

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY, PENNSYLVANIA
CIVIL DIVISION

BRUCE PETRIE and GINGER PETRIE,	:	
ANDREW G. KRASNANSKY and	:	No. C0048CV2023-6089
TINA-LOUISE KRASNANSKY,	:	
ROBERT DUANE BLASKO	:	
and ELIZABETH A. BLASKO, and	:	DECLARATORY JUDGMENT/EQUITY
ROBERT McKELLIN and CYNTHIA	:	
McKELLIN	:	
	:	
Plaintiff(s)	:	
	:	
v.	:	
	:	
LOWER SAUCON TOWNSHIP,	:	HON. ABRAHAM P. KASSIS
BETHLEHEM LANDFILL COMPANY,	:	
& IESI PA BETHLEHEM LANDFILL	:	
CORPORATION	:	
	:	
Defendants	:	
	:	
and	:	
	:	
ST. LUKE’S HOSPITAL – ANDERSON	:	
CAMPUS, BETHLEHEM TOWNSHIP and	:	
DELAWARE AND LEHIGH NATIONAL	:	
HERITAGE CORRIDOR, INC.,	:	
	:	
Intervenors.	:	

ORDER

AND NOW, this _____ day of _____, 2024, upon consideration of Defendant, Bethlehem Landfill Company’s (incorrectly pled as IESI PA Bethlehem Landfill Corporation) (the “Landfill”) Preliminary Objections to the Amended Complaint, and the Response of Plaintiffs, Bruce Petrie and Ginger Petrie, Andrew G. Krasnasnsky and Tina-Louise Krasnansky, Robert Duane Blasko and Elizabeth A. Blasko, and Robert McKellin and Cynthia McKellin, and Intervenors, St. Luke’s Hospital – Anderson Campus, Delaware and Lehigh National Heritage Corridor, Inc. and Bethlehem Township (collectively “Respondents”) thereto,

it is hereby **ORDERED** and **DECREED** that the Landfill's Preliminary Objections are **OVERRULED**.

The Landfill shall file an Answer to the Amended Complaint within twenty (20) days from the date of this Order.

BY THE COURT:

ABRAHAM P. KASSIS, J.

COPY

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	:	
Intervenors.	:	

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 FILED
 COURT OF COMMON PLEAS
 CIVIL DIVISION
 NORTHAMPTON COUNTY, PA

**PLAINTIFFS AND INTERVENORS' RESPONSE TO THE
PRELIMINARY OBJECTIONS FILED BY BETHLEHEM LANDFILL COMPANY
TO THE AMENDED COMPLAINT**

Plaintiffs, Bruce Petrie and Ginger Petrie, Andrew G. Krasnasnsky and Tina-Louise Krasnansky, Robert Duane Blasko and Elizabeth A. Blasko, and Robert McKellin and Cynthia McKellin, by and through their counsel, Gary Neil Asteak, Esquire, Intervenors, St. Luke's Hospital – Anderson Campus and Delaware and Lehigh National Heritage Corridor, Inc., by and through their counsel, Fitzpatrick Lentz & Bubba, P.C., and Intervenor, Bethlehem Township, by and through its counsel, Broughal and DeVito, LLP, (collectively "Respondents") hereby file this Response to Defendant, Bethlehem Landfill Company's (formerly known as and incorrectly

pleaded as IESI PA Bethlehem Landfill Corporation) (the “Landfill” or “Defendant”) Preliminary Objections to the Amended Complaint and in support thereof they aver as follows:¹

1. Admitted in part, denied in part. Respondents admit that the Landfill filed Preliminary Objections to the Amended Complaint, which is a document, which speaks for itself. To the extent the averments of paragraph 1 contradict the document, Respondents deny such averments.

I. COUNTER FACTUAL BACKGROUND AND PROCEDURAL HISTORY

2. Admitted in part, denied in part. Respondents admit that Plaintiffs commenced suit by filing a Complaint at the above-caption and docket number on August 14, 2023. Moreover, the Complaint is a document, which speaks for itself. To the extent the averments of paragraph 2 contradict the document, Respondents deny such averments.

3. Admitted upon information and belief.

4. Denied. Plaintiffs filed their Petition for Preliminary Injunctive Relief on September 22, 2023.

5. Admitted in part. St. Luke’s Hospital – Anderson Campus (“St. Luke’s”) filed a Petition to Intervene on September 20, 2023.

6. Admitted in part, denied in part. Bethlehem Township filed its Petition to Intervene on September 22, 2023.

¹ Pennsylvania Rule of Civil Procedure 1022 states that “[e]very pleading shall be divided into paragraphs numbered consecutively. Each paragraph shall contain as far as practicable only one material allegation.” Pa.R.C.P. No. 1022. Rule 1017(a)(4) identifies preliminary objections as a pleading. Pa.R.C.P. 1017(a)(4). The Landfill’s Preliminary Objections brazenly violate the requirement that each paragraph only include one material allegation, with some paragraphs including as many as four or more allegations. Although the Landfill’s Preliminary Objections are improper and in violation of Rule 1022, for the sake of judicial economy, Respondents submit the instant Response to the best of their ability and respond to the numerous allegations in each paragraph.

7. Denied as stated. On October 10, 2023, St. Luke's filed its Joinder Petition for Preliminary Injunctive Relief, which is a document, which speaks for itself. To the extent the averments of paragraph 7 contradict the document, Respondents deny such averments.

