

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Letter of Notification of PECO Energy Company :
for approval to construct the 220-09 230 kV :
Transmission Line Tap Project located in East : Docket No. A-2025-3054731
Whiteland Township, Chester County, :
Pennsylvania**

REPLY OF JULIANNA FERRIS TO PECO ENERGY COMPANY'S ANSWER

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Julianna Ferris (“Petitioner”), pro se, submits this Reply to the Answer of PECO Energy Company (“PECO”) filed July 24, 2026 in the above-captioned matter.¹

PECO's Letter of Notification ("LON") told this Commission there were "no environmental matters" on a Customer Property that is an active Superfund site, Foote Mineral Co. Superfund Site, and that has sat National Priorities List continuously since 1992, and made the certification seven months after the United States Environmental Protection Agency's ("EPA") own Third Five-Year Review of the Customer Property cited extensive environmental matters, including the inability to conclude if the Customer Property was protective of human health and the environment. PECO does not dispute that in its Answer. It cannot. Instead, PECO argues Petitioner has no right to say so, that PECO's own construction on that property is not construction, that a federal Superfund site is not an environmental matter, and that the Comprehensive Environmental

¹PECO's Answer notes, in footnote 1, that its counsel did not receive e-mail service of the Petition and that physical delivery did not arrive until the afternoon of July 15, 2026, one day after the certified service date. Petitioner notes that PECO's own service of its Answer suffered a comparable delay: the physical copy of PECO's Answer did not arrive until Saturday, July 25, 2026, one day after PECO's stated July 24, 2026 filing date, and PECO's e-mail service was itself sent to an incorrect address before being corrected seventeen minutes later, after 6:00 p.m. Petitioner raises this only to note that the service timing PECO highlights in its own footnote was not unique to Petitioner's filing.

Response, Compensation, and Liability Act ("CERCLA") strips this Commission of authority to ask why. None of it survives PECO's own record. Point I shows PECO's standing objection collapses under the certification PECO itself filed. Point II shows PECO's own LON admits the construction PECO's Answer now denies. Point III shows PECO answered half a disjunctive question and called it a full response. Point IV shows PECO's CERCLA argument answers a question no one asked. Point V shows PECO's attempt to foreclose Petitioner's alternative relief rests on the same standing argument that already fails.

I. PECO'S STANDING OBJECTION IS CIRCULAR AND CANNOT SURVIVE PECO'S OWN RECORD

PECO contends that Petitioner lacks standing because she was not a party to the original LON proceeding. The contention collapses under its own logic. No member of the public became a party to that proceeding on any environmental ground, for the simple reason that PECO's own sworn certification told this Commission no such ground existed. PECO cannot certify away the very facts that would have conferred standing, obtain an order on the strength of that certification, and then invoke the resulting absence of opposition as proof that none was owed. That is not a standing defect. It is PECO asking this Commission to treat the fruit of its own material omission as a jurisdictional bar. The Commission should decline the invitation.

The Customer's Property is Foote Mineral Co. Superfund Site, an active Superfund site, still currently on the National Priorities List, with documented contamination in the groundwater, surface water, and soil that has not met its remediation goals set forth by the EPA in its 2006 Record of Decision ("ROD"). PECO claims the Petitioner lacks standing and cites *Sunoco Pipeline L.P. v. Dinniman*, 217 A.3d 1283 (Pa. Commw. Ct. 2019). PECO then attempts to cite distance as

a lack of basis for standing. Mileage alone does not determine standing, and PECO's Answer treats it as though it were.

The EPA's Third Five-Year Review of the Foote Mineral Co. Superfund Site, also known as the Customer Property, documents a groundwater lithium plume already extending two miles east-northeast of the Customer Property, directly toward Petitioner's residence, where she relies on a private well. See *U.S. Env'tl Prot. Agency, Region 3, Third Five-Year Review Report for Foote Mineral Co. Superfund Site* 27 fig. 5 (2024) (attached hereto as Exhibit A). Lithium concentrations at Customer Property were measured as high as twenty-two thousand and two hundred micrograms per liter (22,200 µg/L), five hundred and fifty-five (555) times the current EPA screening level of forty micrograms per liter (40)µg/L). Ex. B at 21. More importantly, the EPA states the plume's current extent is "unknown, therefore it is also unknown if Site-related contamination has expanded to areas where private drinking water wells may be present." Ex. B at 31. PECO's Answer does not dispute this. It does not mention it.

That silence follows from the Customer Property's geology. The Customer Property sits on karst terrain, certified by the Customer's own engineer. Karst aquifers move contaminants through solution conduits and fracture networks at velocities conventional modeling underestimates², and this same geology has already carried contamination two miles and compromised multiple private wells. Public and private wells within four miles of the Customer Property had supplied drinking

² Karst aquifers transmit contaminants through solution conduits and fracture networks at velocities and over distances that conventional groundwater modeling systematically underestimates. See The Groundwater Project, Introduction to Karst Aquifers, Ch. 3.7, Vulnerability of Karst Aquifers to Contamination (2021), available at <https://books.gw-project.org/introduction-to-karst-aquifers/chapter/vulnerability-of-karst-aquifers-to-contamination/> (citing S.R.H. Worthington et al., A Comprehensive Strategy for Understanding Flow in Carbonate Aquifers, in U.S. Geological Survey Karst Interest Group Proceedings (2002), for a documented case in which dye-tracing revealed actual groundwater flow velocities exceeding 300 meters per day, where conventional modeling had predicted a 30-day time-of-travel).

water to approximately forty-two thousand and three hundred (42,300) people. Several private wells near the Site were found contaminated and closed. A public water-supply well one mile from the Customer was shuttered outright. PECO would have this Commission treat that history as resolved by a 2004 connection to public water. It is not resolved. The Third Five-Year Review itself states that "it is unknown if Site-related contamination may be impacting potential receptors (e.g. private drinking water wells)," and recommends that EPA "conduct a well survey and determine if there are any private drinking water wells that are at risk of exposure." Ex. B at 32-33. That survey has not been completed. The Review separately confirms that the plume map does not appear to have been updated since the 2006 ROD, and that the current extent of Site-related contamination is unknown. Ex. B at 31. Twenty years after the plume was first mapped at its documented extent, EPA itself does not know whether that extent has grown and does not know whether Petitioner's own well is among those at risk.

Petitioner's Petition estimated the distance of Customer Property to her residence at five miles; the precise geodesic distance is 4.27 miles. Neither number was ever the sole point. Petitioner's private well is her only water source. No public line reaches her property. If that well is compromised, remedy would fall to a water utility, not PECO, and would come with no guaranteed timeline and no guarantee her property would even qualify for connection. Her house would become uninhabitable for an unknown period with economic repercussions.

PECO's silence does not stop at groundwater. The EPA's Third Five-Year Review for the Foote Mineral Co. Superfund Site documents volatile organic compound ("VOC") contamination, including a vapor intrusion concern EPA has not ruled out. Ex. B at 32-33. EPA states the VOC contamination is also "undefined both laterally and vertically." Ex. B at 20. EPA's own position on atmospheric pollutant transport confirms that VOCs and fine particulates are not confined to

any fixed radius; their capacity to travel substantial distances is the very premise underlying EPA's regional air transport regulation.³ PECO's Answer does not acknowledge an air pathway at all.

The PECO High Voltage Line Tap Project documents the removal of vegetation and the installation of 420 feet of line, 220 feet of it on the Customer Property. As an active Superfund site, any activity on the Customer Property capable of interfering with the Foote Mineral Co. Superfund Site remedy is subject to EPA review, and surface disturbance and vegetation clearing, both explicitly listed activities in the LON, are exactly the kind of activity that triggers it.⁴ Removal of vegetation alters existing stormwater management conditions on the Customer Property, regardless of which lot the disturbance occurs on, and any change to stormwater management on an active Superfund site is exactly the kind of activity that should trigger EPA and Commission review, not be certified away as having no environmental impact.

This Commission never had the opportunity to weigh any of these factors because of PECO's omission. PECO's Answer asks this Commission to remain in that state of ignorance. This is precisely what *Duick v. Pennsylvania Gas and Water Company* (56 Pa. P.U.C. 553, 1982) remedies.

II. CONSTRUCTION CONTRADICTIONS

PECO's professed confusion over the meaning of "site" does not withstand scrutiny of PECO's own filings. The LON describes exactly two locations: PECO's Substation, and the

³ See U.S. Env'tl Prot. Agency, Cross-State Air Pollution, <https://www.epa.gov/Cross-State-Air-Pollution/cross-state-air-pollution> (last visited July 30, 2026) (explaining that air pollutants, including those forming fine particulate matter, travel across state and regional boundaries rather than remaining confined near their source)

⁴ See 2006 Record of Decision, Foote Mineral Co. Superfund Site, Table VI, Section III (Action Specific ARARs), at 60 (Bates No. AR302507) (identifying 25 Pa. Code §§ 102.4(b), 102.11, 102.22 as applicable ARARs governing erosion and sediment control for activities involving land clearing, grading, and other earth disturbances) (attached hereto as Exhibit C).

Customer Property. They sit directly adjacent to one another.⁵ PECO does not need Petitioner to draw a map, and the distance between the two options for "site" is negligible. The part that PECO omitted in the LON was that Customer Property is the active Superfund site, Foote Mineral Co., presently listed on the National Priorities List with active contamination. It is also, by PECO's own admission, where approximately two hundred and twenty (220) feet of the High Voltage (HV) Line Tap will be constructed to connect to PECO's Substation. PECO drafted and certified the LON identifying this construction location under penalty of 18 Pa. C.S. § 4904.

PECO's own LON confirms the scope of what was built where, and undercuts PECO's Answer in PECO's own words.

Paragraph 17 of the LON states:

"Most construction for the Project will take place on PECO's property for which PECO has existing land rights. PECO will only require a small additional portion of land, approximately 220 feet of right-of-way, which will be obtained from the new customer."

"Most" is not "all," and PECO's own choice of that word in its own sworn LON concedes what PECO's Answer now tries to deny outright.

Paragraph 12 confirms the same point with more precision:

"Approximately half of the proposed line tap will be located within existing property owned by PECO with the final approximately 220 feet located on the property of the new customer."

⁵ JMR Engineering, LLC, Final Land Development Plan for the Data Centers, Sheet 1 (Cover Sheet), 13 S. Bacton Hill Road, East Whiteland Township, Chester County, Pa. (plan date Nov. 10, 2023, as amended) (attached hereto as Exhibit E) (depicting adjacency of PECO's Substation and the Foote Mineral Co. Active Superfund Site).

Paragraph 18 goes further still:

"The new right-of-way on the customer's property will be cleared of vegetation as part of construction activities. Once in service, PECO will manage the right-of-way to maintain low growing plant types using the standard vegetation management practices."

