

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Letter of Notification of PECO Energy Company	:
Filed Pursuant to 52 Pa. Code §§ 57.71 et seq.	:
for Approval of the Siting and Construction of	: Docket No. A-2025-3054731
the Siting and Construction of the 220-09 Line Tap	:
Project Located in East Whiteland Township,	: Docket No. P -2026-3064335
Chester County, Pennsylvania	:

PETITION FOR RECONSIDERATION OF THE COMMISSION'S AUGUST 11, 2026
DENIAL OF EMERGENCY RELIEF

Julianna Ferris ("Petitioner"), pro se, petitions the Commission, pursuant to 66 Pa. C.S. § 703(g) and 52 Pa. Code § 3.3, for reconsideration of the Commission's August 11, 2026 denial of emergency relief. Petitioner states:

I. INTRODUCTION

1. PECO manufactured a false deadline and rushed this project through the approval process with no intention of conducting proper due diligence. It made commitments to the Customer that directly contradicted its representations to this Commission and to East Whiteland Township. Most critically, PECO completely failed to fulfill its obligations as a lessee of a Superfund site, putting public health and safety at grave risk.
2. The Commission's August 11, 2026 denial of emergency relief cannot stand in the face of this evidence. Under *Duick v. Pennsylvania Gas and Water Co.*, 56 Pa. P.U.C. 553 (1982), reconsideration is warranted where the record shows "considerations which appear to have been overlooked or not addressed." PECO's own documents demonstrate that the Commission overlooked critical facts on each of the four elements required for emergency relief under 52 Pa. Code § 3.2(b).

3. Petitioner raises two independent grounds. First, the Commission recharacterized this filing to avoid the hearing 52 Pa. Code § 3.6(a) required before any ruling, and denied it on the papers. Second, on each of the four elements under § 3.2(b), the representations the denial relied on are contradicted by PECO's own filed documents and the regulatory record.
4. To start, PECO created a false sense of urgency to pressure the Commission into approving the project without proper review. Then, PECO misrepresented to the Customer, who in turn represented to East Whiteland Township, and the public that the project would not “adversely impact other PECO customers” (Ex.2), a claim which proved to be false, and never corrected. Most egregiously, PECO utterly disregarded its duties as a lessee of a Superfund site, failing to submit its plans for necessary environmental review.
5. The Commission's reliance on PECO's self-serving representations led it to overlook the serious, ongoing risks this project poses to public health and safety. Petitioner asks the Commission to consider the evidence PECO withheld and grant the requested relief.

II. PETITIONER SATISFIES EACH OF THE FOUR ELEMENTS REQUIRED FOR EMERGENCY RELIEF

A. A clear right to relief

6. PECO's Answer cites only the EPA's public FAQ - attached as "Attachment C" - for the claim that no environmental matter exists. PECO never gave the Commission the actual Comfort Letters. Read in full, those letters place PECO **under more obligation, not less** (Ex. 6). The Comfort Letters explicitly document the concerns identified in the Third Five-Year Report and introduce additional obligations Customer and PECO must follow including but limited to:

“2. Do not construct wells or other structures or equipment for pumping or, through any method, withdraw groundwater on the Property, without prior written approval by the EPA.”

“6. Ensure that activities undertaken at the Property do not interfere with the performance and the effectiveness of the Selected Remedy or EPA’s cleanup and investigation activities, *inclusive of any operation and maintenance work.*”

“9. Comply with land use restrictions, including recording and implementing institutional controls, e.g., environmental covenants, required by the Selected Remedy, and do not impede the effectiveness or integrity of institutional controls. If management of contaminated soils is needed to facilitate development activities, manage such soils appropriately to avoid human and natural resource exposure.

10. *Notify all contractors, subcontractors, lessees, and any other parties operating at the Property of this comfort/status letter and ensure that these parties satisfy the reasonable steps set forth in this letter.*

11. Ensure stormwater drainage is properly managed and there is no pooling of water or reduction of stormwater infiltration into the cap on the Property. *Activities must not materially change groundwater flow direction/velocity or groundwater recharge in a way that would impact the plume.*

12. Protect and maintain all aspects of the existing containment area and permanent cap, including, at minimum, conducting annual inspections and biannual mowing (see inspection checklist enclosed). Do not disturb the existing containment area and permanent cap without prior written approval from the EPA”

None of the above obligations and the others listed have been reviewed by the EPA for PECO’s Project or communicated to this Commission. A biased selection of excerpts from the EPA Comfort Letters was offered to this Commission. The details of this document that actually define PECO’s obligations as easement holder, a “lessee”, were withheld to this Commission in PECO’s Answer and since the Letters were released in March of 2026. This is compounded with the fact that the EPA has never reviewed plans of PECO’s scope of work for Customer’s Property Superfund site.

7. The determination of whether PECO’s activity ‘impacts’ this Customer’s Property is not PECO’s to make. The Environmental Covenant recorded September 28, 2017 grants EPA and

PADEP, not PECO, 'a right of reasonable access to the Property' and establishes use limitations including a prohibition on '*any activities* or excavations that would disturb the integrity of the cap system' and '*any use* that could adversely impact the vegetative growth that stabilizes the Cap System at the Site.' 'The State and the EPA have rights to enforce this covenant,' not PECO, and not the Customer. (Ex. 6). PECO never submitted its scope of work to EPA, nor did the Customer's own Soil Management Plan document and describe it on PECO's behalf. PECO now asks the Commission to accept, on its word alone in an adversarial pleading, a compliance determination that belongs to a regulator PECO never consulted, concerning a document PECO never filed, regarding work it doesn't know exists.

8. The Commission's denial treats PECO's substantially complete construction as if it resolves the matter, as if a finished pole is the end of the inquiry. It is not. The poles are up. That is not the same as saying nothing else about this Project matters. PECO's easement carries an indefinite, ongoing vegetation-management obligation that does not end when the poles go up; PECO's activity on the Customer's Property, which PECO's easement now shares, continues for as long as that easement exists. The Commission cannot treat 'the poles are up' as a substitute for the review that was never conducted at all. PECO does not get to define what constitutes earth disturbance, and earth disturbance, along with the resulting risk of airborne contaminants, is not confined to the act of digging three monopole foundations. Vegetation clearing exposes soil and changes stormwater management. A graded drive path compacts and redirects it. An electrified high voltage line tap creates increased fire risks and impacts to surrounding vegetation. Each of these is itself a mechanism of disturbance, and at present, no one knows whether PECO's high-voltage infrastructure, the vegetation clearing, and the introduction of a non-permeable drive path surface interfere with the integrity of the Customer

Property's Selected Remedy mandated by the EPA. That is precisely the question PECO should have asked but elected not to. PECO's ignorance, and the risk it brings, could not be more evident than when it documents that it will handle vegetation with "standard vegetation management practices," one of the very things the Comfort Letters identify as critical to the remedy.

9. PECO's own documents show a pattern of telling PJM one thing and this Commission another, on a compressed timeline that reflects a manufactured deadline spanning three (3) years, not diligence:

⇒ **May 13, 2023:** PECO commits, in writing to the Customer a two-phase, 290 MW final configuration, two years before the Letter of Notification is ever filed:

"The initial supply will be capable of supplying 150 MW of load via a single aerial 230 kV tap... The final solution will be capable of supplying 290 MW of load, consisting of one (1) underground 230 kV supply and one (1) aerial 230 kV supply, leveraging construction of the initial supply." (Ex.1)

PECO further commits to a Q4 2024 target service date for the initial 150 MW supply and states that a second High Voltage Interconnection Feasibility Study will scope the underground supply's cost and timeframe. Green Fig is required to post a \$3.9 million Letter of Credit covering PECO's costs if the project does not proceed. (Ex. 1)

⇒ **February 26, 2024** — PECO creates a Will Service Letter and unconditionally reaffirms that:

"PECO will provide electric service to your data center project via two 230 kV supplies coming from Planebrook Substation."

PECO then *erroneously* states,

"PECO service to your project will not adversely affect service provided to any other PECO customer." (Ex.2)

There is no contingency language on PUC approval or testing. This document was used by Customer in the East Whiteland Township approval process for development.

⇒ **November 6, 2024:** PECO tells PJM directly:

"A new customer in the Exton PA area has requested service for an initial load of *150MW in 2026, 290MW in 2028 and an ultimate load of 600MW.*" (Ex. 3)

A dated, tiered load schedule, not a vague projection, given to PJM five months before the LON was filed. (Ex. 3).

⇒ **March 4, 2025:** The solution slide PECO prepares for the March 4 PJM TEAC meeting originally repeats the same figure: "150MW in 2026, 290MW in 2028 and an ultimate load of 600MW" carried forward from November. Only in a revision made March 3, 2025, one day before the meeting, is "and an ultimate load of 600MW" struck through. The 150 MW and 290 MW figures are never struck, in either version. The project refers to Phase 1; the 150 MW line tap as "Temporary" project (Ex. 4). PECO gives PJM a fully engineered project detailing:

"Proposed Solution:

Phase 1:

- **Install a temporary** radial 230kV line from a tap off the Planebrook-Upper Merion-Tredyffrin line to the customers location.

Estimated Transmission Cost: \$0M

Phase 2:

- Install two new radial 230 kV feeds from the Planebrook #7 bus and #9 bus to the customers location.
- Reconductor approximately 1000ft of the 230-31 Bradford-Planebrook line.
- Install a breaker on the high side of transformer #9 at Planebrook substation" (Ex.4)

⇒ **April 14, 2025:** PECO's VP of Substations submits Letter of Notification (LON) to this Commission where they request the review occurs by October 1, 2025, citing a deadline.

"PECO respectfully requests Commission review and approval of the Letter of Notification on or before the October 1, 2025 Public Meeting in order to allow construction to commence in November 2025."