8. Admitted.

9. Denied. The Court's January 5, 2024 Order is a document, which speaks for itself. To the extent the averments of paragraph 9 contradict the document, Respondents deny such averments.

10. Admitted in part, denied in part. Respondents admit an Amended Complaint was filed on January 18, 2024. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 10 contradict the document, Respondents deny such averments.

11. Denied. The Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 11 contradict the document, Respondents deny such averments. Moreover, the Ordinance is a document, which speaks for itself. To the extent the averments of paragraph 11 contradict the document, Respondents deny such averments.

12. Denied. The Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 12 contradict the document, Respondents deny such averments. Moreover, the 1994 Recorded Documents 1 and 2 are documents, which speaks for themselves. To the extent the averments of paragraph 12 contradict the documents, Respondents deny such averments.

13. Denied. The Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 13 contradict the document, Respondents deny such averments.

14. Denied. The Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 14 contradict the document, Respondents deny such averments.

15. Denied. The Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 15 contradict the document, Respondents deny such averments.

16. Denied. The Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 16 contradict the document, Respondents deny such averments.

17. Denied. The Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 17 contradict the document, Respondents deny such averments.

18. Denied. The Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 18 contradict the document, Respondents deny such averments.

19. Denied. Paragraph 19 contains conclusions of law, to which no response is required. To the extent a response is required, Respondents deny that Land Use Appeal 1 is “substantially similar” to the instant matter. The matters are distinct, assert different legal theories and request different relief. Furthermore, Exhibit C is a document, which speaks for itself. To the extent a response is required, Respondents deny such averments.

20. Denied. Paragraph 20 contains conclusions of law, to which no response is required. To the extent a response is required, Exhibit D is a document, which speaks for itself. To the extent the averments of paragraph 20 contradict the document, Respondents deny such averments.

21. Denied. Paragraph 21 contains a conclusion of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 21 contradict the document, Respondents deny such averments.

22. Denied. The Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 22 contradict the document, Respondents deny such averments. Moreover, although Pennsylvania is a fact-pleadings state, Plaintiffs/Intervenors need not include every single detail in the Amended Complaint. Plaintiffs/Intervenors need only provide facts sufficiently clear to enable the defendant to prepare his defense, or inform the defendant with accuracy and completeness of the specific basis on which recovery is sought so that he may know upon what grounds to make a defense. Rambo v. Greene, 906 A.2d 1232, 1236 (Pa. Super. 2006).

23. Denied. The Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 23 contradict the document, Respondents deny such averments.

24. Denied. The Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 24 contradict the document, Respondents deny such averments.

25. Denied. The Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 25 contradict the document, Respondents deny such averments.

II. RESPONSE TO LANDFILL'S SUMMARY OF ITS ARGUMENTS

26. Denied. Paragraph 26 contains conclusions of law, to which no response is required. To the extent a response is required, the Court does have subject matter jurisdiction over the case.

27. Denied. Paragraph 27 contains conclusions of law, to which no response is required. To the extent a response is required, no prior actions exist relative to the current action, which would necessitate dismissal of the instant matter.

28. Denied. Paragraph 28 contains conclusions of law, to which no response is required. To the extent a response is required, Respondents do have standing and capacity to bring the instant litigation and have pleaded a viable cause of action against Defendants. Furthermore,

as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

29. Denied. Paragraph 29 contains conclusions of law, to which no response is required. To the extent a response is required, Respondents have pleaded a viable cause of action against Defendants and have established a right to relief. Moreover, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

30. Denied. Paragraph 30 contains conclusions of law, to which no response is required. To the extent a response is required, the Amended Complaint is sufficiently specific. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

III. THE LANDFILL'S PROPOSED LEGAL STANDARDS

31. Denied. Paragraph 31 contains conclusions of law, to which no response is required.

32. Denied. Paragraph 32 contains conclusions of law, to which no response is required.

33. Denied. Paragraph 33 contains conclusions of law, to which no response is required.

34. Denied. Paragraph 34 contains conclusions of law, to which no response is required.

35. Denied. Paragraph 35 contains conclusions of law, to which no response is required.

36. Denied. Paragraph 36 contains conclusions of law, to which no response is required.

37. Denied. Paragraph 37 contains conclusions of law, to which no response is required.

38. Denied. Paragraph 38 contains conclusions of law, to which no response is required.

39. Denied. Paragraph 39 contains conclusions of law, to which no response is required.

40. Denied. Paragraph 40 contains conclusions of law, to which no response is required.

41. Denied. Paragraph 41 contains conclusions of law, to which no response is required.

42. Denied. Paragraph 42 contains conclusions of law, to which no response is required.

43. Denied. Paragraph 43 contains conclusions of law, to which no response is required.

44. Denied. Paragraph 44 contains conclusions of law, to which no response is required.

45. Denied. Paragraph 45 contains conclusions of law, to which no response is required.

46. Denied. Paragraph 46 contains conclusions of law, to which no response is required.

47. Denied. Paragraph 47 contains conclusions of law, to which no response is required.

48. Denied. Paragraph 48 contains conclusions of law, to which no response is required.

49. Denied. Paragraph 49 contains conclusions of law, to which no response is required.

50. Denied. Paragraph 50 contains conclusions of law, to which no response is required.

51. Denied. Paragraph 51 contains conclusions of law, to which no response is required.

52. Denied. Paragraph 52 contains conclusions of law, to which no response is required.

53. Denied. Paragraph 53 contains conclusions of law, to which no response is required.

54. Denied. Paragraph 54 contains conclusions of law, to which no response is required.

55. Denied. Paragraph 55 contains conclusions of law, to which no response is required.

IV. RESPONSE TO PRELIMINARY OBJECTION 1, PURSUANT TO Pa.R.C.P. 1028(a)(1) AND 1028(a)(7), AGAINST COUNTS III AND IV OF THE AMENDED COMPLAINT.