PECO is not merely disturbing the Customer Property once during construction. PECO's own LON commits PECO to an ongoing, indefinite vegetation management obligation on the Foote Mineral Superfund Site itself, for the operational life of the line.

PECO's Answer nonetheless maintains, elsewhere in the same filing, that no environmental matters exist and that construction is confined to PECO's own land. Both cannot be true. PECO does not get to tell this Commission in one paragraph that half its Project sits on an active Superfund site (Customer Property), and in the next that the Project raises no environmental matters requiring disclosure. That is not an inconsistency of emphasis. It is a contradiction on the face of PECO's own pleading.

PECO's Answer asserts that "PECO is erecting no structures on the Foote Minerals site." The regulation under which this entire proceeding exists forecloses that framing. Chapter 57, Subchapter G, is titled "Commission Review of Siting and Construction of Electric Transmission Lines." Section 57.72 governs the siting and construction of the HV line as a single undertaking, not as segregated construction zones subject to different disclosure obligations depending on whose name is on the deed. PECO's own LON describes 220 of the Project's 420 total feet, more than half the line, as located on the Customer Property, with a customer takeoff structure depicted in PECO's own Plan and Profile drawings. That is construction, under the same regulatory definition PECO invoked to file this LON in the first place. PECO cannot rely on § 57.72 to obtain

streamlined approval for the Project as a whole and then argue that half the Project falls outside the scope of what § 57.72 requires it to disclose.

PECO's contradictions continue even as it tries to reassign the Commission's own responsibilities. PECO is correct that worker safety implicates OSHA. That concession does not remove the issue from this Commission. It proves the issue exists. OSHA has cause to be concerned here precisely because there are environmental matters on this Site capable of endangering the workers who access it, the same environmental matters PECO certified did not exist. PECO cannot invoke OSHA's jurisdiction as proof that no environmental matter is present when the only reason OSHA's jurisdiction is implicated at all is the environmental condition of the Customer Property itself. Nor is this a hazard confined to the Customer's workforce. PECO's own personnel must access that same 220 feet of line and the same Customer takeoff structure to complete PECO's connection to its substation and are subject to that same exposure. PECO does not get to characterize the hazard as someone else's problem while sending its own workers onto the same contaminated ground to do PECO's own work. OSHA should be concerned. So should PECO. So should this Commission, which approved this Project on a fact base that no such concern existed.

III. THE WORD 'OR' IS DISJUNCTIVE, AND PECO'S CERTIFICATION REQUIRED PECO TO ANSWER BOTH HALVES

PECO's Answer attempts to narrow this dispute to whether “litigation” is pending. Petitioner has never alleged there is. That framing is a diversion. The LON does not ask PECO to certify the absence of litigation alone. It requires PECO to certify the absence of “litigation concluded or in progress which concerns property or matter relating to the proposed HV line, right-of-way route or environmental matters.” PECO signed off on both halves of that disjunctive.

Litigation is one basis for disclosure. Environmental matters are an independent basis, and PECO's own citation confirms it.

The Customer Property is subject to CERCLA. It has been on the National Priorities List continuously since 1992. CERCLA itself defines the scope of what qualifies: Section 101(40)(B) identifies National Priorities List status as a defining characteristic of a facility requiring remedial action, and Section 117 imposes statutory public participation and notice requirements precisely because a site under CERCLA remains a live “environmental matter” until remediation and any required institutional controls are complete. The remediation is not complete; this is an active Superfund site. Neither provision treats a Superfund site as dormant simply because no lawsuit happens to be pending on a given date. The Customer Property remains under active EPA oversight, including a Third Five-Year Review completed in September 2024, a Selected Remedy still being implemented, an Environmental Covenant recorded against the Customer Property restricting its use, and mandatory EPA review of any Health and Safety Plan and Soil Management Plan before construction begins. None of that is speculative. All of it is documented in EPA's own record, and none of it appears anywhere in PECO's LON.

PECO's Answer does not deny that any of this exists. It argues only that none of it counts as an “environmental matter” because none of it is litigation. That argument fails on the statute PECO's own site is subject to and the text PECO itself relies on. A property under continuous federal Superfund oversight for over three decades, subject to a legally binding remedy, an EPA-recorded land use covenant, and a live regulatory review process, is an environmental matter within the plain meaning CERCLA itself assigns to that status. PECO does not get to define “environmental matters” down to “active litigation” simply because litigation is easier to deny.

The contradiction is compounded by timing PECO's Answer does not address. On September 16, 2024, EPA formally revoked the Customer Property's "Sitewide Ready for Anticipated Use" ("SWRAU") determination. *U.S. Env'tl Prot. Agency, Superfund Checklist for Retracting the Sitewide Ready for Anticipated Use* (SWRAU) Measure, Foote Mineral Co. Superfund Site (Sept. 16, 2024) (signed by Charles J. Root, Branch Chief, SRB, SEMD) (obtained via FOIA request) (attached hereto as Exhibit D)⁶. This was seven months prior to PECO's LON to the Commission. EPA's own checklist for that revocation states, without qualification, that the reason is that the Site "no longer meets" the Human Exposure Controlled and Protective Remedy in Place standard and identifies the issue as follows: "Site-related groundwater plume is undefined both laterally and vertically. Modification to the lithium groundwater cleanup standard. Contamination discharging to surface water." EPA's own current Human Exposure Environmental Indicator Status for the Site is listed as "Insufficient Data to Determine Human Exposure Control Status." Ex. D.

That revocation is not Petitioner's characterization of the Third Five-Year Review. It is a formal EPA determination, on an EPA form, revoking a prior designation for this specific Customer Property, seven months before PECO's Vice President certified to this Commission⁷, under penalty of 18 Pa. C.S. § 4904, that Paragraph 22 of the LON was true and that no environmental matters existed. PECO's Answer does not mention the SWRAU revocation. It does not distinguish it. It does not attempt to reconcile it with Paragraph 22. Silence in the face of a

⁶ See Exhibit D, U.S. Env'tl Prot. Agency, Superfund Checklist for Retracting the Sitewide Ready for Anticipated Use (SWRAU) Measure, Foote Mineral Co. Superfund Site (Sept. 16, 2024). The SWRAU revocation is dated September 16, 2024; PECO's Vice President certified there were no environmental matters approximately seven months later, on April 14, 2025.

formal, dated, public EPA determination directly contradicting the certification at issue is not a defense. It is confirmation.

This Customer Property is a federal Superfund site. Any earth disturbance on it requires EPA review under the Selected Remedy, regardless of whether a state DEP permit is triggered. PECO's Line Tap Project involves earth disturbance: clearing vegetation, digging within the right-of-way, and erecting the customer takeoff structure, accessing the site on heavy equipment. PECO's Answer argues that because no DEP permit is required, no environmental matter exists. That argument ignores EPA's own authority over this Customer Property. The absence of a DEP permit says nothing about whether EPA review is required. It is required, because the Customer's Property is a Superfund site, and PECO's Line Tap project disturbs it.

PECO's LON and Answer attempts to make the environmental matter determination for the EPA. They have no right to do so. The Petitioner's point is that PECO does not get to make it for this Commission either. Whether activity on an active Superfund site constitutes an environmental matter requiring EPA's attention is EPA's determination to make, not PECO's to assume away in a certification. PECO was obligated to disclose the activity and the Customer Property's status and let the appropriate authorities determine its significance, including this Commission.

Instead, PECO decided unilaterally that its own construction did not qualify and told this Commission so under oath. This Commission asks for disclosure of environmental matters for reasons that go beyond any single utility's convenience: to protect the public interest, to evaluate the long-term costs of energy infrastructure decisions, and to oversee where and how utility facilities are placed. Reliable service and environmental protection are not competing obligations

this Commission may choose between. They are obligations this Commission is required to balance, and it cannot balance what PECO decided, on its own authority, not to disclose.

IV. PECO'S CERCLA JURISDICTION ARGUMENT IS A DODGE, NOT A DEFENSE

PECO's Answer correctly states that district courts have exclusive jurisdiction over challenges to a CERCLA remedy. But PECO understates what a Five-Year Review is. EPA's own description of this process states that five-year reviews exist to evaluate a remedy's implementation and performance and determine whether it remains protective of human health and the environment, and that EPA itself retains responsibility for that protectiveness determination.⁸

That is not a peripheral function of the Review. It is the Review's entire statutory purpose. PECO cites the regulatory framework that created this process while treating its central finding, that protectiveness for this Site has not been established, as though raising it were somehow improper. It is not improper. It is EPA's own oversight mechanism performing the exact function EPA created it to perform, at the exact site PECO's Project sits on.

Petitioner has not asked this Commission to modify the EPA Selected Remedy, second-guess EPA's cleanup levels, or adjudicate whether the 2006 ROD or the 2008 Explanation of Significant Differences (“ESD”) reached the correct result. This Commission has no occasion to touch any of that, and Petitioner has not asked it to. Reporting what the EPA Third Five-Year Review found, that protectiveness for this Site remains undetermined, is not a challenge to the remedy. It is the remedy's own oversight mechanism speaking for itself, and PECO's Answer does not dispute a single one of its findings.

⁸ See U.S. EPA, Superfund Five-Year Reviews, available at <https://www.epa.gov/superfund/superfund-five-year-reviews>.

What Petitioner asks is narrower, and PECO's Answer never actually engages it: was PECO's certification, that no environmental matters existed, true on April 14, 2025, when PECO's Vice President signed it under 18 Pa. C.S. § 4904? That question turns on what PECO's own record shows PECO knew, not on whether EPA's remedy is adequate. It is answered by comparing PECO's certification to public EPA documents that existed months before PECO filed, not by evaluating the remedy's technical merits. Determining whether a sworn statement was accurate when made is squarely within this Commission's own jurisdiction over its own filings. It requires no CERCLA analysis at all.

PECO's characterization of the Third Five-Year Review as "inflammatory-sounding language" deployed to obtain this Commission's review of a federal CERCLA site gets the direction of the argument backward. Petitioner did not select alarming language from the Review. Petitioner cited the Review's own findings, in EPA's own words, because those findings are what PECO's certification omitted. PECO cannot invoke CERCLA's jurisdictional structure to wall off a document PECO itself was required to know about and disclose. The Review is not being offered to relitigate the remedy. It is being offered as the public record PECO's certification failed to reconcile with, which is precisely the kind of overlooked consideration this Commission's own regulations and precedent exist to address.

PECO's jurisdictional argument, in the end, answers a question no one asked while ignoring the one this Commission actually has before it. That is not a defense of the certification's accuracy. It is an attempt to make this Commission believe it lacks the authority to ask the only question that matters here.