The additional loads were framed as merely speculative despite the Phase 1 reference to the PJM as a “Temporary” solution.

“This Letter of Notification is for a new 230 kV high voltage distribution line tapping into PECO’s existing 220-09 Line near the Planebrook Substation to the proposed location of the Green Fig Data Center. PECO understands that the customer expects the data center’s demand to increase in the future. The current Project includes a 230 kV high voltage line tap to serve the customer’s new 150 MW load. If the projected demand for the Green Fig Data Center continues, PECO intends to seek separate approval for future upgrades.”

PECO then also claims it will follow all applicable requirements, which at this time *would include regulations stipulated by the EPA for the Customer Property* which they never mention or document in the LON:

“All work shall be done in accordance with NESC, OSHA and any applicable local, state, or federal requirements.”

PECO documents the work involved on the Customer property but claims, without evidence, it will have “minimal impact on land use in that project area” and never once mentions that the “land” is an active federal managed, Superfund Site, Foote Mineral Co., with required Institutional Controls nor does it mention ANY of its obligations as a lessee of the property:

“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. *See Attachment 1* for a map of the proposed Project. PECO anticipates that the Project will have minimal incremental impact on land use in the Project area.”

PECO also documents the changed to vegetation and its obligation to maintain the vegetation on an ongoing basis:

Vegetative cover in the project area has been influenced by residential and industrial development and consists of shrubs, vines, and small trees that have regenerated after past land disturbance. 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.

- ⇒ **Sept. 23, 2025:** PECO's own Senior Manager of Transmission Regional Planning emails PJM contacts inquiring if the if the Do Not Harm (“DNH”) tests *even included* “Phase 1 Temporary Line Tap” (150MW) that was the scope of the LON filed on April 14, 2025.

“Can you provide some clarity if PJM studies the initial loading of our M-3 submissions? Our solutions have included an initial load and ultimate load. Does PJM only study the initial and ultimate load? Specifically if we have a phase 1 served via a temporary line tap and a phase 2 with the ultimate load and permanent configuration. Is the initial tap studied in DNH?” (*PECO's Reply to Data Requests of the Bureau of Technical Utility Services, Nos. A-5 and A-6, filed October 1, 2025 (Docket No. A-2025-3054731)*).

- ⇒ **Sept. 24, 2025:** PJM’s contact explain they maintained the Phase 1 and Phase 2 deployment in their testing and that the “Phase 1 DNH overloads were so small they believe it would pass” but the Phase 2 (290MW) would **not**. (*PECO's A-5/A-6 Response.*)
- ⇒ **Sept. 24, 2025:** PECO’s thanks them for maintaining the Phase 1 and Phase 2 approach in their testing. PECO then pushes them on the deadline for the supplemental ID and cites a “time crunch”

Would you be able to send the Phase supplemental ID # today? We are in a bit of a time crunch to provide phase 1 DNH results to the PUC to complete the permitting process. It would be greatly appreciated if you could provide that soon. (*PECO's A-5/A-6 Response.*)

- ⇒ **Oct. 1, 2025:** PECO's own affidavit, filed with the Commission documents that Phase 2, (290MW), that they have already communicated to Customer and local governing approval bodies does not “adversely impact any other PECO customer”, does not pass the 290MW DNH

"PJM separately identified that Phase 2 would not pass the do no harm analysis at this time." (*PECO's A-5/A-6 Response.*)

This finding is never disclosed to the Commission before the October 9, 2025 LON Approval Order; it appears only in paragraph 6 of an affidavit attached to a data request response, while the accompanying cover letter to the Secretary summarizes the results as showing "no violations by the Project." (*PECO's A-5/A-6 Response*). To date, the Customer (Sentinel Data Centers) still advertises the data center with 300MW, "Sentinel is developing a 100-acre parcel just outside of Philadelphia for deployment of 300MW with immediate availability. Expansion to 600MW pending." (Ex. 5) This timeline reveals PECO's true priority: meeting its own arbitrary deadline, not providing accurate information to the Commission, and circumventing proper due diligence.

B. Immediate Need for Relief

10. The Soil Management Plan submitted by Customer to EPA claimed that 'no engineering or institutional controls for soil were required on parcels 42-3-130.1, 42-3-130.2, or 41-3-4.' (Ex. 7). PECO's Answer advances the same decree. EPA's own reviewer rejected that claim outright on the plan in her comment:

'This statement is not true. Institutional controls to restrict land use for parcels 42-3-130.1 and 42-3-130.2 were called for in Site decision documents, but they have not been formally implemented.'
(*Ex. 7, June 17, 2026 comment*).

These were not new controls EPA was merely floating; they were controls already required by the Customer's Property Superfund Selected Remedy decision documents. EPA's Third Five-Year Review, issued seven months before the LON was submitted to this Commission, had already identified this same absence as an open issue and risk given the planned redevelopment. (Ex. 8). Twice, and independently, EPA flagged the same deficiency. PECO made no effort to remedy it; notwithstanding explicit documentation directing it to do so, PECO disregarded the instruction entirely and now uses it as a scapegoat with the Commission.

11. The formal implementation was a Customer manufactured gap. A single environmental covenant was recorded in 2017 against the Superfund Property while it was one large parcel. In 2019, the Customer subdivided the large parcel 42-3-130, and created Parcels 42-3-130.1, 42-3-130.2, the same parcels on which the Customer's Property, PECO's easement, and PECO's line tap now sit. The Customer only recorded the covenant against the capped parcel it carved out, 42-3-130, leaving the other parcels, 42-3-130.1, 42-3-130.2, without it. The protection the Customer's Property Superfund Site once had did not fail to reach these parcels by chance, it was left behind by a subdivision the Customer itself executed. Upon its discovery by the EPA, it was documented as a need in the Third Five-Year in 2024, prior to the LON, and available publicly. (Ex.8) It continues to be reinforced in findings that the EPA has the opportunity to review.
12. PECO treats the EPA's FAQ as a shield against any showing of immediate need or irreparable injury but omits a critical qualification: the statements made by the EPA only reflects only the information EPA was given to review. PECO never communicated its own scope of work for the Project to EPA at all. The Customer did not submit it on PECO's behalf. An assurance built on information PECO itself withheld cannot now be invoked as a defense to the very activity PECO never disclosed.
13. PECO's easement is not a one-time act, either. The LON commits PECO to managing the right-of-way indefinitely: 'Once in service, PECO will manage the right-of-way to maintain low growing plant types using the standard vegetation management practices.' LON ¶ 18. That easement traverses Parcels 42-3-130.1 and 42-3-130.2, the same parcels for which EPA has expressly confirmed, in writing, that institutional controls restricting land use were called for in the Site decision documents but have never been formally implemented. Yet PECO

continues to use and maintain its infrastructure across these parcels as though EPA's determination did not exist. PECO's activities include vegetation clearing, use of the access or drive path depicted on its own civil drawing, maintenance of the takeoff structure, and operation of high-voltage transmission lines across the property. In short, PECO continues its active use of these parcels while the land-use controls EPA has expressly identified as necessary remain absent. The Comfort Letters require that activity at the Property not interfere with the Customer's Property Superfund Selected Remedy, and that determination belongs to EPA alone. (Ex.6) Neither PECO nor the Customer ever submitted this Project's scope of work for that review. PECO cannot convert its failure to obtain EPA review before undertaking the work into a justification for avoiding that review now. The fact that PECO proceeded with construction before EPA reviewed its activities does not establish that review was unnecessary; it demonstrates why that review should have occurred in the first place. Faced with that unresolved regulatory question, a responsible utility should suspend further work voluntarily until EPA has reviewed the Project's scope, rather than continue construction at the risk of interfering with the Selected Remedy and potentially requiring corrective work later.

C. Irreparable Injury

14. The Petitioner's own public records request confirms that EPA has, at no point, reviewed PECO's actual scope of work for this Project. No review occurred for the easement, not the vegetation clearing, not the drive path, nor the high voltage lines and their impact. These reviews are critical to the safety for the public to ensure the integrity of the Selected Remedy is preserved and any "*activities*" do not adversely impact the Selected Remedy. The Petitioner has no assurance, and this Commission has no assurance, and PECO cannot cite a document that did not review their scope of work for this Project and use it to claim there is no irreparable

harm. As previously documented, the Petitioner resides in the direct path of the groundwater contamination plume, and the direction of the prevailing winds. This puts her at risk of exposure to airborne particulates that could be released by PECO's activities on the Customer Property that is not limited to monopole structures, but numerous other activities that interfere with the Customer's Property Selected Remedy. The Comfort Letters specifically require that activities "not materially change groundwater flow direction/velocity or groundwater recharge in a way that would impact the plume." (Ex. 6). This is a central concern for the Petitioner, who resides in the path of that plume and relies on the very groundwater it threatens, and it is precisely the kind of "*activity*", PECO's drive path, its graded and non-permeable surfaces, and its alteration of stormwater, that the EPA was never given the chance to review for this Project.

15. The Customer Property has five pipeline easements that run through or adjacent to Customer Property; three carrying hazardous liquids (Keystone, Sunoco, Interstate Energy Company) and two carrying natural gas (Williams/Transco and Enbridge). PECO's structure erection, utilization and maintenance nonpermeable surfaces, high voltage lines, vegetation clearing, and ground disturbance near pipeline easements of this kind is exactly the sort of activity the Chester County Pipeline Information Center recommends be coordinated directly with the pipeline operator before proceeding, coordination nothing in this record shows occurred.

