proposed project, and with set backs from property lines of one thousand (1,000) feet, it was determined that a minimum of two thousand (2,000) acres would be necessary to responsibly develop the project. In addition, because of potential impacts customarily and/or perceived to be associated with landfills, the desired property would have to be isolated and have a state road and/or a limited-access highway in close proximity (2 miles or less) to the site to avoid or substantially reduce traffic concerns. We also determined that rail accessibility to the site would be a big plus for future waste or product transport.

We assigned this property search task to RE/MAX Real Estate and to Coldwell Banker. Our search, through approximately February 15, 2004, a period of 7½ months, yielded five (5) properties with varying positives and negatives as follows:

**PROPERTY NO. 1**

11,000 Acres  
Girardville, Schuylkill County

**POSITIVES**

1. Isolated
2. Brownfield

**NEGATIVES**

1. Poor road access – approx. 15 miles from I-81
2. Mineral rights not available
3. Active coal mine operation
4. No rail access

**PROPERTY NO. 2**

2,000 Acres

Trearton, Northumberland County

**POSITIVES**

1. Rail Service
2. Brownfield

**NEGATIVES**

1. One-half mile from town
2. Very poor road access – approx. 30 miles from I-81

**PROPERTY NO. 3**

6,000 Acres

Rush Township, Centre County

**POSITIVES**

1. State Road Access bordering northern property boundary
2. I-80 bordering southern property boundary
3. Rail Service
4. Isolated
5. Brownfield/Grayfield
6. Rush Twp. desires economic development
7. 4 miles to closest town

**NEGATIVES**

1. Cost of I-80 interchange

**PROPERTY NO. 4**

6,000 Acres

Cooper Township, Clearfield County

**POSITIVES**

1. State road access bordering northern property boundary
2. I-80 bordering southern property boundary
3. Rail Service
4. Brownfield/Grayfield

**NEGATIVES**

1. 1 mile to closest town
2. Cost of I-80 interchange
3. Numerous water courses and mapped wetlands on the property

**PROPERTY NO. 5**

2,000 Acres

Boggs Township, Clearfield County

**POSITIVES**

1. Brownfield/Grayfield
2. Isolated

**NEGATIVES**

1. Poor road access - 16 miles from I-80 through various towns along State Route 53
2. Hope Creek runs through the center of property, dividing it in half

Based on the key criteria, Property No. 3 – Rush Township, Centre County was by far the best choice for the project. Not solely relying on my 30 years construction/development experience to make this determination, I retained the services of two engineering firms with expertise in environmental concerns and engineering, ARM Group Inc. and Rettew Associates, Inc., to provide professional opinions about the site. All parties involved concluded that Property No. 3 was the best choice.

Please bear in mind that, when seeking a property that is for sale with 2,000 contiguous acres, the prospects are extremely limited. Moreover, when combining suitable road access and isolation, the prospects become even fewer. We no longer have realtors engaged in a property search for this project, as we are of the strong opinion that the most suitable available site has been located.

As you are aware, after identifying sites with adequate size and other key attributes, we engaged professionals to conduct a feasibility study to examine environmental resources and engineering constraints that could affect the proposed site's suitability, yet relative to other sites of similar size. Accordingly, the professionals conducted the following activities:

- generally characterized soil and groundwater conditions of the site from published information, such as USDA Soil Surveys;
- delineated exclusionary criteria set forth by the municipal waste regulations (e.g. setback distances from dwellings, property lines, exceptional value wetlands, wells, streams, carbonate bedrock, etc.) as could be identified from published or other available information, such as USGS and NWI mapping;
- evaluated the topographic and property geometry relative to volume to area ratios and corresponding landfilling efficiencies;
- identified environmental receptors and limiting conditions or constraints of the property with respect to the potential future construction of multiple, future landfill cells; and
- considered county and local restrictions, such as zoning.

After this step, detailed site studies were conducted to further evaluate the site and to establish design parameters and facility layout alternatives that would meet the project objective while accounting for site-specific characteristics and regulatory siting criteria.

After having conducted numerous and extensive environmental, geological, and engineering investigations, which further demonstrate the site's suitability, this site was determined to be the most appropriate site for the project, based on the factors governing permit issuance.

Sincerely,

RESOURCE RECOVERY, LLC

A handwritten signature in black ink, appearing to read 'E. B. Abel', written in a cursive style.

E. B. Abel  
President



# ARM Group Inc.

Earth Resource Engineers and Consultants

July 5, 2005

Mr. Steven D. Means  
Water Pollution Biologist  
Department of Environmental Protection  
208 West Third Street, Suite 101  
Williamsport, PA 17701-6448

Re: Pre-Application Meeting for  
Proposed Resource Recovery Landfill  
Rush Township, Centre County  
ARM Project 04117

Dear Mr. Means:

ARM Group Inc. (ARM) received the Pennsylvania Department of Environmental Protection's (PADEP's) letter, dated June 14, 2005, regarding the May 13, 2005 meeting held in connection with the proposed Resource Recovery Landfill in Rush Township, Centre County. We appreciate that you have provided this letter as a follow up to our second pre-application meeting, and that you have included within the letter a summary of questions and comments forwarded by the appropriate state and federal agencies involved in the Chapter 105 and 404 permitting process. On behalf of the Project applicant, Resource Recovery, LLC, ARM would like to address the comments provided to us in your follow-up letter.