This is not the first time PECO has asked this Commission to treat environmental impacts as someone else's problem. In *Township of Marple v. Pennsylvania Public Utility Commission*, 294 A.3d 973 (Pa. Cmwlth. 2023), the Commonwealth Court vacated the Commission's approval of a PECO facility precisely because the Commission failed to independently assess the project's environmental impacts, holding that the Commission's constitutional obligations under Article I, Section 27 cannot be satisfied by deferring to another agency's jurisdiction. PECO's Answer asks this Commission to repeat that same error, this time by deferring to CERCLA instead of DEP. The Commission was wrong to defer once. It should not be asked to defer again.

V. PECO'S ATTEMPT TO FORECLOSE THE ALTERNATIVE COMPLAINT REQUEST FAILS FOR THE SAME REASON ITS STANDING OBJECTION FAILS

PECO's Answer also asks this Commission to foreclose Petitioner's alternative request that the Petition be treated as a formal complaint should the Commission find she lacks standing under Section 703(g). PECO offers no independent basis for this request. Its footnote states only that it is "not clear" how the Petition could constitute a complaint, and that Petitioner would lack standing to pursue one "for the reasons described herein," meaning PECO's own standing argument addressed above. That argument fails for the reasons already stated, and so does this one.

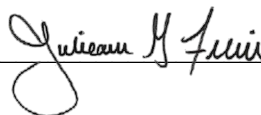
What such a complaint would allege is not unclear. PECO certified to this Commission that no environmental matters existed on a property that has been under continuous federal Superfund oversight since 1992, seven months after EPA's own Third Five-Year Review documented unresolved soil and groundwater contamination, undefined VOC plume extent, and a non-cancer hazard index up to thirty times EPA's acceptable threshold and where just seven months prior to the LON, the EPA formally revoked the Customer Property's Sitewide Ready for

Anticipated Use citing it could not confirm if the site “was protective of human health and the environment” on public record. That certification was false when made. A complaint alleging as much is neither unclear nor procedurally improper, and PECO's preference to see this matter dismissed rather than addressed on the merits is not a reason for this Commission to decline reaching it.

RELIEF REQUESTED

WHEREFORE, Petitioner respectfully reaffirms and incorporates the relief requested in the Petition, and further requests that the Commission overrule PECO's objections to standing and to the sufficiency of the Petition and grant such other relief as the Commission deems just and proper.

Respectfully submitted,

A handwritten signature in cursive script, reading "Julianna H. Ferris", is written over a horizontal line.

Julianna Ferris
28 Mountain Laurel Lane
Malvern, PA 19355
Pro se

Dated: July 30, 2026

**BEFORE THE
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**Letter of Notification of PECO Energy Company :
for approval to construct the 220-09 230 kV :
Transmission Line Tap Project located in East : Docket No. A-2025-3054731
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Pennsylvania**

TABLE OF EXHIBITS

Exhibit	Document	Pages Attached
A	<i>U.S. Env'tl Prot. Agency, Region 3, Third Five-Year Review Report for Foote Mineral Co. Superfund Site (2024)</i>	27, fig. 5
B	<i>U.S. Env'tl Prot. Agency, Region 3, Third Five-Year Review Report for Foote Mineral Co. Superfund Site (2024)</i>	20-21, 31, 32-33
C	<i>2006 Record of Decision, Foote Mineral Co. Superfund Site, Table VI, Section III (Action Specific ARARs)</i>	60 (Bates No. AR302507)
D	<i>U.S. Env'tl Prot. Agency, Superfund Checklist for Retracting the Sitewide Ready for Anticipated Use (SWRAU) Measure, Foote Mineral Co. Superfund Site (Sept. 16, 2024)</i>	1 (single page)
E	<i>JMR Engineering, LLC, Final Land Development Plan for the Data Centers, Sheet 1 (Cover Sheet) (Nov. 10, 2023, as amended)</i>	1 (Sheet 1 only)

Exhibit A

U.S. Env'tl Prot. Agency, Region 3, *Third Five-Year Review Report for Foote Mineral Co. Superfund Site* 27 fig. 5 (2024) (attached hereto as Exhibit A).

Short form: Ex. A at 27, fig. 5.

Page/Part	Used For	Location in Brief
27, fig. 5	Lithium plume extent, 2 miles east-northeast of Customer Property	Section I, standing/geography paragraph

Exhibit B

U.S. Env'tl Prot. Agency, Region 3, *Third Five-Year Review Report for Foote Mineral Co. Superfund Site 21-22* (2024) (attached hereto as Exhibit B).

Short form: Ex. B at [page].

Page/Part	Used For	Location in Brief
20	EPA states extent of VOC contamination is “undefined both laterally and vertically”	VOC/vapor intrusion paragraph
21	Lithium concentration 22,200 µg/L, 555x EPA screening level (40 µg/L)	Plume extent paragraph
31	EPA states current extent of contamination is “unknown” and plume map not updated since 2006 ROD	Plume extent paragraph
32-33	EPA states unknown if private wells impacted; recommends well survey	Private well risk paragraph

Exhibit C

2006 Record of Decision, Foote Mineral Co. Superfund Site, Table VI, Section III (Action Specific ARARs), at 60 (Bates No. AR302507) (2006) (attached hereto as Exhibit C).

Short form: Ex. C at 60.

Page/Part	Used For	Location in Brief
60 (Bates AR302507)	ARAR entry: 25 Pa. Code §§ 102.4(b), 102.11, 102.22 apply to earth disturbance, clearing, grading, cap installation	Footnote, earth disturbance/EPA review trigger paragraph

Exhibit D

U.S. Env'tl Prot. Agency, Superfund Checklist for Retracting the Sitewide Ready for Anticipated Use (SWRAU) Measure, Foote Mineral Co. Superfund Site (Sept. 16, 2024) (signed by Charles J. Root, Branch Chief, SRB, SEMD) (obtained via FOIA request) (attached hereto as Exhibit D).

Short form: Ex. D. (single-page form; no pincite needed)

Page/Part	Used For	Location in Brief
Part A	Site no longer meets HEPR/HHPA status; plume undefined both laterally and vertically; insufficient data to determine human exposure control status	Section III, SWRAU revocation paragraph
Part B	Signed by Charles J. Root, Branch Chief SRB/SEMD, 9/16/2024; retraction of SWRAU measure	Section III, SWRAU revocation paragraph

Exhibit E

JMR Engineering, LLC, Final Land Development Plan for the Data Centers, Sheet 1 (Cover Sheet), 13 S. Bacton Hill Road, East Whiteland Township, Chester County, Pa. (plan date Nov. 10, 2023, as amended) (attached hereto as Exhibit E).

Short form: Ex. E.

Page/Part	Used For	Location in Brief
Sheet 1 (Cover Sheet)	Overall site plan showing PECO's Substation and Foote Mineral Co. Active Superfund Site sit directly adjacent to one another. The area with Lots 1, 2, 3, Parcel 42-3-130, Parcel 42-3-130.1, Parcel 42-3-130.2 and the boundary around them are the Foote Mineral Superfund Site, an active site on the National Priorities List with active contamination. The PECO substation is the area directly bordering the southern parcels: Parcel 42-3-130.2, Parcel 42-3-130.1 of the boundary.	Section II, “meaning of ‘site’” paragraph

Public Web Sources (No Exhibit Label)

U.S. Env'tl Prot. Agency, Cross-State Air Pollution, <https://www.epa.gov/Cross-State-Air-Pollution/cross-state-air-pollution> (last visited July 30, 2026).

U.S. EPA, Superfund Five-Year Reviews, <https://www.epa.gov/superfund/superfund-five-year-reviews>.

EXHIBIT A

Third Five-Year Review Report - p.27, fig.5

Figure 5: Third Five-Year Review Period Groundwater Analytical Results

Third Five-Year Review Period Groundwater Analytical Results

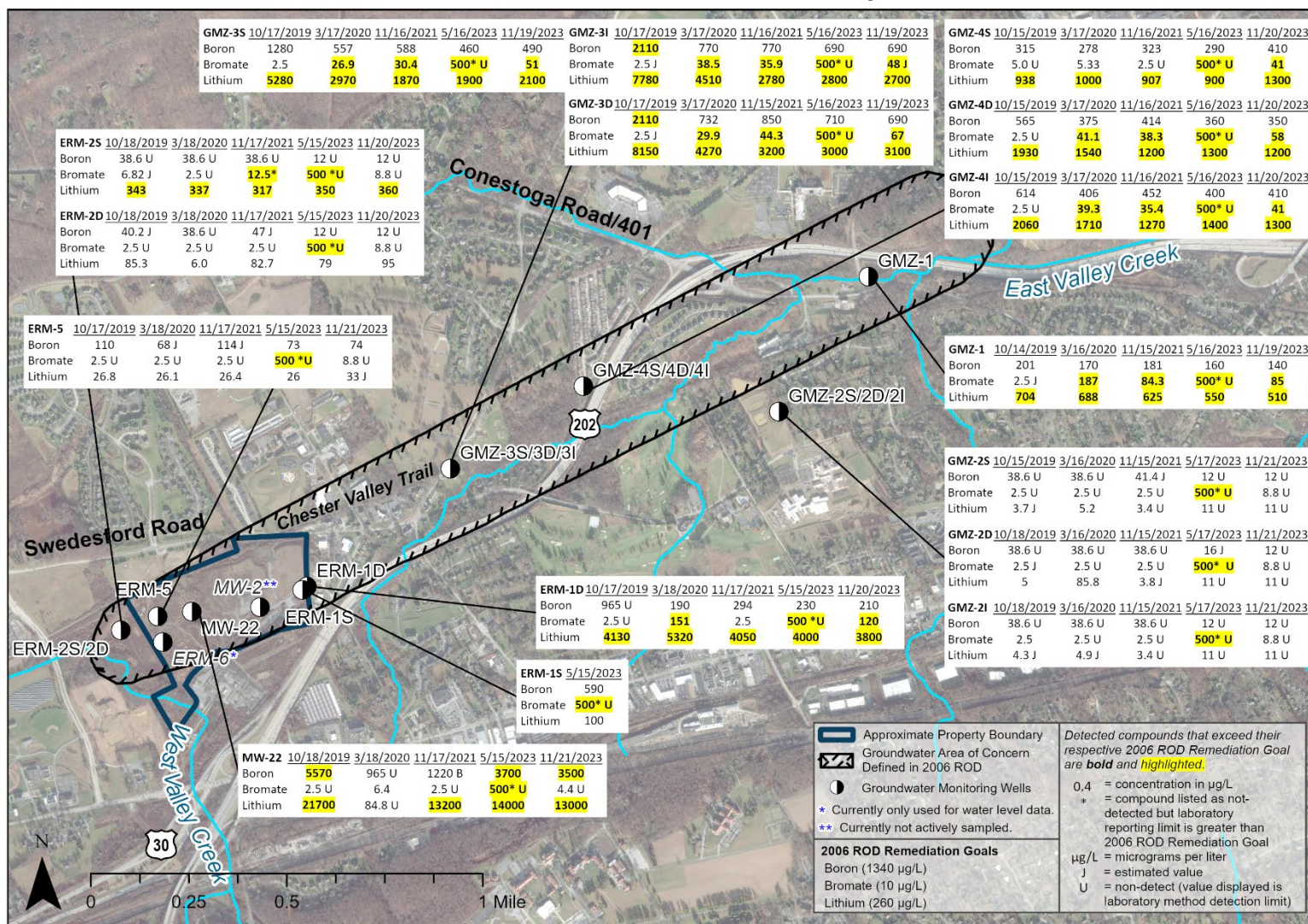


EXHIBIT B

Third Five-Year Review Report - pp.20-21, 31-33

Library, located at 400 Exton Square Parkway in Exton, Pennsylvania, and online at <https://www.epa.gov/superfund/footemineral>.