16. PECO's own high-voltage infrastructure is not a hypothetical safety concern. On November 7, 2025, 'a high voltage power line came down' in Upper Providence and 'sparked into an underground gas main, sparking the blaze,' a transformer and roadway fire that burned overnight until 'PECO crews were able to isolate the main and fix the wires' the following morning¹. On January 20, 2026, PECO 'transformers exploded' in Pottstown, with residents

¹ Justin Heinze, *High Voltage Power Line Sparked Upper Providence Fire, Officials Say*, Patch (Nov. 10, 2025), <https://patch.com/pennsylvania/limerick/high-voltage-power-line-sparked-upper-providence-fire-officials-say>.

describing 'repeated bursts of light and loud pops' and losing heat in subzero cold for nearly nineteen hours². These are not remote or theoretical risks. They are recent, documented incidents involving this same utility's high-voltage equipment, near gas infrastructure, and contaminated Superfund soils with volatile organic compounds (“VOCs”) that can become lethal inhalants. Even smoke from a small fire can compromise vegetation on the cap, a specifically documented component that is critical to the Selected Remedy. These are not hypothetical dangers, but clear and present threats to public safety.

17. The pipelines, contaminated soil, and changes to the Customer Property are compounded risk.

The Customer Property Superfund status with VOCs in the soil, PECO’s high-voltage electrical infrastructure, and five different pressurized pipelines sitting within feet of one another, with zero coordination among the parties responsible for each, is exactly the convergence of risk institutional controls and this Commission are required to assess. PECO's own conduct foreclosed that assessment from ever happening.

D. Public Interest

18. The public interest demands nothing less than a full, transparent, and comprehensive review of PECO's entire scope of work by the EPA. The Comfort Letters place clear obligations on all entities interacting with the Customer Property, including the requirement to ensure that any activities undertaken do not interfere with the performance or effectiveness of the Customer Property’s Superfund Selected Remedy. Specifically, the Letters mandate that PECO "ensure that activities undertaken at the Property do not interfere with the performance and the effectiveness of the Selected Remedy or EPA's cleanup and investigation activities,

² John Paul, *Power Line Explosions Leave Pottstown Neighborhood Without Heat in Subzero Cold*, 6abc/WPVI (Jan. 21, 2026), <https://6abc.com/post/power-line-explosions-leave-pottstown-neighborhood-heat-subzero-cold/18444578/>.

inclusive of any operation and maintenance work." (Ex. 6). The Letters also require PECO to "comply with land use restrictions, including recording and implementing institutional controls," and to "manage such soils appropriately to avoid human and natural resource exposure" if management of contaminated soils is needed. (Ex. 6). PECO's deliberate failure to do so has left a dangerous cloud of uncertainty hanging over this community. The stakes could not be higher: a Building Blocks childcare facility, filled with innocent young children, sits approximately sixteen hundred feet from the Project site. The Church Farm School, where children live and study, is roughly two thousand feet away. These vulnerable children deserve the full protection of the law, not the willful blindness of a utility more concerned with its own timeline than their safety. The Commission's first and highest duty is to these young lives, not to PECO's reckless rush to energize.

19. The Commission's denial treated PECO's own construction schedule as the public interest. It is not. The public interest this Commission is charged with protecting is the health and safety of the people living near this Customer Property and Project and the record contains substantial, undisputed information bearing on exactly that, none of which the denial considered.
20. PECO operated from the date of its submission with manufactured urgency. PECO first discussed this Project with the Customer as early as May 2023, targeting a Q4 2024 in-service date for the very supply PECO now frames as too urgent to delay. That original target has already come and gone by nearly two years. PECO moved quickly enough to secure approval from PJM and this Commission on parallel, mismatched tracks - dated and engineered to PJM, speculative to the Commission - within the same several months. That pattern reflects a deadline PECO needed to meet for the Customer, not a process aimed at furnishing this

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Letter of Notification of PECO Energy Company Filed Docket No. A-2025-3054731
Pursuant to 52 Pa. Code §§ 57.71 et seq. for Approval of Docket No. P-2026-3064335
the Siting and Construction of the 220-09 Line Tap Project
Located in East Whiteland Township, Chester County,
Pennsylvania

TABLE OF EXHIBITS

Exhibit 1. Letter from Douglas I. Oliver (PECO VP) re: Power Capacity Commitment (May 13, 2023)

Exhibit 2. Will Serve Letter from Phillip T. Eastman, Jr. (PECO) to Charles Lyddane, Green Fig Land LLC (February 26, 2024)

Exhibit 3. PJM Transmission Expansion Advisory Committee, PECO Supplemental Projects, PE-2024-008 (November 6, 2024)

Exhibit 4. PJM Transmission Expansion Advisory Committee, PECO Supplemental Projects, PE-2024-008 (March 4, 2025)

Exhibit 5. Sentinel Data Centers, public website, sentineldatacenters.com/locations/ (captured August 12, 2026)

Exhibit 6. Combined EPA Comfort/Status Letters re: Foote Mineral Co. Superfund Site (March 2026)

Exhibit 7. Soil Management Plan with EPA reviewer comments (April 28, 2026 / June 17, 2026)

Exhibit 8. U.S. EPA Region 3, Third Five-Year Review Report for Foote Mineral Co. Superfund Site (2024), p. 15

Cited to the docket (not attached): PECO's Reply to Data Requests of the Bureau of Technical Utility Services, Nos. A-5 and A-6, filed October 1, 2025 (Docket No. A-2025-3054731).

Commission, or the public, with an accurate picture of the Project's true scope, of PECO's own commitments and timeline to the Customer, or of PECO's obligations as a new lessee of a Superfund property. PECO's reckless rush to construction trampled the public's right to a full and accurate assessment of the risks. The LON was submitted to the Commission on April 14, 2025 and delivered right on schedule on October 9, 2025, so PECO is certainly not the cause for the delays that have transpired. The Petitioner and the public should not continue to be sacrificed for PECO's strategic maneuvering, and this Commission has a duty to prioritize their safety over PECO's artificial timeline.

21. The Commission's remaining rationale, that a stay 'could compromise outage plans for other PECO projects and work designed to maintain and improve overall system reliability' is not about this Project at all. It names no project, no outage, no date, and no reliability study. It is a claim about PECO's other, unidentified work, offered without a single supporting fact, and it cannot carry a public-interest finding in this docket. If a stay of the 220-09 Line Tap actually threatened system reliability, PECO bore the burden of proving it with a specific, documented conflict. PECO proved nothing. The Commission credited an assertion about work not before it, the same way it credited every other unverified word PECO supplied.

III. THE RECHARACTERIZATION DEPRIVED PETITIONER OF THE HEARING SHE FILED FOR

22. Petitioner filed for an interim emergency order under 52 Pa. Code §§ 3.6-3.10. That track carries a mandatory protection: "An interim emergency order may not be issued until the presiding officer holds a hearing on the merits of the petition." 52 Pa. Code § 3.6a. No hearing was held.

23. The Commission moved the filing to the *ex parte* track under §§ 3.2-3.4, and in footnote 4 framed the move as an accommodation: because Petitioner appears pro se, the Commission exercised its discretion under § 1.2(a) to consider the petition "in the context of a Petition for Emergency Relief so that it may be properly considered." But the recharacterization did not preserve Petitioner's filing. It deleted the one thing that filing guaranteed. The §§ 3.6-3.10 track requires a hearing before any ruling; the *ex parte* track permits a ruling on the papers. An accommodation that strips the petitioner of the hearing she specifically invoked is not an accommodation. It is the denial of one.
24. The hearing is not a formality here, and the reason ties directly to the merits. The Commission denied relief on PECO's verified assertion that there has been no earth disturbance of the Customer's property. That assertion rests on PECO's own definition of what counts as earth disturbance and what interferes with the Customer's Property Superfund Site Selected Remedy. Those are not PECO's determinations to make. The Environmental Covenant assigns them to EPA and PADEP; the Comfort Letters assign them to EPA. PECO is a lessee on a Superfund site, not the regulator of it. A hearing under § 3.6a is where Petitioner would have put PECO's self-certification against the documents that contradict it, EPA's own review authority, and the scope of work no regulator has ever seen. The recharacterization let PECO's unreviewed word stand in place of that hearing. The defect the hearing existed to catch, PECO deciding for itself what its own construction does to the Selected Remedy, is the same defect that produced the denial.

IV. CONCLUSION

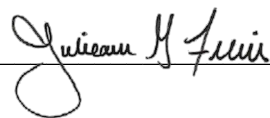
25. The Commission denied this Petition without the hearing § 3.6a requires, on a record built entirely on PECO's own unverified word. The right-to-relief finding rests on documents that

postdate the LON by nearly a year. The irreparable-injury finding ignores a covenant PECO's Answer withheld the source of, and an EPA reviewer's direct correction of the Customer's false statement that no institutional controls were required. The public-interest finding inverts the public's actual interest in health and safety and does so while a childcare facility sits sixteen hundred feet away and a residential school two thousand feet away from a Project whose full scope no regulator has ever reviewed. Each defect independently warrants reconsideration under Duick.

WHEREFORE, Petitioner respectfully requests that the Commission:

- (a) Grant this Petition for Reconsideration;
- (b) Find that the recharacterization of the Emergency Petition deprived Petitioner of the hearing required under 52 Pa. Code § 3.6a before any ruling on the merits;
- (c) Vacate the August 11, 2026 denial;
- (d) Upon consideration of the attached exhibits, grant the stay requested in the Emergency Petition pending resolution of the Rescission Petition, or in the alternative, schedule a hearing immediately given PECO's scheduled August 31–September 13, 2026 outage; and
- (e) Grant such other relief as the Commission deems just and proper.

Respectfully submitted,

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

Julianna Ferris
Petitioner, pro se
28 Mountain Laurel Lane
Malvern, PA 19355

Dated: August 13, 2026

EXHIBIT 1

Douglas I. Oliver
Vice President
Governmental & External Affairs
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May 13, 2023

Mr. Jerry Martin
Chief Operating Officer, Managing Partner & Co-Founder
fifteenfortyseven Critical Systems Realty
96 Freneau Avenue
Matawan, NJ, 07747

Dear Jerry:

I am authorized to provide this update on PECO's current project to supply 290 MW of power to your Green Fig/1547CSR data center campus in Frazer, PA. The work completed to date has confirmed that this capacity can be provided at this location via the 230 kV system, as described in more detail below.