56. Denied. Paragraph 56 contains conclusions of law, to which no response is required.

57. Denied. Paragraph 57 contains conclusions of law, to which no response is required. To the extent a response is required, Respondents claims are not barred for failure to exercise statutory remedies as no such statutory remedies exist. Furthermore, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 57 contradict the document, Respondents deny such averments.

58. Denied. The Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 58 contradict the document, Respondents deny such averments.

59. Denied. Paragraph 59 contains conclusions of law, to which no response is required.

60. Denied. Paragraph 60 contains conclusions of law, to which no response is required. To the extent a response is required, the MPC and its statutory remedies do not bar Respondents from bringing the instant action.

61. Denied. Paragraph 61 contains conclusions of law, to which no response is required.

62. Denied. Paragraph 62 contains conclusions of law, to which no response is required. To the extent a response is required, Respondents deny the issues before the Court necessitate pursuit through statutory remedies. The Landfill's preliminary objection must be overruled.

63. Denied. Paragraph 63 contains conclusions of law, to which no response is required.

64. Denied. Paragraph 64 contains conclusions of law, to which no response is required.

65. Denied. Paragraph 65 contains conclusions of law, to which no response is required.

66. Denied. Paragraph 66 contains conclusions of law, to which no response is required.

67. Denied. Paragraph 67 contains conclusions of law, to which no response is required.

68. Denied. Paragraph 68 contains conclusions of law, to which no response is required.

69. Denied. Paragraph 69 contains conclusions of law, to which no response is required.

70. Denied. Paragraph 70 contains conclusions of law, to which no response is required.

71. Denied. Paragraph 71 contains conclusions of law, to which no response is required.

72. Denied. Paragraph 72 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 72 contradict the document, Respondents deny such averments.

73. Denied. The Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 73 contradict the document, Respondents deny such averments.

74. Denied. The Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 74 contradict the document, Respondents deny such averments.

75. Denied. Paragraph 75 contains conclusions of law, to which no response is required.

76. Denied. Paragraph 76 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 76 contradict the document, Respondents deny such averments.

77. Denied. Paragraph 77 contains conclusions of law, to which no response is required. To the extent a response is required, Respondents are not required to raise the instant matter through any statutory remedy. The Court has subject matter jurisdiction over the instant litigation.

78. Denied. Denied. Paragraph 78 contains conclusions of law, to which no response is required. To the extent a response is required, the substantive and procedural challenges currently pending are independent causes of action, which include different legal theories and distinct requests for relief. Furthermore, Exhibit E, Exhibit F, Exhibit C and Exhibit D are

documents, which speaks for themselves. To the extent the averments of paragraph 78 contradict the documents, Respondents deny such averments.

79. Denied. Paragraph 79 contains conclusions of law, to which no response is required. To the extent a response is required, the Court should overrule the Landfill's Preliminary Objections pursuant to Pa.R.C.P. 1028(a)(1) and 1028(a)(7).

WHEREFORE, Respondents respectfully request this Honorable Court overrule the Landfill's Preliminary Objections to the Amended Complaint.

V. RESPONSE TO PRELIMINARY OBJECTION 2, PURSUANT TO Pa.R.C.P. 1028(a)(6), AGAINST COUNT III OF THE AMENDED COMPLAINT.

80. Denied. Paragraph 80 contains conclusions of law, to which no response is required.

81. Admitted in part, denied in part. Respondents admit they filed an Amended Complaint on January 18, 2024. Moreover, the Complaint and Amended Complaint are documents, which speaks for themselves. To the extent the averments of paragraph 81 contradict the documents, Respondents deny such averments.

82. Denied. Paragraph 82 contains conclusions of law, to which no response is required. To the extent a response is required, the Substantive Validity Challenge, Land use Appeal I and Land Use Appeal 2 litigations do not bar the instant matter and do not raise any prior pending action concerns as those matters are separate and distinct from the instant litigation.

83. Denied. Paragraph 83 contains conclusions of law, to which no response is required.

84. Denied. Paragraph 84 contains conclusions of law, to which no response is required.

85. Admitted in part, denied in part. Respondents admit that, on September 19, 2023, the Substantive Validity Challenge was filed with the Zoning Hearing Board. Respondents also admit that the Substantive Validity Challenge was filed with the Northampton County Court of Common Pleas on November 17, 2023. Furthermore, the Substantive Validity Challenge is a document, which speaks for itself. To the extent the averments of paragraph 85 contradict the document, Respondents deny such averments.

86. Denied. Paragraph 86 contains conclusions of law, to which no response is required.

87. Denied. Paragraph 87 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 87 contradict the document, Respondents deny such averments.

88. Denied. Paragraph 88 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint and Exhibit E are documents, which speaks for themselves. To the extent the averments of paragraph 87 contradict the documents, Respondents deny such averments.