During the FYR process, interviews were conducted to document any perceived problems or successes with the remedy that have been implemented to date. The East Whiteland Director of Planning and Development and the West Whiteland Township Manager and the Township Operations Manager were among those who were interviewed. All three individuals voiced no concerns from the township level about any potential risks from the Site or as a result of any O&M activities, and none of the interviewees had received any community concerns about the Site. The interviews are included in Appendix E.

Data Review

Data reviewed for the current FYR period included five sampling events from October 2019, March 2020, November 2021, May 2023, and November 2023. In these events, surface water and groundwater samples were analyzed for inorganics and MW-22 groundwater was sampled for organic compounds. Surface water analytical results from the current FYR period are included in Figure 4 and Table D-1, inorganic groundwater analytical results are included in Figure 5 and Table D-2, and organic groundwater analytical results are included in Table D-3; all three tables are included in Appendix D.

Overall, the results showed the following:

- Groundwater exceedances of respective inorganic remedial goals for boron, bromate, and lithium, persisted for all monitored wells, with the exception of downgradient well cluster GMZ-2, indicating the extent of inorganic contamination is undefined both laterally and vertically.
- MW-22 is the only Site-related well that is currently sampled for VOCs. Groundwater exceedances of respective organic remedial goals for benzene, tetrachloroethene (PCE), and trichloroethene (TCE) were observed throughout the current FYR period. Due to the persistent VOC exceedances in MW-22, the extent of VOC contamination is also undefined both laterally and vertically.
- The greatest groundwater contamination exceedances were observed at monitoring wells MW-22 and ERM-1S and ERM-1D.
- Lithium concentrations decrease with distance downgradient from the Property boundary, however, lithium concentrations continue to exceed the 2006 ROD remedial goals in the furthest downgradient well (GMZ-1). GMZ-1 is situated approximately 8,300 ft downgradient of the capped area.
- Overall, COC concentrations have decreased over time but have largely stabilized over the course of the current FYR period, and several still remain above Site cleanup goals.
- Pairing of a groundwater monitoring well and its nearest surface water sampling location strongly suggests that groundwater is discharging to surface water in Valley Creek at concentrations exceeding the groundwater cleanup goal for lithium.

Groundwater

Local groundwater generally flows west to east through fractured bedrock. The 2019 through 2023 monitoring events sampled groundwater in 16 wells (screened at shallow and deep depths on-

Property, and at shallow, intermediate and deep depths downgradient off-Property) and compared results with the groundwater cleanup goals listed in the 2006 ROD (Table 2). ERM-1S consistently has insufficient water to collect groundwater samples, however, enough water was present to collect a sample during the May 2023 sampling event, therefore the May 2023 monitoring event included a total of 17 monitoring wells.

The sampling results from the current FYR period found lithium concentrations above the 2006 ROD cleanup goal of 260 micrograms per liter ($\mu\text{g/L}$) in on-Property wells ERM-1D, ERM-2S, and MW-22, in downgradient well GMZ-1, and in downgradient well clusters GMZ-3 and GMZ-4. The GMZ-3 and GMZ-4 well clusters are screened at three depths – shallow, intermediate, and deep – and lithium concentrations exceeded the 2006 ROD cleanup goal in both well clusters at all three depth intervals throughout the current FYR period. Analytical data from the current FYR period is presented in Appendix D.

Lithium concentrations are highest at on-Property well MW-22; lithium concentrations in this well ranged from 13,000 $\mu\text{g/L}$ to 22,200 $\mu\text{g/L}$ during the current FYR period. Lithium exceedances downgradient of the Site decline with distance from the Property boundary, however, lithium concentrations still exceeded the 2006 ROD cleanup goal of 260 $\mu\text{g/L}$ in the furthest downgradient well (GMZ-1). During the current FYR period, GMZ-1 had lithium concentrations that ranged from 510 $\mu\text{g/L}$ to 704 $\mu\text{g/L}$. Additionally, lithium exceedances were observed in ERM-2S, which is located upgradient of the Property and is denoted as a “background (upgradient) monitoring well” in the 2008 GMP; lithium concentrations remained relatively stable over the course of this FYR period, ranging from 317 $\mu\text{g/L}$ to 360 $\mu\text{g/L}$. Lithium exceedances were not observed in either of the other two upgradient monitoring wells, ERM-2D and ERM-5. The screening level risk evaluation found that updated toxicity values for lithium result in the current risk-based cleanup goal in the 2006 ROD exceeding acceptable noncancer risk levels for human health (Appendix J, Tables J-1 and J-2).

Table D-4 in Appendix D includes historic lithium groundwater monitoring data. Lithium concentrations in groundwater monitoring wells remained relatively stable over the course of the current FYR monitoring period.

Boron was detected at concentrations above the 2006 ROD cleanup level of 1,340 $\mu\text{g/L}$ in three wells throughout the current FYR monitoring period. During the October 2019 monitoring event, boron was detected at concentrations of 2,110 $\mu\text{g/L}$ and 2,010 $\mu\text{g/L}$ in GMZ-3D and GMZ-3I, respectively; boron has not been detected above the 2006 ROD cleanup level in either of these wells in any of the other monitoring events throughout this FYR period. Boron exceeded the 2006 ROD cleanup level in MW-22 in three of the five monitoring events throughout this current FYR period, ranging from 3,500 $\mu\text{g/L}$ to 5,570 $\mu\text{g/L}$. Boron concentrations have generally decreased or remained relatively stable throughout this current FYR period.

Bromate was also detected at concentrations above the 2006 ROD cleanup level of 10 $\mu\text{g/L}$ in several off-Property wells throughout the current FYR monitoring period; exceedances ranged from 26.9 $\mu\text{g/L}$ (GMZ-3D, March 2020) to 187 $\mu\text{g/L}$ (GMZ-1, November 2021). ERM-2D, ERM-2S, ERM-5, and GMZ-2 were the only off-Property wells that did not have a bromate exceedance. ERM-5, the GMZ-2 well cluster and MW-22 were the only on-Property wells that did not have a bromate exceedance during the current FYR period. ERM-1D was the only on-Property well that showed bromate exceedances,

concentrations are observed at SW-05, one of the furthest downstream monitoring locations, an additional surface water sampling location further downstream is warranted. Monitoring must continue to demonstrate a downward trend in contaminant concentrations. Additional groundwater contamination delineation should include sampling locations to verify that contaminants are not discharging to the surface water at levels exceeding risk thresholds.

Cleanup has addressed the RAOs for reducing risk posed by direct human contact to quarry waste and on-Site contaminated soils, reducing the potential for direct human or ecological exposure to contaminated soils, and reducing the contamination leaching to groundwater. Private wells impacted by Site-related contamination have been abandoned and replaced with a connection to the public water supply. ICs prevent placement of wells within the Groundwater Management Zone, or plume area. However, as noted above, the plume map does not appear to have been updated since the 2006 ROD, and the current extent of Site-related contamination is unknown, therefore it is also unknown if Site-related contamination has expanded to areas where private drinking water wells may be present.

The EPA considers per- and polyfluoroalkyl substances (PFAS) to be emerging contaminants⁸. PFAS are a group of manufactured chemicals used in industry and consumer products since the 1940s because of their useful properties. On April 26, 2024, MCLs for six PFAS constituents were officially published in the Federal Register and became effective on June 25, 2024. At this time, historical Site use is not necessarily indicative of PFAS contamination, however, further evaluation will be performed to determine if additional actions, such as sampling, may be appropriate at the Site.

QUESTION C: Has any other information come to light that could call into question the protectiveness of the remedy?

No additional information has come to light that calls into question the protectiveness of the remedy.

VI. ISSUES/RECOMMENDATIONS

Issues and Recommendations Identified in the FYR:	
OU(s): 1-Sitewide	Issue Category: Remedy Performance
	Issue: The extent of Site-related contamination, specifically lithium, bromate, TCE, and PCE, above Site cleanup standards is not defined.
	Recommendation: Install additional monitoring wells in shallow, intermediate, and deep groundwater zones to determine the current extent of Site-related contamination in groundwater and surface water to assess the effectiveness of the remedy at preventing plume migration. Determine if the remedy could be optimized to address all Site-related contamination, including contamination that has migrated downgradient of the source area. Perform a capture zone analysis to support determination of remedy optimization. If unacceptable risks are determined, perform a Focused Feasibility Study, evaluate remedial

⁸ <https://www.federalregister.gov/documents/2024/04/26/2024-07773/pfas-national-primary-drinking-water-regulation>

	alternatives that will address remaining contamination in groundwater, and as appropriate, develop a new decision document.			
Affect Current Protectiveness	Affect Future Protectiveness	Party Responsible	Oversight Party	Milestone Date
Yes	Yes	PRP	EPA	9/30/2027

OU(s): 1-Sitewide	Issue Category: Remedy Performance			
	Issue: It is unknown if Site-related contamination may be impacting potential receptors (e.g. private drinking water wells) as the extent of Site-related contamination, specifically lithium, bromate, TCE, and PCE, above Site cleanup standards is not defined.			
	Recommendation: Conduct a well survey and determine if there are any private drinking water wells that are at risk of exposure. If there are private wells that may be impacted by Site-related contamination, request from homeowners that sampling be conducted. Take appropriate actions, as necessary.			
Affect Current Protectiveness	Affect Future Protectiveness	Party Responsible	Oversight Party	Milestone Date
Yes	Yes	PRP	EPA	9/30/2027