The final configuration of electric interconnection will be via two (2) 230 kV supplies to the onsite Green Fig/1547CSR - 230 kV substation. To accommodate an expedited schedule, we will provide this service in two steps. The initial supply will be capable of supplying 150 MW of load via a single aerial 230 kV tap to the take-off structure on your property. The final solution will be capable of supplying 290 MW of load, consisting of one (1) underground 230 kV supply and one (1) aerial 230 kV supply, leveraging construction of the initial supply. Both 230 kV supplies will be connected to Landlord service entrance equipment.

Specific project updates are as follows:

Initial Configuration – Single 230 kV Tap

1. As part of the High Voltage Interconnection Feasibility Study for the Single 230 kV Tap, PECO completed a transmission analysis and determined that no upgrades are required on the transmission system to provide 150 MW of load at this location.
2. PECO is targeting a Q4 2024 service date, provided that PECO-approved Green Fig/1547CSR 230 kV receiving equipment has been installed and is ready for interconnection.
3. The high-level cost estimate for the design and construction of this 230 kV tap is \$3.9 million.
4. Before beginning the detailed design for this phase of the project, we will execute an Agreement that addresses the scope of work and commitments of both parties. This will include a commitment from Green Fig to reimburse PECO for all costs incurred should the project not proceed for any reason. Per PECO's Line Extension Policy, PECO does not require the developer to pay the full cost of design and construction up front. However, as part of the Agreement, we will need to securitize the investment PECO makes in electric facilities to serve your project, so in conjunction with executing the Agreement referenced above, Green Fig/1547 CSR will be required to submit a Letter of Credit in a form acceptable to PECO in the amount of \$3.9 million.
5. Once we have an Agreement in place, we will proceed with detailed design, ordering long lead-time equipment and planning for construction.

Final Configuration – Two 230 kV Supplies

1. PECO has completed a transmission analysis and determined that the transmission system has capacity to supply 290 MW of load at this location, but significant work will be required at Planebrook Substation in order to connect the 230 kV services.
2. PECO will complete a second High Voltage Interconnection Feasibility Study, which will determine the high-level scope of work estimated cost and timeframe to construct the second 230 kV supply (underground), make modifications to the initial configuration as required, and address the work required within the substation.
3. PECO will provide the final 230 kV configuration as soon as possible to provide the highest service reliability for your project.

PECO will continue to work to align the additional power expansion as required by Green Fig/1547CSR growth.

Sincerely,

A handwritten signature in dark ink, appearing to read "C. Lyddane". The signature is fluid and cursive, with a large initial "C" and a stylized "L".

Cc: Charlie Lyddane, Managing Member, Green Fig Land, LLC

EXHIBIT 2



pecoSM

AN EXELON COMPANY

February 26, 2024

Mr. Charles Lyddane
Managing Partner
Green Fig Land, LLC
10 Woodford Lane
Malvern, PA 19335

Dear Charlie:

PECO will provide electric service to your data center project via two 230 kV supplies coming from Planebrook Substation. PECO service to your project will not adversely affect service provided to any other PECO customer.

We look forward to continuing to collaborate with you on this important project.

Sincerely yours,

Phillip T. Eastman, Jr.
Senior Manager, Economic & Business Development

cc: K. McCourt

EXHIBIT 3



Transmission Expansion Advisory Committee PECO Supplemental Projects

November 6, 2024

Needs

Stakeholders must submit any comments within 10 days of this meeting in order to provide time necessary to consider these comments prior to the next phase of the M-3 process

Need Number: PE-2024-007

Process Stage: Need Meeting 11/6/2024

Project Driver:

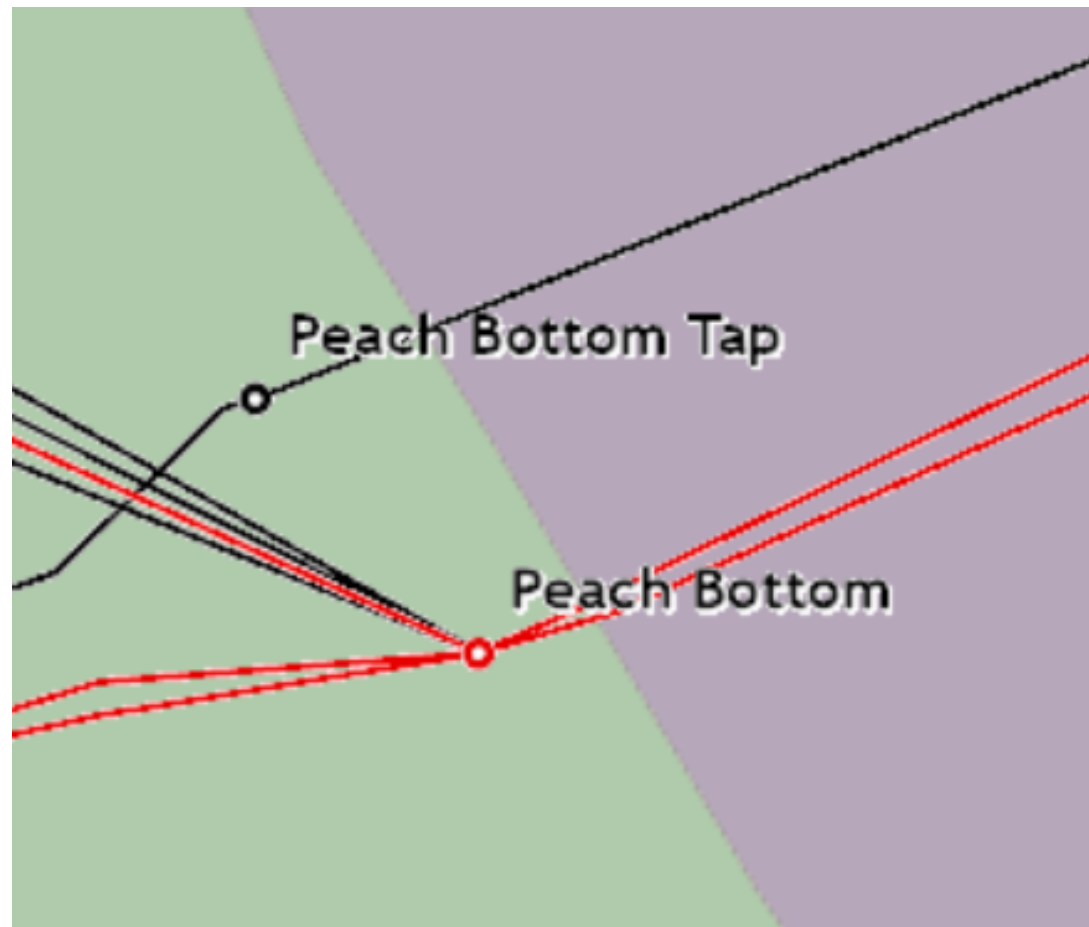
- Equipment Material Condition, Performance, and Risk

Specific Assumption Reference:

- Transmission infrastructure replacements (EOL/condition/obsolescence) that are consistent with efficient asset management decisions
- Programmatic review and/or replacement of breakers, relays, wood poles, cables, etc.

Problem Statement:

- Peach Bottom Unit #2 pilot line has obsolete relays and are being phased out of the system. It is becoming difficult to service existing electromechanical relays.





M-3 Process
PECO Transmission Zone
New Business Customer

Need Number: PE-2024-008

Process Stage: Needs Meeting 11/6/24

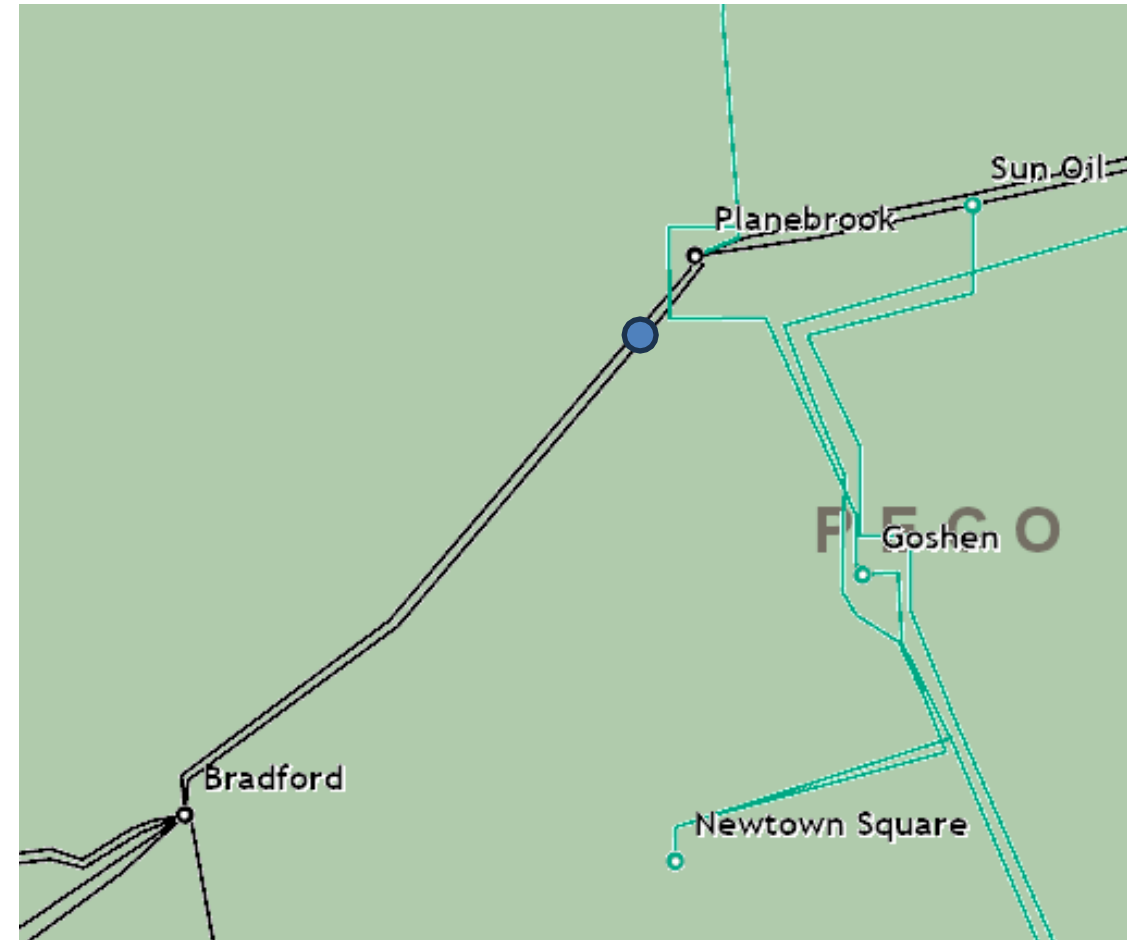
Project Driver: Customer Service

Specific Assumption Reference:

