



August 11, 2023

LETTER SENT VIA EMAIL ONLY: rovners@dial-law.com & rschena@foxrothschild.com

Steven Rovner
PA Waste, LLC
1785 Bustleton Pike
Feasterville, PA 19053

Re: Camp Hope Run Landfill – Permit # 101719
APS 944978; AUTH 1189259
Boggs Township, Clearfield County

Dear Mr. Rovner:

On November 30, 2022, the Department sent PA Waste, LLC (PA Waste) a deficiency letter following the Commonwealth Court’s decision in *Commonwealth, Department of Environmental Protection v. Clearfield County and PA Waste, LLC*.

The Commonwealth Court held that PA Waste’s permit application was deficient in that it lacked information about the origin of waste to be disposed at the landfill as required by 25 Pa. Code § 273.112, and that it lacked information about the suitability of the proposed location of the landfill as required by 53 P.S. 4000.507(a)(2)(iii).

On May 1, 2023, PA Waste, through Compliance Plus Services, Inc., submitted information to the Department intended to address the deficiencies identified by the Commonwealth Court.

On October 1, 2022, prior to the Commonwealth Court decision, the Department modified Permit No. 101719 to prohibit PA Waste from using the permit until it was able to demonstrate that it possessed unrestricted title to the property within the permit area on which the proposed Camp Hope Run Landfill was to be constructed and operated. The Department determined that there existed a deed, dated December 27, 1995, which granted to Camp Rattlesnake “the right to use the current existing access road from Pennsylvania Route 153 to the property hereby conveyed” (“Deed”). The Department determined that the existence of the Deed, along with the existence of a legal dispute about the right-of-way between PA Waste and Camp Rattlesnake, raised a legitimate concern about whether PA Waste has a right to construct and operate the proposed landfill on the property, as required by 25 Pa. Code § 271.123.

PA Waste appealed the Department’s permit modification, but the parties resolved the appeal because of the Commonwealth Court’s decision to affirm the Environmental Hearing Board’s adjudication and vacate Permit No. 101719.

On July 26, 2023, PA Waste, through Compliance Plus Services, Inc., submitted additional information that was intended to address 25 Pa. Code § 271.123. This letter responds only to the Department’s review of the information submitted by PA Waste on July 26, 2023.

The Department understood that PA Waste made this submission to show conceptually how it might re-design the proposed landfill so that the permit area would entirely avoid the disputed right-of-way. However, that does not appear to be what the submission represents. The map submitted by PA Waste represents that the right-of-way described in the Deed cuts through the middle of the originally proposed permit area. Rather than re-designing the landfill to avoid the suggested location of the right-of-way, the submission proposes a combination of re-designing the permit area *and* relocating the right-of-way outside that re-designed permit area. The submission does not indicate that Camp Rattlesnake or a court has consented to or sanctioned relocation of the right-of-way. As a result, the Department can only conclude that there remains a legitimate dispute over the right-of-way and the proposed permit area.

For this reason, the Department hereby advises PA Waste that the information contained in its July 26, 2023 submission is insufficient to demonstrate compliance with 25 Pa. Code § 271.123. As stated in the Department's prior correspondence on this issue, PA Waste has the burden to demonstrate that it has unrestricted legal ownership to construct and operate a landfill on the land within the proposed permit area.

Please be advised that the Department does not intend to proceed with a review of the information submitted by PA Waste on May 1, 2023 until PA Waste submits a permit application that addresses 25 Pa. Code § 271.123. Once this is submitted, the Department will continue the technical review of the application and additional information.

Should you have any questions regarding this letter, please contact me at 570.327.3752 or lhouser@pa.gov. Please address any legal questions that you may have to our counsel, George Jugovic, Jr. at gjugovic@pa.gov and Nicole Ippolito at nippolito@pa.gov.

Sincerely,



Lisa D. Houser, P.E.
Environmental Engineer Manager
Waste Management

cc: Compliance Plus Services: mlogancps@gmail.com
Clearfield County: cccomm@clearfieldco.org & jbrennan@clearfieldco.org
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