## PA Fish and Boat Commission (PFBC)

1. Attached to this letter please find a hard copy of the Powerpoint presentation that was presented at the May 13, 2005 meeting (Pre-Application Meeting II). Some of the responses to comments presented in this letter refer to specific slide numbers of the attached Powerpoint presentation.
2. The alternative analysis that was conducted to avoid wetland impacts was not derived from a preferred site. Instead, the proposed project area for which the alternative analysis was prepared evolved from an earlier siting process guided by a series of constraints such as environmental issues (avoidance of high quality Black Moshannon Watershed to the east and the potential rattlesnake denning habitat to the southwest), geological issues (deep mine and shaft locations to the north), property line buffer/setback distances, and zoning restrictions on more than half of the property (Snow Shoe Township portion). The final location of the proposed landfill footprint and infrastructure was driven by these factors and overall wetland avoidance. The original conceptual design included extensive landfill footprint area in Snow Shoe Township and in the Black Moshannon Watershed. The potential project area was extensively evaluated and reconfigured to decrease natural and aquatic resource impacts. The alternatives that avoided wetland W2 (Alternative 3 and 4) were developed and evaluated in

response to PADEP's comments at Pre-Application Meeting I held on December 8, 2004 – comments that concerned the relative size of this particular wetland. However, these alternatives actually resulted in an increased aggregate wetland impact due to the layout geometry necessary to meet the minimum capacity of the landfill required to achieve the Project Purpose, as summarized on Slides 4 through 9 of the Powerpoint presentation. The purpose of the May 13 meeting, the Powerpoint presentation, the Alternative Site Layout Plans that we brought to and displayed at the meeting, and the interactive question and answer session conducted by our project team was to demonstrate our extensive and sincere efforts at wetland avoidance.

3. We agreed at the May 13, 2005 meeting that it would be beneficial to map all of the aquatic resources within the property, specifically within the projected project area. Most of these areas (~500 acres) were evaluated during the project's preliminary planning stages. We would like to emphasize that the portion of the property located within the Black Moshannon Watershed (Chapter 93 high quality designation) is not being considered by Resource Recovery for the project; this was a major concession made by Resource Recovery in the preliminary planning stages of the project. The portion of the property located in Snow Shoe Township is also not being considered by Resource Recovery for the project due to zoning constraints, as previously discussed. The remaining unmapped aquatic resources in the Rush Township portion of the property will be provided to PADEP and USACE for review and coordination within approximately 4 to 6 weeks.

#### **U.S. Fish & Wildlife Service (USFWS)**

1. The range of alternatives that were explored in regards to the aquatic and natural resource impacts of the proposed site has been an ongoing and evolving process since the inception of the project. The aquatic and natural resources have been a driving factor in the landfill footprint and facilities location and layout, as described above in the response to the PFBC comments.

The alternative properties that were evaluated for this project and presented at the May 13 meeting were the sites that met the preliminary criteria for landfill suitability: they were 2000 acres or more in size; and they were listed for sale (see attached June 30, 2005 letter). Properties fitting the preliminary criteria were then located and evaluated in accordance with the criteria listed on Slides 12 and 13, as these are direct regulatory requirements or are otherwise needed to minimize any potential impact of the project to neighboring communities. The properties situated within the I-80 corridor included the subject property and the adjacent property to the west (Site 3, Slide 14). Although the property to the west is similar to the subject property in that it is a formerly mined site with a portion of the property draining to the acid mine impacted Moshannon Creek, the aquatic and natural resources on this property are considerably more extensive. For example, this site has over 10 NWI mapped wetland areas, including 3 large, forested systems, 3 shrub-scrub wetland systems, and many mapped ponded areas. Four named tributaries (Crawford Run, Weber Run, Grassflat Run, Knox Run) and at least 4 unnamed tributaries occur on or otherwise intersect the property. No other properties listed for sale that meet the basic requirements were identified by the applicant's realtors.



The applicant (and applicant's representatives) did not state that it was a necessity to intercept foreign-generated garbage. ARM was asked by USFWS where the waste would come from and ARM's response was that municipal waste disposal capacity was being depleted in eastern Pennsylvania (Slide 4) and, as a result, the reality (and documented trend) was that waste was increasingly routed to the western part of the state, traveling significantly further, where more capacity exists. ARM stated that the Resource Recovery Landfill would be a disposal resource more centrally located, and closer to the origin of these wastes. Market factors (i.e., transportation costs) would dictate that the site would intercept some of the west-bound waste.