- New transmission customer interconnections or modification to an existing customer

Problem Statement:

- A new customer in the Exton PA area has requested service for an initial load of 150MW in 2026, 290MW in 2028 and an ultimate load of 600MW. Distribution infrastructure in the area cannot adequately accommodate this load request.



Appendix

High Level M-3 Meeting Schedule

Assumptions

Activity	Timing
Posting of TO Assumptions Meeting information	20 days before Assumptions Meeting
Stakeholder comments	10 days after Assumptions Meeting

Needs

Activity	Timing
TOs and Stakeholders Post Needs Meeting slides	10 days before Needs Meeting
Stakeholder comments	10 days after Needs Meeting

Solutions

Activity	Timing
TOs and Stakeholders Post Solutions Meeting slides	10 days before Solutions Meeting
Stakeholder comments	10 days after Solutions Meeting

Submission of Supplemental Projects & Local Plan

Activity	Timing
Do No Harm (DNH) analysis for selected solution	Prior to posting selected solution
Post selected solution(s)	Following completion of DNH analysis
Stakeholder comments	10 days prior to Local Plan Submission for integration into RTEP
Local Plan submitted to PJM for integration into RTEP	Following review and consideration of comments received after posting of selected solutions

Revision History

10/25/2024 – V1 – Original version posted to pjm.com

EXHIBIT 4



Transmission Expansion Advisory Committee PECO Supplemental Projects

March 4, 2025

Needs

Stakeholders must submit any comments within 10 days of this meeting in order to provide time necessary to consider these comments prior to the next phase of the M-3 process

Need Number: PE-2025-001

Process Stage: Need Meeting 3/4/2025

Project Driver:

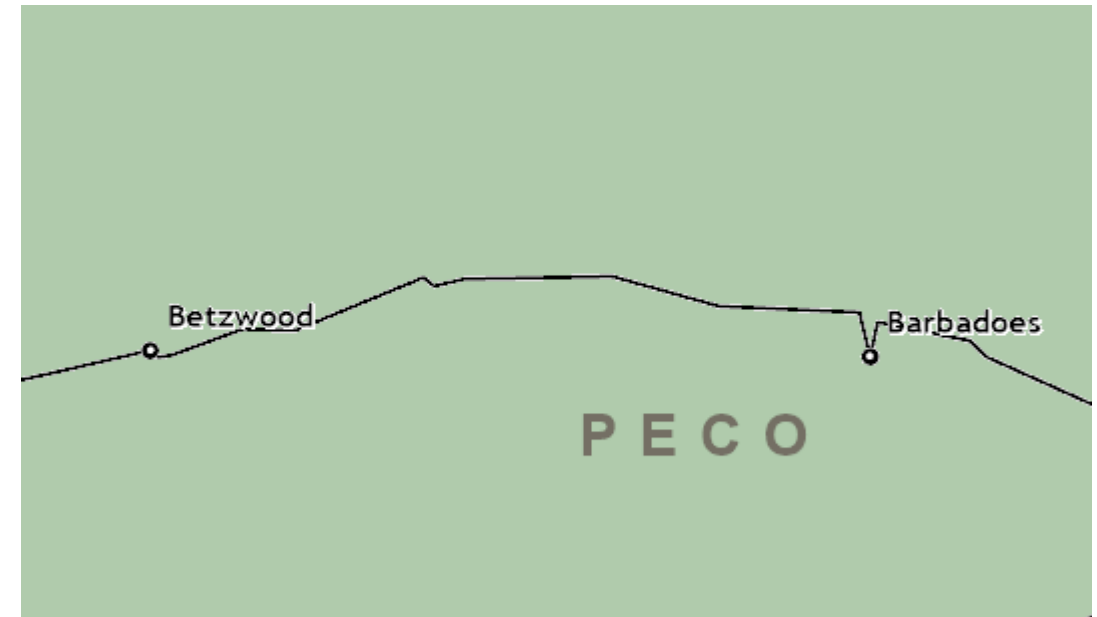
- Customer Service

Specific Assumption Reference:

- Transmission System configuration changes due to new or expansion of existing distribution substations

Problem Statement:

- PECO Distribution Capacity Planning requested 50 MVA of capacity in the King of Prussia, PA region. Existing distribution facilities do not have enough capacity to accommodate this request.



Solutions

Stakeholders must submit any comments within 10 days of this meeting in order to provide time necessary to consider these comments prior to the next phase of the M-3 process

Need Number: PE-2024-008

Process Stage: Solutions Meeting 3/4/2025

Previously Presented: Needs Meeting 11/6/2024

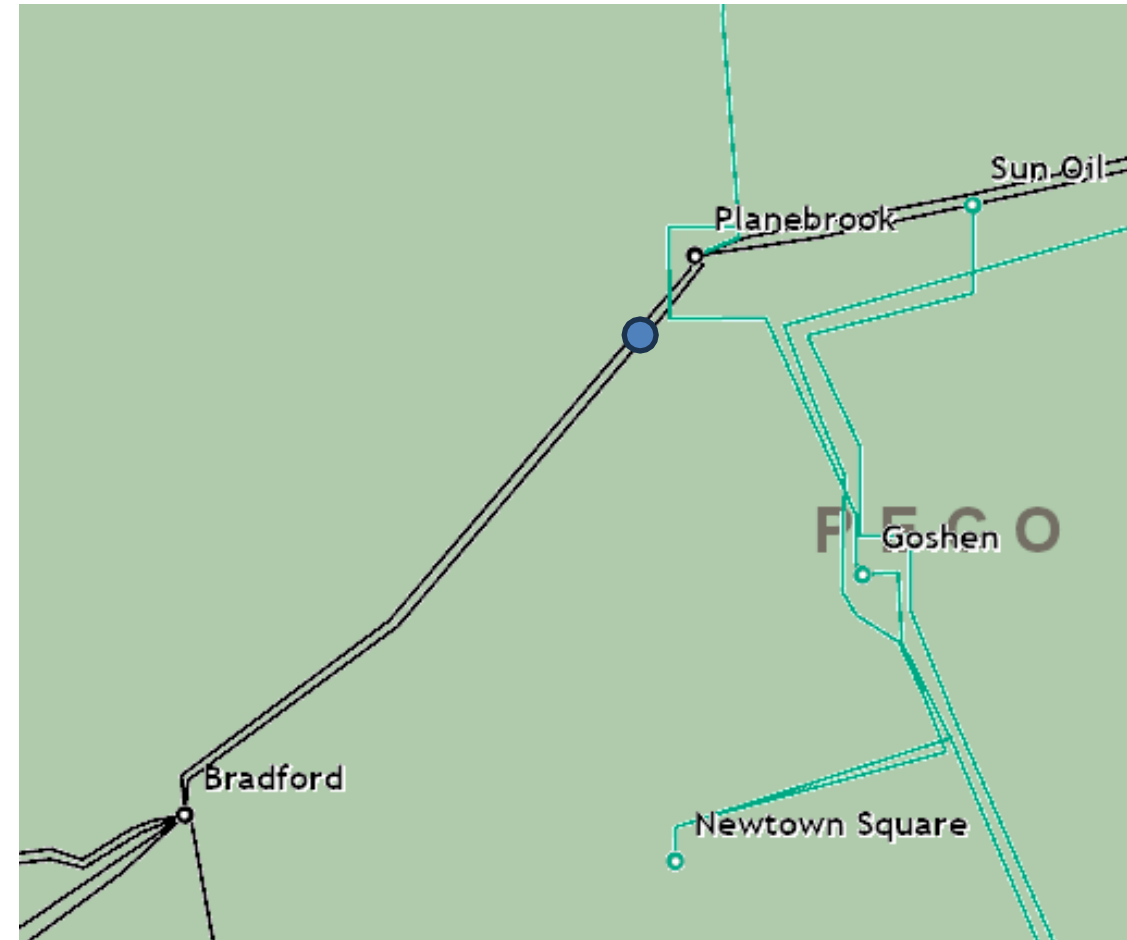
Project Driver: Customer Service

Specific Assumption Reference:

- New transmission customer interconnections or modification to an existing customer

Problem Statement:

- A new customer in the Exton PA area has requested service for an initial load of 150MW in 2026, and 290MW in 2028 ~~and an ultimate load of 600MW~~. Distribution infrastructure in the area cannot adequately accommodate this load request.



Process Stage: Solutions Meeting 3/4/2025

Proposed Solution:

Phase 1:

- Install a temporary radial 230kV line from a tap off the Planebrook-Upper Merion-Tredyffrin line to the customers location.