89. Admitted in part, denied in part. Respondents admit that, on January 3 and January 4, 2023, two appeals were filed with the Northampton County Court of Common Pleas. The pleadings associated with those appeals are documents, which speak for themselves. To the extent the averments of paragraph 89 contradict the documents, Respondents deny such averments.

90. Denied. Paragraph 90 contains conclusions of law, to which no response is required. Moreover, Exhibit C is a document, which speaks for itself. To the extent the averments of paragraph 90 contradict the document, Respondents deny such averments.

91. Denied. Paragraph 91 contains conclusions of law, to which no response is required. Moreover, Exhibit D is a document, which speaks for itself. To the extent the averments of paragraph 91 contradict the document, Respondents deny such averments.

92. Denied. Paragraph 92 contains conclusions of law, to which no response is required. Moreover, Exhibit C and Exhibit D are documents, which speaks for themselves. To the extent the averments of paragraph 92 contradict the documents, Respondents deny such averments.

93. Denied. Paragraph 93 contains conclusions of law, to which no response is required. Moreover, Exhibit C and Exhibit D are documents, which speaks for themselves. To the extent the averments of paragraph 93 contradict the documents, Respondents deny such averments. Furthermore, Paragraph 93 contains conclusions of law, to which no response is required. To the extent a response is required, Respondents deny any implication that the relief requested in Land Use Appeal 2 and Land Use Appeal 2 precludes the relief requested in the Amended Complaint.

94. Denied. Paragraph 94 contains conclusions of law, to which no response is required. Moreover, Exhibit D is a document, which speaks for itself. To the extent the averments of paragraph 94 contradict the document, Respondents deny such averments.

95. Denied. Paragraph 95 contains conclusions of law, to which no response is required. Moreover, Exhibit C is a document, which speaks for itself. To the extent the averments of paragraph 95 contradict the document, Respondents deny such averments. Furthermore, Respondents deny that the Land Use Appeal 1 is substantively similar to Count III of the Amended Complaint.

96. Denied. Paragraph 96 contains conclusions of law, to which no response is required.

97. Denied. Paragraph 97 contains conclusions of law, to which no response is required.

98. Denied. Paragraph 98 contains conclusions of law, to which no response is required.

99. Denied. Paragraph 99 contains conclusions of law, to which no response is required.

100. Denied. Paragraph 100 contains conclusions of law, to which no response is required.

101. Denied. Paragraph 101 contains conclusions of law, to which no response is required. To the extent a response is required, Respondents deny the Court should sustain the Landfill's Preliminary Objection and either dismiss based in *lis pendens* or strike Count III from the Complaint.

WHEREFORE, Respondents respectfully request this Honorable Court overrule the Landfill's Preliminary Objections to the Amended Complaint.

VI. RESPONSE TO PRELIMINARY OBJECTION 3, PURSUANT TO Pa.R.C.P. 1028(a)(4) AND 1028(a)(5), AGAINST COUNTS I, II, III AND IV OF THE AMENDED COMPLAINT.

102. Denied. Paragraph 102 contains conclusions of law, to which no response is required. To the extent a response is required, Respondents deny that they have failed to statue a claim for standing. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to

Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

103. Denied. Paragraph 103 contains conclusions of law, to which no response is required. To the extent a response is required, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

104. Denied. Paragraph 104 contains conclusions of law, to which no response is required.

105. Denied. The Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 105 contradict the document, Respondents deny such averments.

106. Denied. Paragraph 106 contains conclusions of law, to which no response is required.

107. Denied. Paragraph 107 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint and 1994 Recorded Documents are documents, which speak for themselves. To the extent the averments of paragraph 107 contradict the documents, Respondents deny such averments.

108. Denied. Paragraph 108 contains conclusions of law, to which no response is required.

109. Denied. Paragraph 109 contains conclusions of law, to which no response is required.

110. Denied. Paragraph 110 contains conclusions of law, to which no response is required.

111. Denied. Paragraph 111 contains conclusions of law, to which no response is required.

112. Denied. The 1994 Recorded Documents are documents, which speak for themselves. To the extent the averments of paragraph 112 contradict the documents, Respondents deny such averments.

113. Denied. Paragraph 113 contains conclusions of law, to which no response is required.

114. Denied. Paragraph 114 contains conclusions of law, to which no response is required.

115. Denied. Paragraph 115 contains conclusions of law, to which no response is required.

116. Denied. Paragraph 116 contains conclusions of law, to which no response is required.

117. Denied. Paragraph 117 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 117 contradict the document, Respondents deny such averments.

118. Denied. Paragraph 118 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 118 contradict the document, Respondents deny such averments.

119. Denied. Paragraph 119 contains conclusions of law, to which no response is required. Moreover, the 1994 Recorded Documents are document, which speak for themselves. To the extent the averments of paragraph 19 contradict the documents, Respondents deny such averments.

120. Denied. Paragraph 120 contains conclusions of law, to which no response is required.

121. Denied. Paragraph 121 contains conclusions of law, to which no response is required.

122. Denied. Paragraph 122 contains conclusions of law, to which no response is required. To the extent a response is required, Respondents have established they have standing to assert the claims set forth in the Amended Complaint.

123. Denied. Paragraph 123 contains conclusions of law, to which no response is required. To the extent a response is required, Respondents have established they have standing to assert the claims set forth in the Amended Complaint.