2. An extensive effort to reduce impacts to aquatic resources has been made and was summarized in the Alternative Engineering Designs table presented at the meeting (Slide 17). This table referenced a set of five detailed alternative site layout designs that were on display at the meeting. The amount of wetland impacts ranged from 14.91 to 10.78 acres, with a decrease in landfill capacity ranging from 109 million tons to 41 million tons. In order to reduce aquatic and natural resource impacts, the original project size and scope has been substantially reduced, while keeping the project's basic purpose intact. The applicant has made a commitment to overall site restoration and revitalization, which combines the direct wetland mitigation replacement with other offered conservation efforts which will mitigate many of the existing environmental impairments; in addition, the applicant has entered into a formal agreement to work in cooperation with the local watershed group (Moshannon Creek Watershed Coalition [MCWC]) – an agreement that will have the applicant providing substantial financial support of the watershed group's mission, as was presented on Slide 59. These commitments demonstrate the applicant's sincere effort to reduce impacts to aquatic resources and make watershed improvements that should be favorably received by all stakeholders, to provide a long-term, compatible project, which offers sustainable resource management and conservation.
3. The endangered species resources including the Bald Eagle, Indiana Bat, and Northeastern Bulrush were all surveyed within the entire project area. The Bald Eagle survey was conducted for the entire property, including all areas in Rush and Snow Shoe Townships, as well as all adjacent, bordering properties. The Indiana Bat survey covered the entire project area. The Northeastern Bulrush survey covered 500 acres, which encompassed the entire project area. The proposed Industrial Park lot locations have not been designed, but would be located in Rush Township. This area will be included in the additional aquatic resources survey as described above under responses to PFBC comments (Comment 3). The I-80 corridor has also been evaluated for all conflict species (Rettew letter dated July 1, 2005, attached hereto). The landfill project does serve as a catalyst for the I-80 interchange plans; however, the actual interchange will mostly occur off-site, within the existing PennDOT right-of-way, and the design and permit process will adhere to PennDOT's internal review and coordination policies and procedures. Therefore, PennDOT will be the applicant for this portion of the project. However, the access road and any other supporting traffic infrastructure located on the subject property resulting from the interchange will be included in the landfill Joint Permit Application. Both the landfill and the interchange permit applications will acknowledge and incorporate all secondary and cumulative impacts of the entire project, as to avoid any piecemealing.



**Pennsylvania Department of Environmental Protection (PADEP)**

1. The basic purpose of the project cannot be accomplished by utilizing other sites or properties that would avoid or result in less adverse impacts to wetlands. No other sites that are for sale and could be identified with the characteristics required to accomplish the basic project purpose (as described in the Powerpoint presentation), and as will be further supported by our permit application(s), exist. As described herein, only one other property, Site 3, was identified that otherwise possessed the necessary characteristics.
2. We have significantly reduced the size and scope of the proposed project as a result of the natural and aquatic resource driven alternative designs. The results show fewer and less severe adverse wetland impacts with the proposed alternative than with any other alternative design that would accomplish the basic project purpose. The wetland impacts that we will submit with our permit application will be the result of the series of reconfigurations and site layouts that represent the least amount of impacts yet still accomplish the basic purpose of the project.

The applicant will submit sufficient information regarding proposed development plans for the property; this additional information will address wetland impacts due to future development plans to the degree that such information can be provided without unreasonable speculation. At this time, the project is expected to include a landfill and associated infrastructure, highway interchange, and road realignment. At some future point, it is the hope of the applicant and desire of the host township that the infrastructure built to support this large, 30-year project will attract industries that will benefit from co-location with this project.

Again, we appreciate your time and willingness to meet with us and to provide supplementary information in the form of your December 20, 2004 and June 14, 2005 letters. We will address the points of both letters in the permit application. Furthermore, we encourage open communication between the Water Management Program and the Waste Management Program in regards to this project. We encourage this due to the extensive considerations involved in regulatory siting restrictions and the Harms Benefits Analysis component of the Solid Waste Permit Application, as well as the aquatic resource alternative analysis component. These items, although somewhat divergent, must be evaluated concurrently to encourage and accomplish an overall harms minimization.

If our responses do not adequately address the questions and/or comments of your June 14 letter, and an additional meeting is warranted prior to Resource Recovery's JPA and Solid Waste Permit Applications, we are willing to meet again to further discuss the Chapter 105 and 404 issues. In the



meantime, if you should have any additional comments or questions concerning the Project, please contact one of the undersigned.

Sincerely,

ARM Group Inc.



Ami M. Gulden, WPIT  
Senior Biologist



Ned E. Wehler, P.G.  
Senior Hydrogeologist

Attachments:

Hard Copy of May 13, 2005 Powerpoint Presentation  
Abel Property Search Letter dated June 30, 2005  
Rettew Letter dated July 1, 2005

Copy: U.S. Army Corps of Engineers – State College  
PA Game Commission – Jeff Kost  
PA Fish and Boat Commission – Spotts  
U.S. Fish and Wildlife Service  
Northern Ecological Associates, Inc.  
Environmental Planning Consultants, Inc.  
Gary Byron  
Daniel Alters  
James Miller  
James Diehl  
David Garg  
Ronald Hughey  
Joseph Figured  
Ed Abel  
Herb Flosdorf  
William Tafuto