Estimated Transmission Cost: \$0M

Phase 2:

- Install two new radial 230 kV feeds from the Planebrook #7 bus and #9 bus to the customers location.
- Reconductor approximately 1000ft of the 230-31 Bradford-Planebrook line.
- Install a breaker on the high side of transformer #9 at Planebrook substation.

Estimated Transmission Cost: \$7M

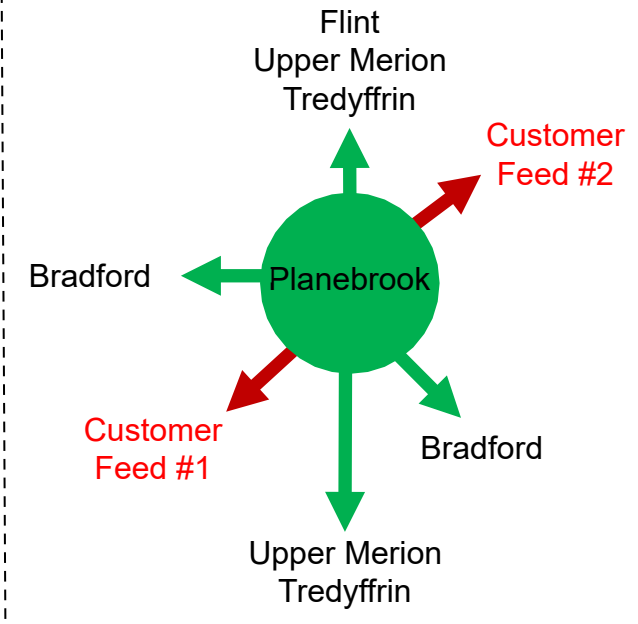
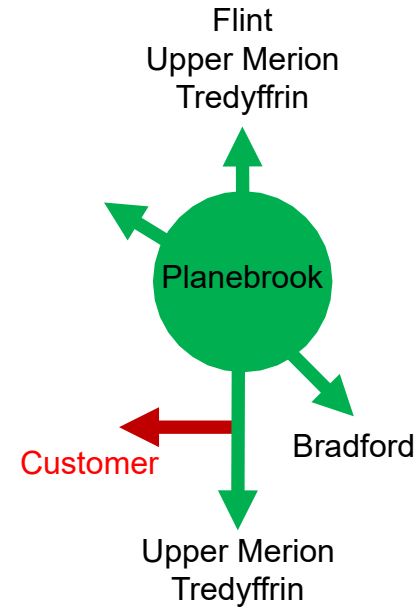
Alternatives Considered: No feasible alternatives.

Projected In-Service: 12/31/2026 (Phase 1), 12/31/2027 (Phase 2)

Project Status: Conceptual

Model: 2028 RTEP

M-3 Process PECO Transmission Zone New Business Customer



Legend:
 — In Service
 — New Project

Appendix

High Level M-3 Meeting Schedule

Assumptions

Activity	Timing
Posting of TO Assumptions Meeting information	20 days before Assumptions Meeting
Stakeholder comments	10 days after Assumptions Meeting

Needs

Activity	Timing
TOs and Stakeholders Post Needs Meeting slides	10 days before Needs Meeting
Stakeholder comments	10 days after Needs Meeting

Solutions

Activity	Timing
TOs and Stakeholders Post Solutions Meeting slides	10 days before Solutions Meeting
Stakeholder comments	10 days after Solutions Meeting

Submission of Supplemental Projects & Local Plan

Activity	Timing
Do No Harm (DNH) analysis for selected solution	Prior to posting selected solution
Post selected solution(s)	Following completion of DNH analysis
Stakeholder comments	10 days prior to Local Plan Submission for integration into RTEP
Local Plan submitted to PJM for integration into RTEP	Following review and consideration of comments received after posting of selected solutions

Revision History

2/20/2025– V1 – Original version posted to pjm.com

3/3/2025 –V2 – Bubble diagram on Slide 6 adjusted, problem statement updated Slide 5

EXHIBIT 5

<https://sentineldatacenters.com/locations/>



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[Contact](#)



Sentinel is developing a 100 acre parcel just outside of Philadelphia for deployment of 300MW with immediate availability. Expansion to 600MW pending.

EXHIBIT 6



REGION 3

PHILADELPHIA, PA 19103

Sentinel Green Fig II, LLC
505 5th Avenue
Floor 27
New York, NY 10017
irabina@rabina.com
Via electronic mail

RE: Foote Mineral Co. Superfund Site, East Whiteland Township, Chester County, Pennsylvania;
Chester County Parcel 42-3-130

Dear Mr. Rabina:

On November 12, 2025, Sentinel Green Fig II, LLC (“Sentinel II”) contacted the U.S. Environmental Protection Agency (“EPA” or “Agency”) regarding Sentinel II’s plans to redevelop the parcel referenced above (the “Property”). In the inquiry, you generally described Sentinel II’s interest in acquiring title to the Property and requested that we provide Sentinel II with a Superfund comfort/status letter.

The purpose of a comfort/status letter is to summarize the relevant information available to the EPA about a particular Site. The aim of this letter is to provide Sentinel II with information that may be relevant to the potential Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) liability concerns you have identified at the Property. This comfort/status letter summarizes relevant information available to the EPA on the Foote Mineral Co. Superfund Site (“Site”), as of the date of this letter. Our intent is that this information will enable Sentinel II to make informed decisions as they move forward with your plans regarding the Property.

Under CERCLA, commonly referred to as Superfund,¹ the Agency’s mission is to protect human health and the environment from risks posed by exposure to contaminated or potentially contaminated land, water, and other media. A Superfund cleanup can help return properties to productive reuse. We are providing this letter consistent with the Agency’s 2019 Comfort/Status letter policy.²

¹ 42 U.S.C. §§ 9601, *et seq.*

² See 2019 Policy on the Issuance of Superfund Comfort/Status Letters (Aug. 21, 2019), available on the Agency’s website at <https://www.epa.gov/enforcement/comfortstatus-letters-guidance>.

Property Status

The Property is situated within the Site. For the reasons stated below, the EPA is addressing the Site under Superfund remedial authority.

In the Superfund Enterprise Management System (SEMS), interested parties can find information, including site-specific documents and fact sheets, on sites that are, or potentially are, contaminated with hazardous substances, pollutants, or contaminants and may warrant action under Superfund. Additional information and access to documents in SEMS related to the Site may be found at: <https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0301103>.

History and Status of the Site

The Site consists of the Property and at least three additional Chester County parcels, 42-3-130.1, 42-3-130.2, and 41-3-4, which together total approximately 100 acres at or near 15 South Bacton Hill Road in East Whiteland Township, Chester County, Pennsylvania. The Site is bordered by public roads, mixed agricultural and commercial properties, including a childcare center, a former railroad right-of-way, and an electric utility substation. Starting in 1941, the Foote Mineral Company operated a variety of process buildings for the manufacture of lithium metal and lithium chemicals and inorganic fluxes for the metal industry. Ores and minerals were also crushed and resized at the facility. When the facility closed in 1991, the Site was comprised of two limestone quarries, a pit used to burn solvents, a lined wastewater basin, and more than fifty buildings and process areas. Three unlined settling lagoons had already been leveled and backfilled. Waste streams from lithium processing were directed to the two limestone quarries (“North Quarry” and “South Quarry”). Facility operations and waste disposal practices contaminated the underlying soil and groundwater.

Public and private wells within a four-mile radius of the Site property had supplied drinking water to approximately 42,300 people. The nearest private well was approximately 800 feet from the Site property. This well and several other private wells were found to be impacted from contamination and are no longer used for drinking water. In addition, a public water supply well approximately one mile downgradient of the Site was taken out of service. Impacted wells were abandoned when public water was furnished in 2004. The boundaries of the Site include the former facility and the downgradient plume of contaminated groundwater.

After the facility ceased operations in 1991, the Site owner at the time, Cyprus Foote Mineral Company, arranged for the removal of equipment and demolition of the remaining buildings down to the foundations. The Site was added to the NPL on October 14, 1992. In 1998, Frazer Exton Development, LP (“FED”) purchased the Site property and entered into a Consent Decree (“CD”) with the EPA, which was signed by the Court on July 24, 2008. In the CD, FED agreed to conduct the cleanup and long-term operation and maintenance of the Site.

The EPA selected a remedy for the Site in a March 31, 2006 Record of Decision (ROD), which requires, among other components, excavating and consolidating the building foundations and areas of contaminated soils into the quarry area of the Site as well as long-term groundwater monitoring. The quarries were combined into a single disposal area, and this single disposal area was graded and capped as a landfill. There are numerous contaminants of concern in soil and groundwater, including

lithium, boron, bromate, chromium, TCE, and PCE, among others. The existing groundwater contamination plume is believed to extend from the Site to the east-northeast for an unknown distance. On April 7, 2008, the EPA issued an Explanation of Significant Differences (“ESD”) modifying the soil component of the remedy for the Site. A comprehensive description of the EPA’s remedy for the Site as selected in the ROD and modified by the ESD (collectively the “Selected Remedy”), can be found at the link listed above.

For more information about the Site, the EPA also refers you to the “Third Five-Year Report,” dated September 20, 2024, which can also be found at the link above. In that report, the EPA noted that the soil cleanup goals may not be protective of either residential or commercial/industrial use in which a composite worker³ is present.