OU(s): 1-Sitewide	Issue Category: Changed Site Conditions			
	Issue: The 2019 FYR stated the EPA has revised the provisional toxicity factor and now recommends a level of 40 µg/L as the appropriate cleanup target for lithium; this value is lower than PADEP's Act 2 MSC of 60 µg/L.			
	Recommendation: Modify Site decision documents, as appropriate, to update the Site cleanup goal for lithium from 260 µg/L to 40 µg/L. Delineate the extent of lithium contamination in groundwater to this updated cleanup goal.			
Affect Current Protectiveness	Affect Future Protectiveness	Party Responsible	Oversight Party	Milestone Date
Yes	Yes	PRP	EPA	9/30/2027

OU(s): 1-Sitewide	Issue Category: Monitoring			
	Issue: Besides MW-22, monitoring for VOCs in groundwater has not been performed in any other Site-related well since the RI, when VOCs were detected in MW-2 and MW-22 at unacceptable levels for a future resident. Several VOC COCs routinely exceed Site cleanup goals during			

	each monitoring event. The extent of VOC contamination at the Site is currently unknown.			
	Recommendation: Include all Site-related wells in the next round of groundwater sampling for both organics and inorganics. Based on the results, consider including additional Site-related wells beyond MW-22 to be regularly sampled for VOCs moving forward, if appropriate. Additional wells may need to be installed if the extent of VOC contamination cannot be determined with the current monitoring well network.			
Affect Current Protectiveness	Affect Future Protectiveness	Party Responsible	Oversight Party	Milestone Date
Yes	Yes	PRP	EPA	9/30/2027

OU(s): 1-Sitewide	Issue Category: Changed Site Conditions			
	Issue: Current property owners intend to redevelop the property, and the current extent of VOC contamination in groundwater on-Site has not been delineated.			
	Recommendation: Complete VOC delineation, implement mitigation measures for vapor intrusion as needed and/or consider an IC to mitigate Site-related risks.			
Affect Current Protectiveness	Affect Future Protectiveness	Party Responsible	Oversight Party	Milestone Date
Yes	Yes	PRP	EPA	9/30/2027

OU(s): 1-Sitewide	Issue Category: Changed Site Conditions			
	Issue: Lithium concentrations in surface water exceed the BTAG screening level, indicating a potential risk to aquatic receptors.			
	Recommendation: Continue surface water monitoring as long as concentrations remain above the BTAG literature-based toxicity value for lithium. Additionally, consider including surface water as a medium of concern with established cleanup goals in an appropriate decision document, if necessary.			
Affect Current Protectiveness	Affect Future Protectiveness	Party Responsible	Oversight Party	Milestone Date
Yes	Yes	PRP	EPA	9/30/2027

OU(s): 1-Sitewide	Issue Category: Operations and Maintenance			
	Issue: Landfill cap inspections required by the Site's 2011 O&M Plan have not been consistent. Further, additional VOC sampling should be included			

EXHIBIT C

2006 ROD, Table VI - p.60 (Bates AR302507)

Table VI APPLICABLE OR RELEVANT AND APPROPRIATE REQUIREMENTS (ARARS) FOR THE FOOTE MINERAL CO. SUPERFUND SITE				
ARAR	Legal Citation	Classification	Summary of Requirement	Further Detail Regarding ARARs in the Context of the Remedy
I. CHEMICAL SPECIFIC				
WATER				
Maximum Contaminant Levels (MCLs)	40 C.F.R. §§ 141.61-62 and 141.64	Relevant and Appropriate	MCLs are enforceable standards for public drinking water supply systems which have at least 15 service connections or are used by at least 25 persons. Although contaminated groundwater is not currently being used, a public water supply well (currently shut down) is located in the plume, and there is potential for future use.	The groundwater will meet the MCLs of these regulations for the specific contaminants listed with their MCLs in Table III.
Maximum Contaminant Level Goals (MCLGs)	40 C.F.R. §§ 141.50(b), 141.51(b) and 141.53	Relevant and Appropriate	MCLGs are non-enforceable health goals for public drinking water supplies which have at least 15 service connections or are used by 25 persons. Although contaminated groundwater is not currently being used, a public water supply well (currently shut down) is located in the plume, and there is potential for future use.	The groundwater will meet the non-zero MCLGs of these regulations for the specific contaminants listed with their MCLGs in Table III.
II. LOCATION SPECIFIC				
No Location Specific ARARs have been identified for this Site				
III. ACTION SPECIFIC				
WATER				
Water Well Drillers License Act	25 PA Code 47.1, 47.2	Applicable	Specifies the requirements for water well drillers in Pennsylvania.	Additional monitoring wells for this Site must be drilled in accordance with the substantive requirements of this act.
Well Abandonment	PADEP's Public Water Supply Manual, Part II, Section 3.3.5.11	Applicable	Regulations for abandoning old or unused wells	Unused wells are to be sealed in order to eliminate the possibility of wells acting as a conduit for contamination
Erosion and Sediment Control	25 PA Code 102.4(b), 102.11, 102.22	Applicable	Identifies erosion and sediment control requirements and criteria for activities involving land clearing, grading and other earth disturbances and establishes erosion and sediment control criteria.	The substantive provisions of these regulations apply to construction activities at the Site which disturb the ground surface, including clearing, grading, excavation and cap installation.

Table VI APPLICABLE OR RELEVANT AND APPROPRIATE REQUIREMENTS (ARARS) FOR THE ROOTE MINERAL CO. SUPERFUND SITE				
ARAR	Legal Citation	Classification	Summary of Requirement	Further Detail Regarding ARARs in the Context of the Remedy
AIR				
National Ambient Air Quality Standards	40 C.F.R. §§ 50.6 and 50.7	Applicable	Specifies maximum primary and secondary 24-hour and annual average ambient air quality standards for particulate matter.	Substantive requirements will be applicable if remedial activities generate fugitive dust emissions.
Fugitive Air Emissions	25 PA Code Chapter 123.1(a)(1), (2), (3), (4), (5), 123.1(c) and 123.2	Applicable	Prohibition of certain fugitive emissions	Substantive requirements will be applicable if remediation results in fugitive emissions from demolition of buildings, clearing of land and stockpiling of materials.
SOLID WASTE				
Residual Waste Landfill	25 PA Code 287.231(b)(1) and (2), 287.231(c)(2) and (3), 288.234(a) - (c) and (e) - (h), 288.237, 288.241, 288.242(a), (b)(1), (b)(3) and (c), 288.243 and 288.244	Relevant and Appropriate	Establishes minimum requirements for closure of residual waste landfills in the Commonwealth, including minimum cap specifications.	The specifications of the cap and closure operations shall, at a minimum, comply with the substantive requirements of Commonwealth of PA closure requirements.
HAZARDOUS WASTE				
Standards Applicable to Generators of Hazardous Waste -Identification and Listing of Hazardous Waste	25 PA Code Chapter 261a 40 CFR part 261	Applicable	Hazardous waste determination requirements applicable to generators who treat, store, or dispose of hazardous waste.	In the event that excavated soil or sediments, or other materials are determined to be hazardous waste, State regulations would apply for those regulations EPA has authorized Pennsylvania to administer pursuant to 40 C.F.R. Part 271
Standards for Owners and Operators of Hazardous Waste TSDs	25 PA Code 264a.173	Relevant and Appropriate	Establishes standards for storing hazardous waste on-site.	In the event that excavated soil or sediments, or other materials are determined to be hazardous waste, the material shall be stored in accordance with the substantive requirements of 25 Pa. Code 264a.173 concerning the manner of storage.

EXHIBIT D

SWRAU Retraction Checklist (Sept. 16, 2024)



UNITED STATES
Environmental Protection Agency
Washington, DC 20460

**SUPERFUND CHECKLIST FOR RETRACTING THE
SITEWIDE READY FOR ANTICIPATED USE (SWRAU) MEASURE**

Office of Superfund Remediation & Technology Innovation and Federal Facilities Restoration & Reuse Office

PART A – GENERAL SITE INFORMATION

1. Site Name Foote Mineral Co.

2. EPA ID PAD077087989

3. RPM Elizabeth Odren

4. Street Address 15 S Bacton Hill Road

5. City
East Whiteland Township

6. State
PA

7. Zip Code
19355

8. Reason(s) for ceasing to meet Sitewide Ready for Anticipated Use Determination:

NOTE: Select one or more reasons from the list below, describe the related issue, and the steps to address the issue.

☒ The entire site **no longer meets** either of the following two Human Exposure evaluation statuses:

- ☐ Human Exposure Controlled and Protective Remedy in Place (**HEPR**); or
☐ Long-Term Human Health Protection Achieved (**HHPA**)

Describe the issue:

Site-related groundwater plume is undefined both laterally and vertically. Modification to the lithium groundwater cleanup standard. Contamination discharging to surface water.

Describe steps being taken to address the issue:

Further investigations of the extent of the groundwater plume and potential impacts to additional downgradient residential wells

Current Human Exposure Environmental Indicator Status:

Insufficient Data to Determine Human Exposure Control Status

☐ **All cleanup goals** for any media that may affect current and reasonably anticipated future land uses in the Record(s) of Decision or other remedy decision document(s) **are no longer met.**

Describe the issue:

Describe steps being taken to address the issue:

☐ All institutional or other controls required in the Record(s) of Decision or other remedy decision document(s) **are no longer in place or effective.**

Describe the issue:

Describe steps being taken to address the issue:

SWRAU - CURRENT SUMMARY

NPL Status: Currently on the Final NPL	<i>status as of:</i> 10-14-1992
Construction Complete Status: Construction Complete	<i>status as of:</i> 10-28-2010
Human Exposure Environmental Indicator Status: HEID	<i>status as of:</i> 05-15-2024

PART B – SIGNATURE (Branch Chief or above should sign)

NOTE: The outcome of this Checklist does not have any legally binding effect and does not expressly or implicitly create, expand, or limit any legal rights, obligations, responsibilities, expectations, or benefits of any party. EPA assumes no responsibility for reuse activities and/or any potential harm that might result from reuse activities. EPA retains any and all rights and authorities it has, including but not limited to legal, equitable, or administrative rights. EPA specifically retains any and all rights and authorities it has to conduct, direct, oversee, and/or require environmental response actions in connection with the site, including but not limited to instances when new or additional information has been discovered regarding the contamination or conditions at the site that indicates that the response and/or the conditions at the site are no longer protective of human health or the environment.