124. Denied. The 1994 Recorded Documents are documents, which speak for themselves. To the extent the averments of paragraph 124 contradict the documents, Respondents deny such averments.

125. Denied. Paragraph 125 contains conclusions of law, to which no response is required.

126. Denied. Paragraph 126 contains conclusions of law, to which no response is required.

127. Denied. Paragraph 127 contains conclusions of law, to which no response is required.

128. Denied. Paragraph 128 contains conclusions of law, to which no response is required.

129. Denied. Paragraph 129 contains conclusions of law, to which no response is required.

130. Denied. Paragraph 130 contains conclusions of law, to which no response is required. Moreover, the 1994 Recorded Documents are documents, which speak for themselves. To the extent the averments of paragraph 130 contradict the documents, Respondents deny such averments.

131. Denied. Paragraph 131 contains conclusions of law, to which no response is required. Moreover, the 1994 Recorded Documents are documents, which speak for themselves. To the extent the averments of paragraph 131 contradict the documents, Respondents deny such averments.

132. Denied. Paragraph 132 contains conclusions of law, to which no response is required. Moreover, the 1994 Recorded Documents are documents, which speak for themselves. To the extent the averments of paragraph 132 contradict the documents, Respondents deny such averments. Furthermore, Respondents have established standing to bring the instant suit against Defendants.

133. Denied. Paragraph 133 contains conclusions of law, to which no response is required.

134. Denied. Paragraph 134 contains conclusions of law, to which no response is required. Moreover, the 1994 Recorded Documents are documents, which speak for themselves. To the extent the averments of paragraph 134 contradict the documents, Respondents deny such averments.

135. Denied. Paragraph 135 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 135 contradict the document, Respondents deny such averments.

136. Denied. Paragraph 136 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 136 contradict the document, Respondents deny such averments.

137. Denied. The Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 137 contradict the document, Respondents deny such averments.

138. Denied. Paragraph 138 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 138 contradict the document, Respondents deny such averments.

139. Denied. Paragraph 139 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 139 contradict the document, Respondents deny such averments.

140. Denied. Paragraph 140 contains conclusions of law, to which no response is required. To the extent a response is required, Respondents have established all of the elements necessary to establish standing.

141. Denied. Paragraph 141 contains conclusions of law, to which no response is required. To the extent a response is required, the Court should overrule the Landfill's Preliminary Objections.

142. Denied. Paragraph 142 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent

the averments of paragraph 142 contradict the document, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

143. Denied. Paragraph 143 contains conclusions of law, to which no response is required. Moreover, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

144. Denied. Paragraph 144 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 144 contradict the document, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

145. Denied. Paragraph 145 contains conclusions of law, to which no response is required. Moreover, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

146. Denied. Paragraph 146 contains conclusions of law, to which no response is required. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

147. Denied. Paragraph 147 contains conclusions of law, to which no response is required. Moreover, the 1994 Recorded Documents are documents, which speaks for themselves. To the extent the averments of paragraph 147 contradict the documents, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

148. Denied. Paragraph 148 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint and 1994 Recorded Documents are documents, which speaks for themselves. To the extent the averments of paragraph 148 contradict the documents, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

149. Denied. Paragraph 149 contains conclusions of law, to which no response is required. Moreover, the 1994 Recorded Documents are documents, which speaks for themselves. To the extent the averments of paragraph 149 contradict the documents, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

150. Denied. Paragraph 150 contains conclusions of law, to which no response is required. Moreover, the 1994 Recorded Documents are documents, which speaks for themselves. To the extent the averments of paragraph 150 contradict the documents, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with

respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

151. Denied. Paragraph 151 contains conclusions of law, to which no response is required. Moreover, the 1994 Recorded Documents are documents, which speaks for themselves. To the extent the averments of paragraph 151 contradict the documents, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

152. Denied. Paragraph 152 contains conclusions of law, to which no response is required. Moreover, the 1994 Recorded Documents are documents, which speaks for themselves. To the extent the averments of paragraph 152 contradict the documents, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

153. Denied. Paragraph 153 contains conclusions of law, to which no response is required. Moreover, the 1994 Recorded Documents are documents, which speaks for themselves. To the extent the averments of paragraph 153 contradict the documents, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

154. Denied. Paragraph 154 contains conclusions of law, to which no response is required. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

155. Denied. Paragraph 155 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint and 1994 Recorded Documents are documents, which speaks for themselves. To the extent the averments of paragraph 155 contradict the documents, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the

Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

156. Denied. Paragraph 156 contains conclusions of law, to which no response is required. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

157. Denied. Paragraph 157 contains conclusions of law, to which no response is required. Moreover, the 1994 Recorded Documents are documents, which speaks for themselves. To the extent the averments of paragraph 157 contradict the documents, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

158. Denied. Paragraph 158 contains conclusions of law, to which no response is required. Moreover, the 1994 Recorded Documents are documents, which speaks for themselves. To the extent the averments of paragraph 158 contradict the documents, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with

respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

159. Denied. Paragraph 159 contains conclusions of law, to which no response is required. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

160. Denied. Paragraph 160 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a documents, which speaks for itself. To the extent the averments of paragraph 160 contradict the document, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

161. Denied. Paragraph 161 contains conclusions of law, to which no response is required. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with

respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

162. Denied. Paragraph 162 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 162 contradict the document, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

163. Denied. Paragraph 163 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 163 contradict the document, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

164. Denied. Paragraph 164 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 164 contradict the document, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

165. Denied. Paragraph 165 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 165 contradict the document, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

166. Denied. Paragraph 166 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 166 contradict the document, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count

II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

167. Denied. Paragraph 167 contains conclusions of law, to which no response is required. To the extent a response is required, Respondents have established standing and the Court should overrule the Landfill's Preliminary Objections. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

168. Denied. Paragraph 168 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 168 contradict the document, Respondents deny such averments.