The Selected Remedy includes institutional controls to restrict land and groundwater use at the Site by prohibiting any use that does not preserve the integrity of the Selected Remedy and prohibiting the installation and use of untreated groundwater wells for drinking water purposes. Those land use restrictions, as well as others specific to the capped area of the Site, have been implemented at Parcel 42-3-130 through the following instruments:

1. Environmental covenant between Whiteland Holdings, LP and FED pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act No. 68 of 2007, 27 PA. C.S. §§ 6501-6517 recorded on September 28, 2017 in the Chester County Recorder of Deeds Office granted to the EPA and PADEP a right of reasonable access to the Property and established activity and use limitations including a prohibition on residential use, groundwater use, any activities or excavations that would disturb the integrity of the cap system, and any use that could adversely impact the vegetative growth that stabilizes the Cap System at the Site. The State and the EPA have rights to enforce this covenant.
2. In 2006, the EPA provided the Chester County Health Department with a groundwater plume map that identified the extent of contamination known at that time. The Health Department defined this area as a Groundwater Area of Concern in accordance with Chapter 500, Section 501 of the Chester County Health Department Rules and Regulations, Water Well Construction, Monitoring Wells, and Individual Semi-Public and Public Water Supplies and Geothermal Boreholes. The Health Department regulations restrict the installation of new wells in the area of groundwater contamination without written approval from the EPA and PADEP.

Reuse of the Property

Based on the information provided in your responses to the EPA’s Comfort Letter Intake Form, the EPA understands that an entity related to Sentinel II intends to develop industrial buildings at neighboring parcels and intends on using this Property as open space.

³ The composite worker scenario is a long-term receptor exposed during the workday who is a full-time employee working on-site and spends most of the workday conducting maintenance activities outdoors. The activities for this receptor (e.g., moderate digging, landscaping) typically involve on-site exposure to surface soils (<https://www.epa.gov/risk/regionalscreening-levels-rsls-users-guide#compositeworker>).

Please note that, to ensure the Selected Remedy remains protective of human health and the environment, any reuse must be compatible with any investigation and cleanup actions and required land use restrictions designed to protect the Selected Remedy and prevent unacceptable exposure to residual contamination. Sentinel II should not conduct any activities or construct any structures that would interfere with the EPA's cleanup or any future investigations.

There are currently two (2) monitoring wells located at the Property, which are a necessary component of the Selected Remedy. Any modification, alteration, or relocation of those wells must be conducted under the supervision and with the prior-written approval of the EPA. As Sentinel II's plans develop further, please continue to discuss the proposed reuse with the EPA.

CERCLA's Bona Fide Prospective Purchaser Liability Protection

The EPA is providing you with information regarding the bona fide prospective purchaser (BFPP) provision of CERCLA. Congress amended CERCLA in 2002 to protect certain parties who acquire contaminated or potentially contaminated properties from CERCLA liability if they qualify as BFPPs. A person who acquires ownership of property after January 11, 2002, and who meets the other criteria of CERCLA §§ 101(40) and 107(r)(1), may establish that they meet such criteria in order to achieve and maintain a protection from liability as an owner or operator under CERCLA.

The BFPP statutory protection is available to a party who acquires a leasehold interest in property after January 11, 2002, where the leasehold is not designed to avoid liability and the interested party meets certain conditions and criteria.

A key element of the BFPP statutory protection is that it is self-implementing, meaning the Agency is not involved in determining whether a party meets the statutory requirements. The two threshold criteria for the BFPP defense, which must be met prior to acquisition of property, are: (1) performing all appropriate inquiries⁴ into the previous ownership and uses of property, *e.g.*, a Phase 1 Environmental Site Assessment; and (2) demonstrating no affiliation with a liable party⁵.

The six continuing obligations for maintaining BFPP status, which are ongoing and must continue to be satisfied after acquisition, are: (1) demonstrating that no disposal of hazardous substances occurred after the property or lease acquisition; (2) complying with land use restrictions, as well as cooperating with the recording of required institutional controls, and not impeding the effectiveness or integrity of required institutional controls; (3) exercising appropriate care for hazardous substances releases by taking reasonable steps to stop any continuing release and prevent any threatened future release; (4) providing full cooperation, assistance, and access to the EPA; (5) complying with information requests and subpoenas; and (6) providing all legally required notices regarding the discovery or release of any

⁴ For more information on all appropriate inquiries, see *All Appropriate Inquiries Final Rule Fact Sheet*, available on the Agency's website at <https://www.epa.gov/system/files/documents/2023-03/English%20AAI%20factsheet.pdf>.

⁵ Enforcement Discretion Guidance Regarding the Affiliation Language of CERCLA's Bona Fide Prospective Purchaser and Contiguous Property Owner Liability Protections (2011): <https://www.epa.gov/sites/default/files/2013-11/documents/affiliation-bfpp-cpo.pdf>

hazardous substances. These requirements are explained further in the EPA's Common Elements Guidance.⁶

A court, rather than the EPA or a party, would determine whether that party has met the BFPP criteria. Thus, the EPA recommends that Sentinel II consults with their legal counsel to advise on whether they might satisfy each of the statutory requirements necessary to achieve and maintain BFPP status.

Reasonable Steps

Among other criteria outlined in CERCLA, a BFPP must take "reasonable steps" to stop continuing releases, prevent threatened future releases, and prevent or limit human, environmental, or natural resources exposure to any previously released hazardous substances as required by CERCLA § 101(40)(B)(iv). This requirement is explained further in the EPA's Common Elements Guidance.⁷

By making the BFPP protection subject to the obligation to take reasonable steps, the EPA believes Congress intended to protect certain parties from CERCLA liability while at the same time recognizing that these parties should act reasonably, in conjunction with other authorized parties, in protecting human health and the environment. As noted above, the Agency has identified several environmental concerns in the Third Five-Year Report as discussed above. Based upon the information we have evaluated, reasonable steps related to the hazardous substance contamination found at the Site include:

1. Do not use the groundwater under the Property for any purpose, without prior written approval by the EPA and PADEP.
2. Do not construct wells or other structures or equipment for pumping or, through any method, withdraw groundwater on the Property, without prior written approval by the EPA.
3. No groundwater monitoring wells located on the Property shall be damaged, modified, altered, or relocated, without prior written approval by the EPA.
4. Prevent or limit human, environmental, or natural resource exposure to any previously released hazardous substance.
5. Provide full cooperation, assistance, and access at all reasonable times onto and across the Property to authorized representatives of the EPA and PADEP and those authorized to conduct response actions at the Property, including but not limited to any future EPA investigations and inspections.
6. Ensure that activities undertaken at the Property do not interfere with the performance and the effectiveness of the Selected Remedy or EPA's cleanup and

⁶ See *Enforcement Discretion Guidance Regarding Statutory Criteria for Those Who May Qualify as CERCLA Bona Fide Prospective Purchasers, Contiguous Property Owners, or Innocent Landowners ("Common Elements")* ("Common Elements Guidance") (July 29, 2019), available on the Agency's website at <https://www.epa.gov/enforcement/common-elements-guidance>.

⁷ *Id.*

investigation activities, inclusive of any operation and maintenance work.

7. Notify the EPA and PADEP in writing upon discovery of conditions at the Property which may adversely affect or interfere with the implementation, protectiveness, or effectiveness of response activities or long-term protectiveness of the Selected Remedy at the Site.
8. Notify the EPA and PADEP in writing immediately upon discovery of stained soils, odors, or other information on the Property that may indicate the presence of hazardous substances. If after sampling, the presence of hazardous substances is confirmed, notify the EPA and PADEP in writing and follow the approved soil management plan for the removal and proper disposal of such contaminated soil.
9. Comply with land use restrictions, including recording and implementing institutional controls, e.g., environmental covenants, required by the Selected Remedy, and do not impede the effectiveness or integrity of institutional controls. If management of contaminated soils is needed to facilitate development activities, manage such soils appropriately to avoid human and natural resource exposure.
10. Notify all contractors, subcontractors, lessees, and any other parties operating at the Property of this comfort/status letter and ensure that these parties satisfy the reasonable steps set forth in this letter.
11. Ensure stormwater drainage is properly managed and there is no pooling of water or reduction of stormwater infiltration into the cap on the Property. Activities must not materially change groundwater flow direction/velocity or groundwater recharge in a way that would impact the plume.
12. Protect and maintain all aspects of the existing containment area and permanent cap, including, at minimum, conducting annual inspections and biannual mowing (*see inspection checklist enclosed*). Do not disturb the existing containment area and permanent cap without prior written approval from the EPA.

Any reasonable steps suggested by the EPA are based on the nature and extent of contamination currently known to the Agency and are provided as a guide to help you as Sentinel II seeks to reuse the Property. Because a determination about which steps are reasonable would be made by a court rather than the EPA, and because additional reasonable steps may later be necessary based on Site conditions, this list of reasonable steps is not exhaustive. Sentinel II should continue to identify reasonable steps based on their observation and judgment and take appropriate action to implement any reasonable steps regardless of whether EPA regional staff have identified any such steps.⁸

⁸ CERCLA § 101(40)(B)(iv) provides that “[t]he person exercises appropriate care with respect to hazardous substances found at the facility by taking reasonable steps to (i) stop any continuing release; (ii) prevent any threatened future releases; and (iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous substance.”

State Actions

The EPA can only provide you with information about federal Superfund actions at the Site, federal law and regulations, and EPA guidance. For information about potential state actions and liability issues, please contact Wayne Harms, Environmental Protection Specialist at PADEP Southeast Regional Office (484-250-5730 or wharms@pa.gov).

Conclusion

The EPA remains dedicated to facilitating the cleanup and beneficial reuse of contaminated properties and hopes the information contained in this letter is useful to you. Sentinel II may find it helpful to consult with their own environmental professional, legal counsel, and their state, tribal, or local environmental protection agency before taking any action to acquire, clean up, or reuse the Property. These consultations may help you obtain a greater level of comfort about the compatibility of the proposed use and ensure compliance with any applicable federal, state, local, and/or tribal laws or requirements. If you or Sentinel II have any additional questions or wish to discuss this information further, please contact Jaclyn Kondrk, Superfund Redevelopment Coordinator, EPA Region 3, at 215-814-3358 or kondrk.jaclyn@epa.gov.

