

**208 West Third Street, Suite 101
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March 2, 2009**

Northcentral Regional Office

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PERMIT DENIAL

CERTIFIED MAIL NO. 7008 1830 0000 2422 8245

Mr. Daryl Beiler
7249 Furnace Road
Mifflinburg, PA 17844-6736

Re: Permit Application
Ag Lime Processing, LLC.
Biosolids Processing Facility
Permit No. 101695
Buffalo Township, Union County

Dear Mr. Beiler:

The Department of Environmental Protection (DEP) has finished its completeness review of the application for a municipal waste permit submitted by Ag Lime Processing, LLC. (Ag Lime) on June 2, 2008, for Ag Lime's biosolids processing facility located at 7249 Furnace Road, Mifflinburg, PA 17844-6736. Following our review of the application, the Department is denying your application pursuant to Section 503 of the Solid Waste Management Act (SWMA), 35 P.S. Section 6018.503, and 25 Pa Code Section 271.201 of the Department's Municipal Waste Regulations.

Section 503(c) of the Solid Waste Management Act, 35 P.S. Section 6018.503(c), provides that the Department may deny, suspend, modify, or revoke any permit or license if it finds that the applicant, permittee or licensee has shown a lack of ability or intent to comply with any provision of the SWMA or any of the statutes referred to in this subsection or any rule or regulation of the Department or order of the Department or any condition of any permit or license issued by the Department as indicated by past or continuing violations.

25 Pa. Code Section 271.201(2) states that a permit application will not be approved unless the applicant affirmatively demonstrates that the following conditions are met:

The permit application is complete and accurate.

On June 2, 2008, the Department received the Ag Lime Municipal Waste Application for a Biosolids Processing Facility dated May 2008 (“Application”). After the initial completeness review, the Department found that the Application was administratively incomplete under 25 Pa. Code Section 271.202 (c). On August 4, 2008, the Department notified Ag Lime that the Application was administratively incomplete because the applicant had not provided the waiver needed from an adjacent landowner, had not supplied proof of public notice, had not established the fact that the applicant was a bonafide Limited Liability Corporation and had not supplied and filed with the Union County Recorder of Deeds an original Form E for the applicant. The August 4, 2008, deficiency letter gave Ag Lime 90 days to respond to the deficiencies. The August 4, 2008, correspondence also informed Ag Lime that if the required information was not received within 90 days, the Department would deny the Application.

On January 30, 2009, Blazosky Associates, Inc., requested on behalf of Ag Lime, an additional 90 days to respond to the Department’s August 4, 2008 deficiency letter. On November 7, 2008, the Department notified Ag Lime that the Department would extend the deadline to receive the required information an additional 90 days. The new deadline was February 2, 2009.

On January 30, 2009, Blazosky Associates, Inc., sent in a response to the Department’s August 4, 2008, deficiency letter. Included with the response was proof of public notice and articles of incorporation for Ag Lime Processing, Inc. The January 30, 2009, response indicated that the waiver from the adjacent landowner could not be secured and so the applicant was modifying the layout of the facility. The modifications were not included in the January 30, 2009 response. In addition, an original Form E naming the applicant had not been recorded with the Union County Recorder of Deeds. The January 30, 2009, response also requested on behalf of Ag Lime an additional 90 days to respond to the Department’s August 4, 2008, deficiency letter.

Because you have failed to submit a complete permit application to the Department within the specified timeframes, the Department hereby denies your application for a municipal waste processing permit.

NOTICE OF APPEAL

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Market Street State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717-787-3483) FOR MORE INFORMATION.

FOR THE DEPARTMENT OF
ENVIRONMENTAL PROTECTION

James E. Miller
Environmental Program Manager
Waste Management Program

cc: Union County Commissioners
Buffalo Township Supervisors
Office of Chief Counsel
Field
File

JEM/ss