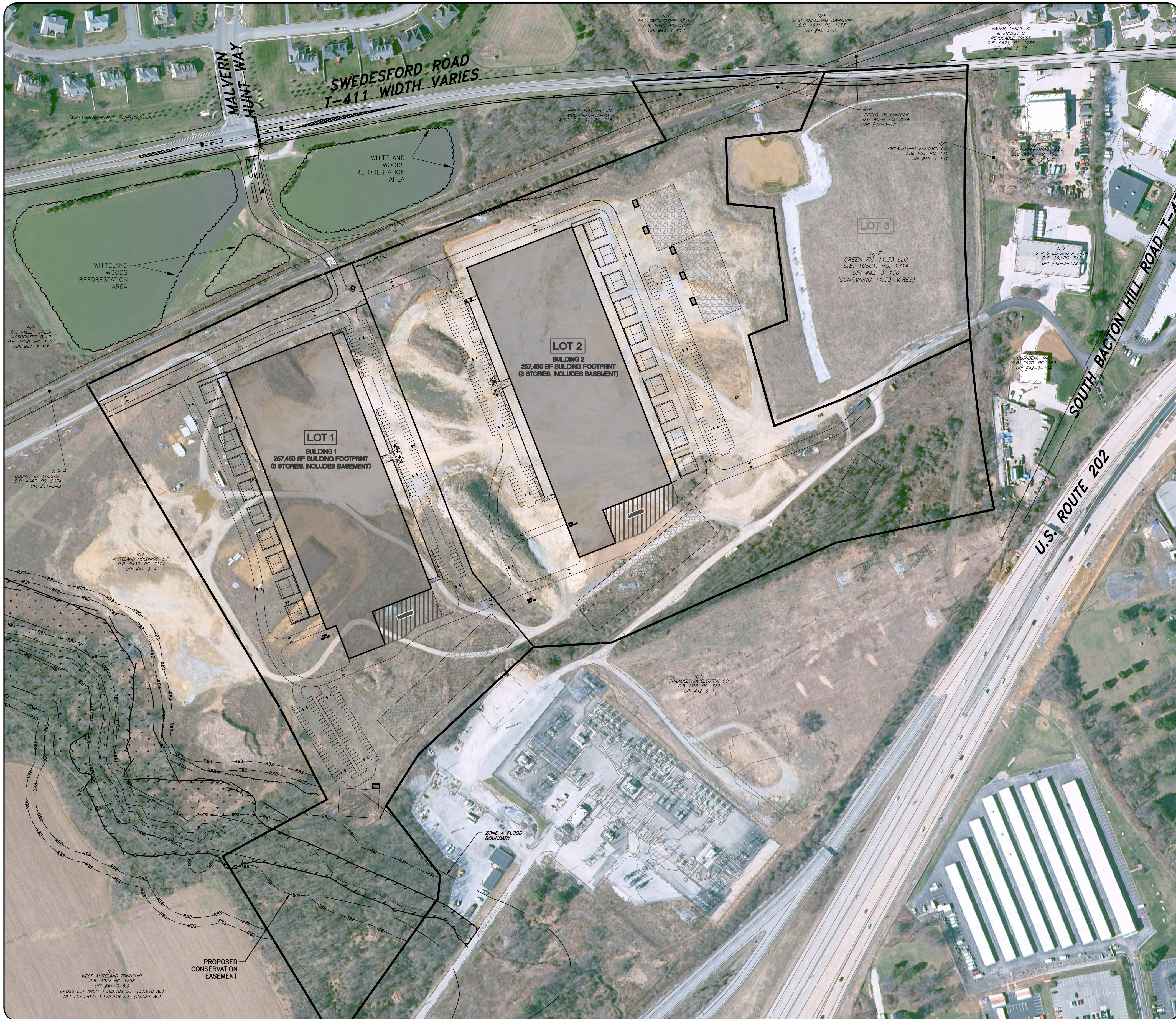
9. Name Charles J. Root	10. Title/Organization Branch Chief, SRB, SEMD
11. Date of SWRAU Retraction	12. Signature CHARLES ROOT Digitally signed by CHARLES ROOT Date: 2024.09.16 11:21:49 -04'00'

EXHIBIT E

Final Land Development Plan - Sheet 1 (Cover Sheet)

FINAL LAND DEVELOPMENT PLAN FOR THE DATA CENTERS

INSTITUTIONAL (INS-CCRC) ZONING DISTRICT
13 S. BACTON HILL ROAD, MALVERN, PA 19355
EAST WHITELAND TOWNSHIP - CHESTER COUNTY - PENNSYLVANIA



OVERALL PLAN
SCALE: 1"=150'

PERMITTING REQUIREMENTS

PERMIT	ACTIVITY	AGENCY	STATUS
1. NPDES (PAC150395)	EARTH DISTURBANCE	CCCD & PA DEP	APPROVED
2. SEWAGE PLANNING MODULE EXEMPTION	SEWER PERMIT	PADEP	PENDING
3. PUBLIC WATER SUPPLY	SITE APPROVAL	AQUA PA	PENDING
4. EAST WHITELAND TOWNSHIP FIRE MARSHALL	SITE APPROVAL	EAST WHITELAND TOWNSHIP	PENDING

SWM AND E&S REPORT NOTE:

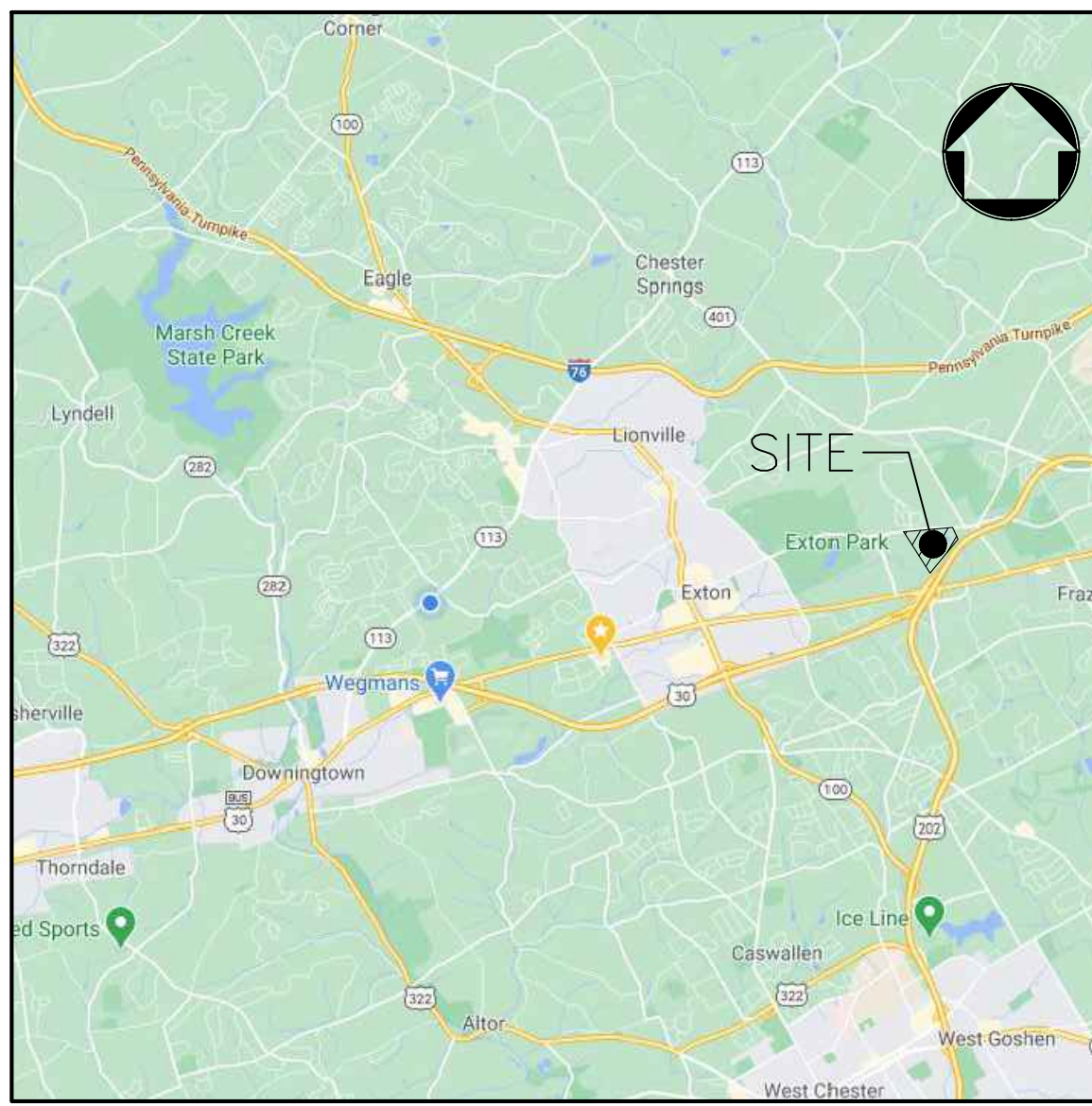
THESE PLANS HAVE BEEN PREPARED IN CONJUNCTION WITH THE "PCSM NARRATIVE AND REPORT" PREPARED BY JMR ENGINEERING, LLC DATED NOVEMBER 10, 2023, AS AMENDED.

THESE PLANS HAVE BEEN PREPARED IN CONJUNCTION WITH THE "E&S NARRATIVE AND REPORT" PREPARED BY JMR ENGINEERING, LLC DATED NOVEMBER 10, 2023, AS AMENDED.