169. Denied. Paragraph 169 contains conclusions of law, to which no response is required.

170. Denied. Paragraph 170 contains conclusions of law, to which no response is required.

171. Denied. Paragraph 171 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 171 contradict the document, Respondents deny such averments.

172. Denied. Paragraph 172 contains conclusions of law, to which no response is required.

173. Denied. Paragraph 173 contains conclusions of law, to which no response is required.

174. Denied. Paragraph 174 contains conclusions of law, to which no response is required.

175. Denied. Paragraph 175 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 175 contradict the document, Respondents deny such averments.

176. Denied. Paragraph 176 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 176 contradict the document, Respondents deny such averments.

177. Denied. Paragraph 177 contains conclusions of law, to which no response is required.

178. Denied. Paragraph 178 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 178 contradict the document, Respondents deny such averments.

179. Denied. Paragraph 179 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 179 contradict the document, Respondents deny such averments.

180. Denied. Paragraph 180 contains conclusions of law, to which no response is required.

181. Denied. Paragraph 181 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 181 contradict the document, Respondents deny such averments.

182. Denied. Paragraph 182 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 182 contradict the document, Respondents deny such averments.

183. Denied. Paragraph 183 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 183 contradict the document, Respondents deny such averments.

184. Denied. Paragraph 184 contains conclusions of law, to which no response is required.

185. Denied. The Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 185 contradict the document, Respondents deny such averments.

186. Denied. Paragraph 186 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 186 contradict the document, Respondents deny such averments.

187. Denied. Paragraph 187 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 187 contradict the document, Respondents deny such averments.

188. Denied. Paragraph 166 contains conclusions of law, to which no response is required. To the extent a response is required, Respondents have established standing to bring all claims set forth in the Amended Complaint.

189. Denied. Paragraph 189 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 189 contradict the document, Respondents deny such averments.

190. Denied. The Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 190 contradict the document, Respondents deny such averments.

191. Denied. Paragraph 191 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 191 contradict the document, Respondents deny such averments.

192. Denied. Paragraph 192 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 192 contradict the document, Respondents deny such averments.

193. Denied. Paragraph 193 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 193 contradict the document, Respondents deny such averments.

194. Denied. Paragraph 194 contains conclusions of law, to which no response is required. To the extent a response is required, the Court should overrule the Landfill's Preliminary Objections.

195. Denied. Paragraph 195 contains conclusions of law, to which no response is required. To the extent a response is required, Respondents have established subject matter jurisdiction and standing to bring all claims; therefore, the Court should overrule the Landfill's Preliminary Objections.

196. Denied. The Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 196 contradict the document, Respondents deny such averments.

197. Denied. Paragraph 197 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 197 contradict the document, Respondents deny such averments.

198. Denied. The Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 198 contradict the document, Respondents deny such averments.

199. Denied. Paragraph 199 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 199 contradict the document, Respondents deny such averments.

200. Denied. Paragraph 200 contains conclusions of law, to which no response is required. Moreover, the 1994 Recorded Documents are documents, which speaks for themselves. To the extent the averments of paragraph 200 contradict the documents, Respondents deny such averments.

201. Denied. Paragraph 201 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 201 contradict the document, Respondents deny such averments.

202. Denied. Paragraph 202 contains conclusions of law, to which no response is required.

203. Denied. Paragraph 203 contains conclusions of law, to which no response is required.

204. Denied. Paragraph 204 contains conclusions of law, to which no response is required. Moreover, the 204 Complaint is a document, which speaks for itself. To the extent the averments of paragraph 166 contradict the document, Respondents deny such averments.

205. Denied. Paragraph 205 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 205 contradict the document, Respondents deny such averments.

206. Denied. Paragraph 206 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 206 contradict the document, Respondents deny such averments. Furthermore, the Court must overrule the Landfill's Preliminary Objections.

207. Denied. Paragraph 207 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 207 contradict the document, Respondents deny such averments. Furthermore, the Court must overrule the Landfill's Preliminary Objections.

208. Denied. Paragraph 208 contains conclusions of law, to which no response is required. To the extent a response is required, Respondents have established standing in Counts I, II, III and IV of the Amended Complaint. Therefore, the Landfill's Preliminary Objections should be overruled. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

WHEREFORE, Respondents respectfully request this Honorable Court overrule the Landfill's Preliminary Objections.

VII. RESPONSE TO PRELIMINARY OBJECTION 4, PURSUANT TO Pa.R.C.P. 1028(a)(5), AGAINST COUNTS I, II, III AND IV OF THE AMENDED COMPLAINT.

209. Denied. Paragraph 209 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 209 contradict the document, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

210. Denied. Paragraph 210 contains conclusions of law, to which no response is required. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

WHEREFORE, Respondents respectfully request this Honorable Court overrule the Landfill's Preliminary Objections.

