



FITZPATRICK
LENTZ & BUBBA
ATTORNEYS AT LAW

jdamico@flblaw.com

August 19, 2020

VIA EMAIL

April Orwig
Administrative Officer II
Pennsylvania Department of Agriculture
2301 N. Cameron Street
Harrisburg, PA 17110
aorwig@pa.gov

**RE: Docket No. AG-AL-2020-1
Proposed Condemnation of Land in an Agricultural Security Area**

Dear Ms. Orwig:

This office represents Talen Generation, LLC ("Talen") and is in receipt of your July 29, 2020 notice concerning the Pennsylvania Department of Transportation's Proposed Condemnation of Land in an Agricultural Security Area at Docket No. AG-AL-2020-1. The proposed condemnation relates to the Central Susquehanna Valley Transportation ("CSVT") Project in Snyder County.

Talen wishes to participate in the August 26th hearing. I understand such participation will be via on-line conference. Specifically, Talen wishes to bring to the Board's attention, questions it has raised with PennDOT concerning the import of the subject property as productive agricultural land, but also the fact that it serves as a buffer to two (2) closed coal ash basins of significant size. Talen has inquired with PennDOT concerning its intentions and planned constructions methods because there is a concern that the area of the proposed take is near the spillway for one of the ash basins. Additionally some of the proposals available to Talen suggest access to ash basin No. 3 (referred to as the Northern Ash Basin in the PennDot exhibits) may be cut off. Furthermore, changes to the stormwater discharge channel may impact the dam permit applicable to the ash basin.

The agricultural land not only serves as productive farm land, but also a buffer separating the ash basins from other properties. These elements ought to be considered before any decision is rendered on the PennDot request.

Very truly yours,
Joseph S. D'Amico, Jr.
Joseph S. D'Amico, Jr.

JSD/mh

cc: Christopher J. Clements, Sr. Counsel for PennDOT Department of Transportation
(via fax: 717.772.2741)