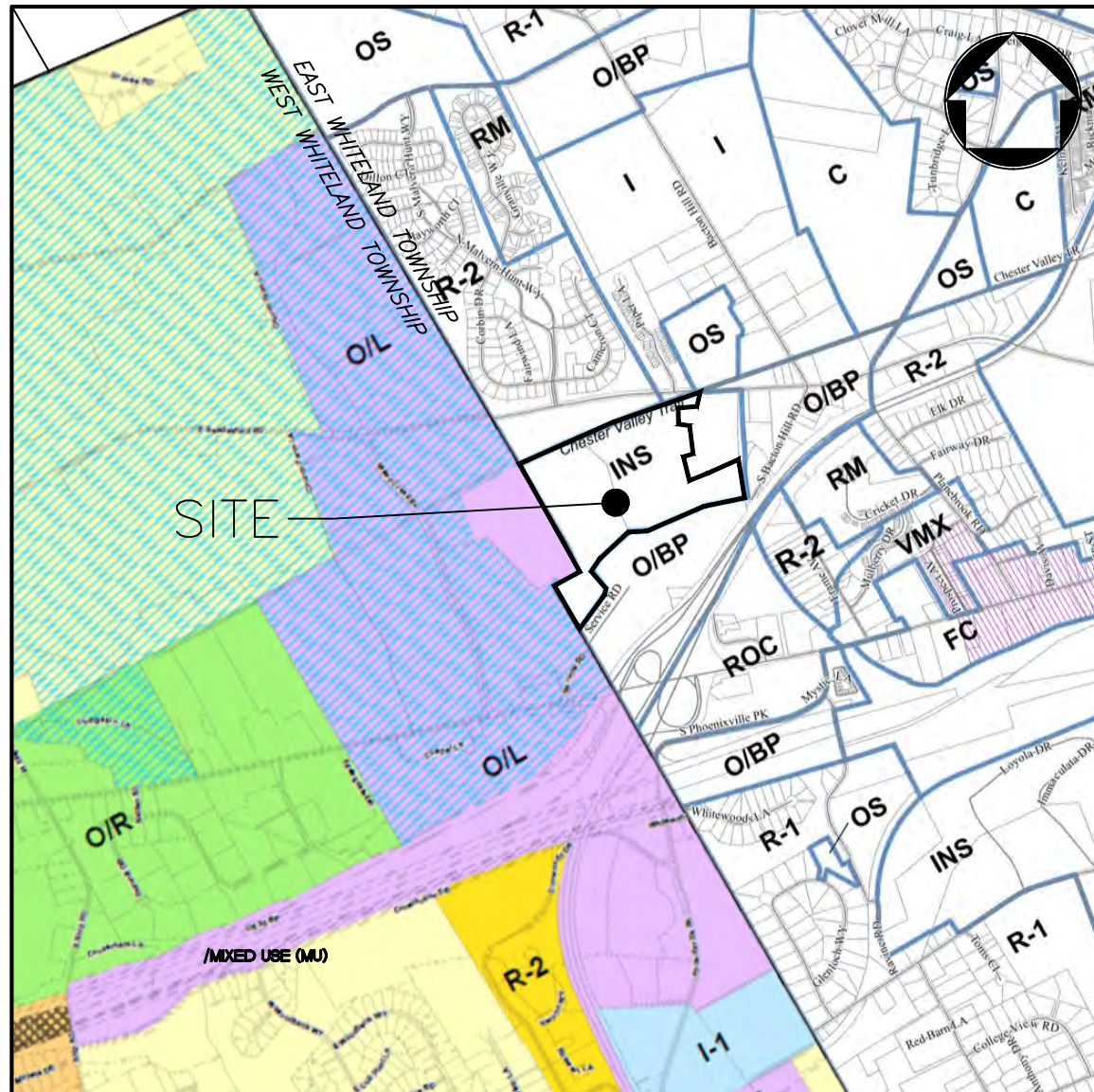
DESIGNER'S CERTIFICATION:

I, JOHN M. ROBINSON, P.E., HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE COMMONWEALTH OF PENNSYLVANIA AND THAT THESE PLANS ARE IN CONFORMITY WITH ENGINEERING, ZONING, SUBDIVISION, BUILDING, SANITATION AND OTHER APPLICABLE TOWNSHIP ORDINANCES AND REGULATIONS, EXCEPT AS NOTED.

John M. Robinson
SIGNATURE DATE: 01/29/2025



LOCATION MAP
EAST WHITELAND TOWNSHIP - CHESTER COUNTY - PENNSYLVANIA
COURTESY: BING MAPS



ZONING MAP
EAST WHITELAND TOWNSHIP - CHESTER COUNTY - PENNSYLVANIA
COURTESY: EAST WHITELAND TOWNSHIP

APPROVALS

BOARD OF SUPERVISORS
APPROVED BY THE BOARD OF SUPERVISORS OF EAST WHITELAND TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, THIS 14TH DAY OF AUGUST, 2024.

EAST WHITELAND TOWNSHIP ENGINEER

RECOMMENDED BY THE EAST WHITELAND TOWNSHIP ENGINEER THIS ____ DAY OF _____, 20____.

EAST WHITELAND PLANNING COMMISSION

APPROVED BY THE PLANNING COMMISSION OF EAST WHITELAND TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, THIS ____ DAY OF _____, 20____.

CHESTER COUNTY PLANNING COMMISSION

THIS PLAN WAS REVIEWED BY THE CHESTER COUNTY PLANNING COMMISSION ON THIS ____ DAY OF _____, 20____.

(CCPC FILE NUMBER)

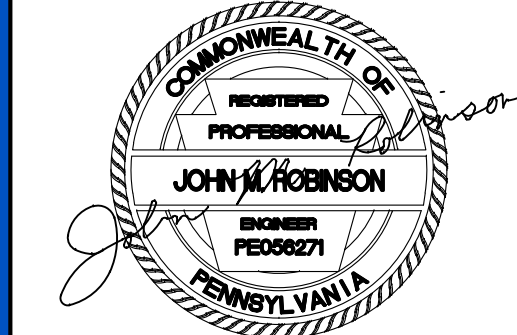
(PLANNING COMMISSION SECRETARY)

CHESTER COUNTY RECORDER OF DEEDS

RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF CHESTER COUNTY AT WEST CHESTER, PENNSYLVANIA, IN PLAN BOOK _____, PAGE _____, ON THIS ____ DAY OF _____, 20____.

(DEPUTY RECORDER OF DEEDS)

JMR ENGINEERING, LLC
PROFESSIONAL CIVIL ENGINEERING & LAND PLANNING SERVICES
106 SCHUBERT DRIVE - DOWNINGTOWN, PA 19335
PHONE: (484) 880-7342
EMAIL: ADMIN@JMRENGINEERING.COM
WEBSITE: WWW.JMRENGINEERING.COM



JOHN M. ROBINSON
PROFESSIONAL ENGINEER
PENNSYLVANIA LICENSE NO. PE008271

UTILITY SERVICES LIST

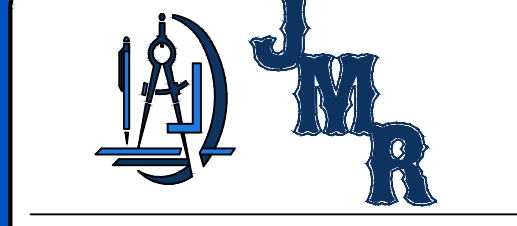
USERS	RESPONSES
ACQUA PENNSYLVANIA, INC.	
TEXAS EASTERN TRANSMISSION, LP	
AT&T LOCAL SERVICES	
BROCKWAY PARTNERS	
TRANSCONTINENTAL GAS PIPELINE	
CONQUEST CABLE	
VERIZON PENNSYLVANIA, INC.	
CONQUEST CABLE TOWNSHIP	
CONQUEST CABLE COMMUNICATIONS, INC.	
WESTL COMMUNICATIONS, LLC	
EAST WHITELAND TOWNSHIP	
LEVEL COMMUNICATIONS	
PECO ENERGY	
PPS, INTERSTATE ENERGY COMPANY	
SURETYS, INC.	
SUNOCO PIPELINE, LP	

CALL BEFORE YOU DIG!

PROFESSIONAL ENGINEER'S NOTICE TO THE PUBLIC:
I, JOHN M. ROBINSON, P.E., AM THE REGISTERED PROFESSIONAL ENGINEER IN CHARGE OF THE DESIGN AND CONSTRUCTION OF THE PROJECT SHOWN ON THESE PLANS. I AM NOT RESPONSIBLE FOR THE DESIGN OR CONSTRUCTION OF ANY OTHER PROJECTS OR FOR ANY OTHER PROJECTS THAT MAY BE SHOWN ON THESE PLANS. I AM NOT RESPONSIBLE FOR THE DESIGN OR CONSTRUCTION OF ANY OTHER PROJECTS OR FOR ANY OTHER PROJECTS THAT MAY BE SHOWN ON THESE PLANS.

PLAN REVISIONS

REV.	DATE	DESCRIPTION OF CHANGES
1	02/27/24	REVISED PER TOWNSHIP COMMENTS
2	04/07/24	REVISED PER TOWNSHIP COMMENTS
3	04/07/24	REVISED FOR NPDES SUBMITTAL
4	05/07/24	REVISED FOR TOWNSHIP COMMENTS
5	07/22/24	REVISED PER TOWNSHIP NPDES COMMENTS
6	08/27/24	REVISED PER TOWNSHIP NPDES COMMENTS
7	07/22/24	REVISED PER TOWNSHIP COMMENTS



JMR ENGINEERING, LLC
INNOVATIVE PLANNING - PRACTICAL DESIGNS
PROFESSIONAL CIVIL ENGINEERING & LAND PLANNING SERVICES

106 SCHUBERT DRIVE
DOWNINGTOWN, PA 19335
PHONE: (484) 880-7342
EMAIL: ADMIN@JMRENGINEERING.COM
WEBSITE: WWW.JMRENGINEERING.COM

PROJECT:

FINAL LAND DEVELOPMENT PLAN FOR DATA CENTERS

LOCATION:

13 S. BACTON HILL ROAD
MALVERN, PA 19355
EAST & WEST
WHITELAND TOWNSHIPS
CHESTER COUNTY, PA

PARCELS:

TAX PARCEL NUMBER:
42-3-128, 42-3-130,
42-3-130.1 & 42-3-130.2
CLIENT:
GREEN FIG LAND COMPANY
10 WOODFORD LANE
MALVERN, PA 19355

PROJECT No.:

1508-B
SURVEY REF.: 1195-B (DSS)
DRAWN BY: E.C.R.
CHECKED BY: J.M.R.
PLAN DATE: NOVEMBER 10, 2023
PLAN SCALE: AS NOTED

SHEET TITLE:

COVER SHEET

SHEET NUMBER:

1 OF 62

Plot Date: Thu. Feb. 27, 2025
The COVER SHEET

SHEET INDEX

1	COVER SHEET*
2	TITLE PLAN*
3	OVERALL EXISTING FEATURES PLAN*
4-8	EXISTING FEATURES PLANS*
9	OVERALL LAYOUT PLAN
10-14	LAYOUT PLANS
15	OVERALL GRADING PLAN*
16-20	GRADING PLANS*
21	OVERALL PCSM PLAN*
22-26	PCSM PLANS*
27	OVERALL EROSION CONTROL PLAN
28-32	EROSION CONTROL PLANS
33	OVERALL UTILITIES PLAN*
34-38	UTILITIES PLANS*
39	OVERALL LANDSCAPE PLAN
40	LANDSCAPING PLAN ENLARGEMENT
41	OVERALL LIGHTING PLAN
42	LANDSCAPING & LIGHTING DETAILS
43-48	PROFILE SHEETS
49	SANITARY PROFILES
50-51	PCSM DETAIL SHEETS*
52-54	CONSTRUCTION DETAIL SHEETS*
55-56	EROSION CONTROL DETAILS
57-58	SWEDESFORD ROAD INTERSECTION PLANS
59	FIRE TRUCK TURNING ANALYSIS
60-62	PIPELINE ENCROACHMENT PLANS

*SHEETS TO BE RECORDED

WAIVER REQUESTS

THE FOLLOWING WAIVER REQUESTS HAVE BEEN APPROVED BY THE EAST WHITELAND TOWNSHIP, CHESTER COUNTY, BOARD OF SUPERVISORS ON AUGUST 14, 2024.