VIII. RESPONSE TO PRELIMINARY OBJECTION 5, PURSUANT TO Pa.R.C.P. 1028(a)(4), AGAINST COUNTS I, II, III AND IV OF THE AMENDED COMPLAINT.

211. Denied. Paragraph 211 contains conclusions of law, to which no response is required. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

212. Denied. Paragraph 212 contains conclusions of law, to which no response is required. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

213. Denied. Paragraph 213 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 213 contradict the document, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections

fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

214. Denied. Paragraph 214 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 214 contradict the document, Respondents deny such averments.

215. Denied. Paragraph 215 contains conclusions of law, to which no response is required.

216. Denied. Paragraph 216 contains conclusions of law, to which no response is required.

217. Denied. Paragraph 217 contains conclusions of law, to which no response is required.

218. Denied. Paragraph 218 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 218 contradict the document, Respondents deny such averments.

219. Denied. Paragraph 219 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 219 contradict the document, Respondents deny such averments.

220. Denied. The Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 220 contradict the document, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's

Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

221. Denied. Paragraph 221 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 221 contradict the document, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

222. Denied. Paragraph 222 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 222 contradict the document, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

223. Denied. Paragraph 223 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 223 contradict the document, Respondents deny such averments.

Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

224. Denied. Paragraph 224 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 224 contradict the document, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

225. Denied. Paragraph 225 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 225 contradict the document, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections

fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

226. Denied. Paragraph 226 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 226 contradict the document, Respondents deny such averments. Finally, Respondents have sufficiently pleaded a claim for Count II declaratory relief against the Township. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

227. Denied. Paragraph 227 contains conclusions of law, to which no response is required.

228. Denied. Paragraph 228 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 228 contradict the document, Respondents deny such averments.

229. Denied. The Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 229 contradict the document, Respondents deny such averments.

230. Denied. Paragraph 231 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 230 contradict the document, Respondents deny such averments.

231. Denied. Paragraph 231 contains conclusions of law, to which no response is required.

232. Denied. Paragraph 232 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 232 contradict the document, Respondents deny such averments.

233. Denied. Paragraph 233 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 233 contradict the document, Respondents deny such averments.

234. Denied. Paragraph 234 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 234 contradict the document, Respondents deny such averments.

235. Denied. Paragraph 235 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 235 contradict the document, Respondents deny such averments.

236. Denied. Paragraph 236 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 236 contradict the document, Respondents deny such averments.

237. Denied. Paragraph 237 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 237 contradict the document, Respondents deny such averments.

238. Denied. Paragraph 238 contains conclusions of law, to which no response is required.

239. Denied. Paragraph 239 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 239 contradict the document, Respondents deny such averments.

240. Denied. Paragraph 240 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 240 contradict the document, Respondents deny such averments. Furthermore, Respondents have sufficiently established a right to relief for Count III; consequently, the Court should overrule the Landfill's Preliminary Objections.

241. Denied. Paragraph 241 contains conclusions of law, to which no response is required.

242. Denied. Paragraph 242 contains conclusions of law, to which no response is required.

243. Denied. Paragraph 243 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 243 contradict the document, Respondents deny such averments.

244. Denied. Paragraph 244 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 244 contradict the document, Respondents deny such averments.

245. Denied. Paragraph 245 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 245 contradict the document, Respondents deny such averments.

246. Denied. Paragraph 246 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 246 contradict the document, Respondents deny such averments.

247. Denied. Paragraph 247 contains conclusions of law, to which no response is required.

248. Denied. Paragraph 248 contains conclusions of law, to which no response is required.

249. Denied. The Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 249 contradict the document, Respondents deny such averments.

250. Denied. Paragraph 250 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 250 contradict the document, Respondents deny such averments.

251. Denied. Paragraph 251 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 251 contradict the document, Respondents deny such averments.

252. Denied. Paragraph 252 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 252 contradict the document, Respondents deny such averments. Furthermore, Respondents have sufficiently pleaded claims I through IV and established a right to relief; consequently, the Court should overrule the Landfill's Preliminary Objections. Finally, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the

Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

WHEREFORE, Respondents respectfully request this Honorable Court overrule the Landfill's Preliminary Objections.

IX. RESPONSE TO PRELIMINARY OBJECTION 6, PURSUANT TO Pa.R.C.P. 1019(A), 1028(a)(2) AND 1028(a)(3), AGAINST COUNTS I, II, III AND IV OF THE AMENDED COMPLAINT.

253. Denied. Paragraph 253 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 253 contradict the document, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

254. Denied. Paragraph 254 contains conclusions of law, to which no response is required. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's

Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

255. Denied. Paragraph 255 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 255 contradict the document, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

256. Denied. Paragraph 256 contains conclusions of law, to which no response is required. Moreover, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

257. Denied. Paragraph 257 contains conclusions of law, to which no response is required. Moreover, the Landfill's Preliminary Objections is a document, which speaks for itself. To the extent the averments of paragraph 257 contradict the document, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with

respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

258. Denied. Paragraph 258 contains conclusions of law, to which no response is required.

259. Denied. Paragraph 259 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 259 contradict the document, Respondents deny such averments.

260. Denied. Paragraph 260 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 260 contradict the document, Respondents deny such averments.

261. Denied. Paragraph 261 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 261 contradict the document, Respondents deny such averments.

262. Denied. Paragraph 262 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 262 contradict the document, Respondents deny such averments.