§ 175-36.6 & 175-37.6

A WAIVER FROM § 175-36.6, REQUIRING INFILTRATION TO BE PROVIDED TO COMPENSATE FOR THE REDUCTION IN RECHARGE, AS A RESULT OF THE PROPOSED DEVELOPMENT. THE WAIVER IS APPROPRIATE BECAUSE THE SITE IS BEING DEVELOPED WITH LIVINGSTONE GARDEN AND IS A REGENERATED BROWNFIELD SITE WITH GROUNDWATER MONITORING WELLS. THE SITE HAS BEEN DESIGNED AND APPROVED IN THE PAST WITH THIS WAIVER IN PLACE. THE APPLICANT HAS PROPOSED A MANAGED RELEASE CONCEPT (MRC) DESIGN IN ACCORDANCE WITH THE PA DEP'S PUBLISHED MRC GUIDELINES WHEN DESIGNED ACCORDING TO THE DEP'S ESTABLISHED STANDARDS. MRC BUDGETS MUST PROVIDE ADEQUATE PEAK RATE REDUCTION TO MEET THE TOWNSHIP ORDINANCE REQUIREMENTS AND RUNOFF RETENTION, FILTRATION AND RELEASE TO MEET THE WATER QUALITY AND RUNOFF VOLUME REQUIREMENTS OF PA CODE (10.0000).

§ 175-38.7

A WAIVER FROM § 175-38.7, WHICH REQUIRES A 3-INCH MINIMUM ORIFICE IN OUTLET STRUCTURES TO THE BUDGET. THE WAIVER IS APPROPRIATE, SUBJECT TO APPROVAL BY PA DEP, BECAUSE THE STORMWATER DESIGN INCORPORATES MANAGED RELEASE CONCEPT (MRC) BUDGETS, WHICH UTILIZE A REDUCED ORIFICE SIZE IN ACCORDANCE WITH DEP GUIDANCE. THE APPLICANT HAS PROPOSED A MANAGED RELEASE CONCEPT (MRC) DESIGN IN ACCORDANCE WITH THE PA DEP'S PUBLISHED MRC GUIDELINES WHEN DESIGNED ACCORDING TO THE DEP'S ESTABLISHED STANDARDS. MRC BUDGETS MUST PROVIDE ADEQUATE PEAK RATE REDUCTION TO MEET THE TOWNSHIP ORDINANCE REQUIREMENTS AND RUNOFF RETENTION, FILTRATION AND RELEASE TO MEET THE WATER QUALITY AND RUNOFF VOLUME REQUIREMENTS OF PA CODE (10.0000).

§ 175-33.0 (b)(1)(ii)

A PARTIAL WAIVER FROM § 175-33.0 (b)(1)(ii), WHICH REQUIRES IDENTIFICATION OF ALL EXISTING TREE MANES, TREE LINES, AND HEDGEROWS, AND TREES OF 12 INCHES IN CALIPER AS MEASURED 36 INCHES FROM THE GROUND LEVEL, AND IDENTIFICATION OF THE TYPE AND SIZE OF ALL INDIVIDUAL TREES 12 INCHES OR GREATER IN CALIPER THAT ARE PROPOSED TO BE CLEARED AND REMOVED. THE WAIVER IS APPROPRIATE BECAUSE THE APPLICANT HAS SHOWN THAT ALL EXISTING TREES > 12 INCHES OR GREATER HAVE BEEN SHOWN ON THE PRELIMINARY PLAN AND THAT ANY TREES BEING REMOVED HAVE BEEN NOTED. IDENTIFICATION OF THE INDIVIDUAL TREES IS NOT NECESSARY BECAUSE THE EXISTING TREES ARE IN A REMOTE PART OF THE SITE.

§ 175-34.1

A WAIVER FROM § 175-34.1, WHICH REQUIRES THE SIGNATURE AND SEAL OF THE LANDSCAPING PLAN BY A REGISTERED LANDSCAPE ARCHITECT. THE WAIVER IS APPROPRIATE BECAUSE THE LANDSCAPE PLAN WILL BE SIGNED AND SEALED BY A PROFESSIONAL ENGINEER. THE PROPOSED LANDSCAPING IS MINIMAL AND THE PROPOSED LANDSCAPING SHALL BE REVIEWED BY THE TOWNSHIP LANDSCAPE ARCHITECTURE CONSULTANT.

§ 175-41.2 (a)(1)

A WAIVER FROM § 175-41.2 (a)(1), REQUIRING SIDEWALKS TO BE INSTALLED ALONG ROAD FRONTAGE. THIS WAIVER IS APPROPRIATE BECAUSE THE SWEDESFORD ROAD SITE FRONTAGE IS LIMITED TO A RELATIVELY SMALL AREA ON LOT 3, WHICH IS NOT IMPERVED BY CURBLINE AND OTHER UTILITIES, AND IS IN AN AREA THAT DOES NOT CONNECT TO ANY OTHER SIDEWALK. THE APPLICANT IS INSTEAD INSTALLING A TRAIL CONNECTION, MALVERN HUNT WAY TO THE CHESTER HALEY TRAIL, WHICH WILL INCLUDE A SWEDESFORD ROAD CROSSWALK AND ADA RAMPS ON EACH CORNER WHERE CROSSINGS ARE INTENDED TO OCCUR.

§ 175-37.0 (i)

A WAIVER FROM § 175-37.0 (i), REQUIRING THAT CUTS AND FILLS ON A SITE NOT EXCEED 3 FEET IN DEPTH WITH THE EXCEPTION OF A BASEMENT AREA. THIS WAIVER IS APPROPRIATE BECAUSE THE MAJORITY OF THE SITE HAS PREVIOUSLY BEEN DISTURBED AND HAS MANY FEET OF FILL WHICH NEED TO BE RELOCATED AROUND SITE TO CREATE FLAT BUILDING PADS AND STORMWATER MANAGEMENT FACILITIES.

§ 175-37.0 (j)

A PARTIAL WAIVER FROM § 175-37.0 (j), REQUIRING THAT ALL STORM PIPES SHALL HAVE A MINIMUM INSIDE DIAMETER OF 18 INCHES. THIS WAIVER IS APPROPRIATE BECAUSE SOME OF THE DRAINAGE AREAS TO PIPES ARE MINIMAL AND CONVEYANCE CALCULATIONS HAVE BEEN PROVIDED, DOCUMENTING THAT THE PIPE SIZE, AS SHOWN ON THE PLANS, MEETS THE REQUIREMENTS OF THE ORDINANCE. THE MINIMUM STORM SEWER PIPE SIZE THE APPLICANT IS PROPOSING IS 15 INCHES.

§ 175-41.0 (a)(2)

A WAIVER FROM § 175-41.0 (a)(2), REQUIRING THAT PLANTED AREAS SHALL BE IRRIGATED EITHER BY A PERMANENT WATER SYSTEM OR BY HOSE AND IRRIGATION PLANS, INCLUDING PIPE SIZE AND LENGTH, LAIERS AND TYPE OF HEAD, SHALL BE APPROVED BY THE TOWNSHIP. THIS WAIVER IS APPROPRIATE BECAUSE THE APPLICANT IS REQUIRED TO GUARANTEE THE PROPOSED LANDSCAPING FOR A PERIOD OF 18 MONTHS AND WILL PROVIDE ESCROW IN ACCORDANCE WITH THE ORDINANCE REQUIREMENTS FOR THE REPLACEMENT OF DEAD OR Dying PLANTINGS DEPICTED ON THE PLANS.

COMMONWEALTH OF PENNSYLVANIA COUNTY OF CHESTER

ON THIS, THE ____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED, RESPONSIBLE OFFICIAL FROM GREEN FIG LAND COMPANY, WHO BEING DULY SWORN ACCORDING TO LAW, DEPOSES AND SAYS THAT THEY ARE THE OWNERS OF THE PROPERTY SHOWN ON THIS PLAN, THAT THE PLAN THEREOF WAS MADE AT THEIR DIRECTION, THAT THEY ACKNOWLEDGE THE SAME TO BE RECORDED, AND THAT ALL STREETS AND OTHER PROPERTY IDENTIFIED AS PROPOSED PUBLIC PROPERTY (EXCEPTING THOSE AREAS LABELED "NOT FOR DEDICATION") WILL BE OFFERED FOR DEDICATION.

(GREEN FIG LAND COMPANY OFFICIAL)

SWORN TO AND SUBSCRIBED BEFORE ME

THIS ____ DAY OF _____, 20____.

(NOTARY PUBLIC)

COMMONWEALTH OF PENNSYLVANIA COUNTY OF CHESTER

ON THIS, THE ____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED, RESPONSIBLE OFFICIAL FROM WHITELAND HOLDINGS, LLC, WHO BEING DULY SWORN ACCORDING TO LAW, DEPOSES AND SAYS THAT THEY ARE THE OWNERS OF THE PROPERTY SHOWN ON THIS PLAN, THAT THE PLAN THEREOF WAS MADE AT THEIR DIRECTION, THAT THEY ACKNOWLEDGE THE SAME TO BE RECORDED, AND THAT ALL STREETS AND OTHER PROPERTY IDENTIFIED AS PROPOSED PUBLIC PROPERTY (EXCEPTING THOSE AREAS LABELED "NOT FOR DEDICATION") WILL BE OFFERED FOR DEDICATION.

(WHITELAND HOLDINGS COMPANY OFFICIAL)

SWORN TO AND SUBSCRIBED BEFORE ME

THIS ____ DAY OF _____, 20____.

(NOTARY PUBLIC)

OWNER/APPLICANT:

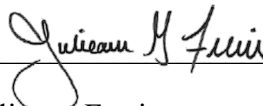
GREEN FIG LAND, LLC
C/O CHARLIE LYDANE
10 WOODFORD LN
MALVERN, PA 19355
(610) 357-8963

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Letter of Notification of PECO Energy Company :
for approval to construct the 220-09 230 kV :
Transmission Line Tap Project located in East : Docket No. A-2025-3054731
Whiteland Township, Chester County, :
Pennsylvania

VERIFICATION

I, Julianna Ferris, hereby state that the facts set forth in the foregoing Reply are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



Julianna Ferris

Dated: July 30, 2026

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Letter of Notification of PECO Energy Company :
for approval to construct the 220-09 230 kV :
Transmission Line Tap Project located in East : Docket No. A-2025-3054731
Whiteland Township, Chester County, :
Pennsylvania :**

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Reply upon
the persons listed below, in accordance with the requirements of 52 Pa. Code §§ 1.54, 5.41(b)
and 5.572(b):

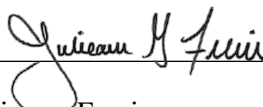
Via Overnight Delivery and E-Mail:

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300 North Second Street
Harrisburg, PA 17101
ra-sba@pa.gov



Julianna Ferris

Dated: July 30, 2026