263. Denied. Paragraph 263 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 263 contradict the document, Respondents deny such averments.

264. Denied. Paragraph 264 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent

the averments of paragraph 264 contradict the document, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

265. Denied. Paragraph 265 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 265 contradict the document, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

266. Denied. Paragraph 266 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 266 contradict the document, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections

fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

267. Denied. Paragraph 267 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 267 contradict the document, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

268. Denied. Paragraph 268 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 268 contradict the document, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

269. Denied. Paragraph 269 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 269 contradict the document, Respondents deny such averments.

Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

270. Denied. Paragraph 270 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 270 contradict the document, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

271. Denied. Paragraph 271 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 271 contradict the document, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections

fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

272. Denied. Paragraph 272 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 272 contradict the document, Respondents deny such averments. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

273. Denied. The Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 273 contradict the document, Respondents deny such averments.

274. Denied. The Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 274 contradict the document, Respondents deny such averments.

275. Denied. Paragraph 275 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 275 contradict the document, Respondents deny such averments.

276. Denied. Paragraph 276 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 276 contradict the document, Respondents deny such averments.

277. Denied. Paragraph 277 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 277 contradict the document, Respondents deny such averments.

278. Denied. Paragraph 278 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 278 contradict the document, Respondents deny such averments.

279. Denied. Paragraph 279 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 279 contradict the document, Respondents deny such averments.

280. Denied. Paragraph 280 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 280 contradict the document, Respondents deny such averments.

281. Denied. Paragraph 281 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 281 contradict the document, Respondents deny such averments.

282. Denied. Paragraph 282 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 282 contradict the document, Respondents deny such averments.

283. Denied. Paragraph 283 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 283 contradict the document, Respondents deny such averments.

284. Denied. Paragraph 284 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 284 contradict the document, Respondents deny such averments.

285. Denied. Paragraph 285 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 285 contradict the document, Respondents deny such averments.

286. Denied. Paragraph 286 contains conclusions of law, to which no response is required. Moreover, the Amended Complaint is a document, which speaks for itself. To the extent the averments of paragraph 286 contradict the document, Respondents deny such averments. Finally, the Amended Complaint is factually sufficient and puts the Landfill on notice of the claims asserted against it and enables the Landfill to prepare a defense. As a result, the Court should overrule the Landfill's Preliminary Objections.


287. Denied. Paragraph 287 contains conclusions of law, to which no response is required. To the extent a response is required, the Court should overrule the Landfill's Preliminary Objections. Furthermore, as set forth in Respondents' Preliminary Objections to the Landfill's Preliminary Objections to the Amended Complaint, the Landfill's preliminary objections with respect to Count II of the Amended Complaint should be stricken, pursuant to Pa.R.C.P. 1028(a)(2) and 1028(a)(5), as Count II is not asserted against the Landfill; therefore, the Landfill's Preliminary Objections fail to conform to law and rule of court, and the Landfill lacks standing to assert preliminary objections against Count II.

WHEREFORE, Plaintiffs, Bruce Petrie and Ginger Petrie, Andrew G. Krasnasnsky and Tina-Louise Krasnansky, Robert Duane Blasko and Elizabeth A. Blasko, and Robert McKellin and Cynthia McKellin, and Intervenors, St. Luke's Hospital – Anderson Campus, Delaware and

Lehigh National Heritage Corridor, Inc. and Bethlehem Township, hereby respectfully request this Honorable Court overrule Defendant, Bethlehem Landfill Company's (formerly known as and incorrectly pleaded as IESI PA Bethlehem Landfill Corporation) Preliminary Objections to the Amended Complaint.

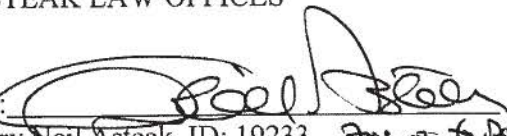
FITZPATRICK LENTZ & BUBBA, P.C.

Date: *March 12, 2024*

By: 
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Steven T. Boell, I.D. No. 89700
Gretchen L. Petersen, I.D. No. 311907
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Date: *3/12/24*

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Lehigh National Heritage Corridor, Inc. and Bethlehem Township, hereby respectfully request this Honorable Court overrule Defendant, Bethlehem Landfill Company's (formerly known as and incorrectly pleaded as IESI PA Bethlehem Landfill Corporation) Preliminary Objections to the Amended Complaint.

FITZPATRICK LENTZ & BUBBA, P.C.

Date:

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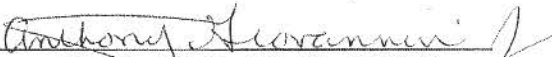
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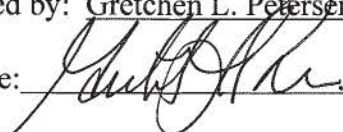
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CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial Systems of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Gretchen L. Petersen, Esq. _____

Signature:  _____

Name: Gretchen L. Petersen _____

Attorney No.: 311907 _____

CERTIFICATE OF SERVICE

I, Gretchen L. Petersen, attorney for Intervenors, St. Luke's Hospital – Anderson Campus and Delaware and Lehigh National Heritage Corridor, Inc., do hereby certify that a copy of the foregoing document has been served on all parties or their counsel of record via hand delivery or at the following addresses:

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FITZPATRICK LENTZ & BUBBA, P.C.

Dated: March 12, 2024

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