Sincerely,

Paul Leonard, Director
Superfund and Emergency Management Division

Enclosure: Figure 1: Groundwater Well Locations Map
Foote Mineral Cap Inspection Checklist from Operations & Maintenance Plan (2011)

cc: W. Harms, PADEP



REGION 3

PHILADELPHIA, PA 19103

Sentinel Green Fig, LLC
505 5th Avenue
Floor 27
New York, NY 10017
irabina@rabina.com
Via electronic mail

RE: Foote Mineral Co. Superfund Site, East and West Whiteland Townships, Chester County, Pennsylvania; Chester County Parcels 42-3-130.1, 42-3-130.2, 41-3-4

Dear Mr. Rabina:

On November 12, 2025, Sentinel Green Fig, LLC (“Sentinel”) contacted the U.S. Environmental Protection Agency (“EPA” or “Agency”) regarding Sentinel’s plans to redevelop the parcels referenced above (collectively, the “Property”). In the inquiry, Sentinel generally described its interest in developing industrial buildings on the Property and requested that we provide Sentinel with a Superfund comfort/status letter.

The purpose of a comfort/status letter is to summarize the relevant information available to the EPA about a particular Site. The aim of this letter is to provide Sentinel with information that may be relevant to the potential Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”) liability concerns you have identified at the Property. This comfort/status letter summarizes relevant information available to the EPA on the Foote Mineral Co. Superfund Site (“Site”), as of the date of this letter. Our intent is that this information will enable Sentinel to make informed decisions as they move forward with its plans regarding the Property.

Under CERCLA, commonly referred to as Superfund,¹ the Agency’s mission is to protect human health and the environment from risks posed by exposure to contaminated or potentially contaminated land, water, and other media. A Superfund cleanup can help return properties to productive reuse. We are providing this letter consistent with the Agency’s 2019 Comfort/Status letter policy.²

¹ 42 U.S.C. §§ 9601, *et seq.*

² See *2019 Policy on the Issuance of Superfund Comfort/Status Letters* (Aug. 21, 2019), available on the Agency’s website at <https://www.epa.gov/enforcement/comfortstatus-letters-guidance>.

Property Status

The Property is situated within the Site. For the reasons stated below, the EPA is addressing the Site under Superfund remedial authority.

In the Superfund Enterprise Management System (SEMS), interested parties can find information, including site-specific documents and fact sheets, on sites that are, or potentially are, contaminated with hazardous substances, pollutants, or contaminants and may warrant action under Superfund. Additional information and access to documents in SEMS related to the Site may be found at: <https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0301103>.

History and Status of the Site

The Site consists of the Property and at least one additional Chester County parcel, 42-3-130, which together total approximately 100 acres at or near 15 South Bacton Hill Road in East Whiteland Township, Chester County, Pennsylvania. The Site is bordered by public roads, mixed agricultural and commercial properties, including a childcare center, a former railroad right-of-way, and an electric utility substation. Starting in 1941, the Foote Mineral Company operated a variety of process buildings for the manufacture of lithium metal and lithium chemicals and inorganic fluxes for the metal industry. Ores and minerals were also crushed and resized at the facility. When the facility closed in 1991, the Site was comprised of two limestone quarries, a pit used to burn solvents, a lined wastewater basin, and more than fifty buildings and process areas. Three unlined settling lagoons had already been leveled and backfilled. Waste streams from lithium processing were directed to the two limestone quarries ("North Quarry" and "South Quarry"). Facility operations and waste disposal practices contaminated the underlying soil and groundwater.

Public and private wells within a four-mile radius of the Site property had supplied drinking water to approximately 42,300 people. The nearest private well was approximately 800 feet from the Site property. This well and several other private wells were found to be impacted from contamination and are no longer used for drinking water. In addition, a public water supply well approximately one mile downgradient of the Site was taken out of service. Impacted wells were abandoned when public water was furnished in 2004. The boundaries of the Site include the former facility and the downgradient plume of contaminated groundwater.

After the facility ceased operations in 1991, the Site owner at the time, Cyprus Foote Mineral Company, arranged for the removal of equipment and demolition of the remaining buildings down to the foundations. The Site was added to the NPL on October 14, 1992. In 1998, Frazer Exton Development, LP ("FED") purchased the Site property and entered into a Consent Decree ("CD") with the EPA, which was signed by the Court on July 24, 2008. In the CD, FED agreed to conduct the cleanup and long-term operation and maintenance of the Site.

The EPA selected a remedy for the Site in a March 31, 2006 Record of Decision (ROD), which requires, among other components, excavating and consolidating the building foundations and areas of contaminated soils into the quarry area of the Site as well as long-term groundwater monitoring. The quarries were combined into a single disposal area, and this single disposal area was graded and capped as a landfill. There are numerous contaminants of concern in soil and groundwater, including

lithium, boron, bromate, chromium, TCE, and PCE, among others. The existing groundwater contamination plume is believed to extend from the Property to the east-northeast for an unknown distance. On April 7, 2008, the EPA issued an Explanation of Significant Differences (“ESD”) modifying the soil component of the remedy for the Site. A comprehensive description of the EPA’s remedy for the Site as selected in the ROD and modified by the ESD (collectively the “Selected Remedy”), can be found at the link listed above.

For more information about the Site, the EPA also refers you to the “Third Five-Year Report,” dated September 20, 2024, which can also be found at the link above. In that report, the EPA noted that the soil cleanup goals may not be protective of either residential or commercial/industrial use in which a composite worker³ is present. As required by the Occupational Safety and Health Administration, a Health and Safety Plan must be developed and should be submitted to the EPA for review before any redevelopment work begins. Additionally, a Soil Management Plan should also be developed and submitted to the EPA for review before any redevelopment work begins to ensure there are no proposed impacts to the Selected Remedy.

The Selected Remedy includes institutional controls to restrict land and groundwater use at the Site by prohibiting any use that does not preserve the integrity of the Selected Remedy and prohibiting the installation and use of untreated groundwater wells for drinking water purposes. Those land use restrictions, as well as others specific to the capped area of the Site, have been implemented at Parcel 42-3-130 through an environmental covenant that was recorded in 2017. Please note, the EPA anticipates additional land use restrictions may be selected in the future for the parcels comprising the Property.

In 2006, the EPA provided the Chester County Health Department with a groundwater plume map that identified the extent of contamination known at that time. The Health Department defined this area as a Groundwater Area of Concern in accordance with Chapter 500, Section 501 of the Chester County Health Department Rules and Regulations, Water Well Construction, Monitoring Wells, and Individual Semi-Public and Public Water Supplies and Geothermal Boreholes. The Health Department regulations restrict the installation of new wells in the area of the groundwater contamination without written approval from the EPA and PADEP.

Reuse of the Property

Based on the information provided in your responses to EPA’s Comfort Letter Intake Form, the EPA understands that Sentinel intends to develop industrial buildings at the Property. Your responses also indicated that the proposed reuse will involve the use of materials including diesel for standby generators, oils/refrigerants, and batteries. You also indicated that Sentinel anticipates creating some soil disturbance such as digging for shallow foundations or utilities, and the modification, alteration, or relocation of multiple monitoring wells that are used to monitor the effectiveness of the Selected Remedy. Although it is not mentioned in the Comfort Letter Intake Form, the EPA has received

³ The composite worker scenario is a long-term receptor exposed during the workday who is a full-time employee working on-site and spends most of the workday conducting maintenance activities outdoors. The activities for this receptor (e.g., moderate digging, landscaping) typically involve on-site exposure to surface soils (<https://www.epa.gov/risk/regional-screening-levels-rsls-users-guide#compositeworker>).

separate information indicating that the intended reuse is a large data center where a number of employees will work.

Please note that, to ensure the Selected Remedy remains protective of human health and the environment, any reuse must be compatible with any investigation, cleanup actions, and required land use restrictions designed to protect the Selected Remedy and prevent unacceptable exposure to residual contamination. Sentinel should not conduct any activities or construct any structures that would interfere with the EPA's cleanup or any future investigations. A Health and Safety Plan and Soil Management Plan should be developed and submitted to the EPA for review before any such redevelopment work begins.

Currently, there are six (6) monitoring wells located at the Property, which are a necessary component of the Selected Remedy. You have informed the EPA that existing monitoring wells conflict with Sentinel's proposed site plan. Regarding that, the EPA is in receipt of Sentinel's proposed plan for ERM-5, ERM-6, and MW-22 which are located within the proposed building footprint. Please note, volatile organic compounds (VOCs) have been identified at MW-22 at levels above federal maximum contaminant levels (MCLs) promulgated pursuant to Section 42 U.S.C. §§ 300f *et seq.* of the Safe Drinking Water Act and codified at 40 C.F.R. Part 141. Any modification, alteration, or relocation of wells must be conducted under the supervision and with the prior-written approval of the EPA. Therefore, as your plans develop further, the EPA expects Sentinel to continue to discuss the proposed reuse with the EPA.

CERCLA's Bona Fide Prospective Purchaser Liability Protection

The EPA is providing you with information regarding the bona fide prospective purchaser (BFPP) provision of CERCLA. Congress amended CERCLA in 2002 to protect certain parties who acquire contaminated or potentially contaminated properties from CERCLA liability if they qualify as BFPPs. A person who acquires ownership of property after January 11, 2002, and who meets the other criteria of CERCLA §§ 101(40) and 107(r)(1), may establish that they meet such criteria in order to achieve and maintain a protection from liability as an owner or operator under CERCLA.

The BFPP statutory protection is available to a party who acquires a leasehold interest in property after January 11, 2002, where the leasehold is not designed to avoid liability and the interested party meets certain conditions and criteria.

A key element of the BFPP statutory protection is that it is self-implementing, meaning the Agency is not involved in determining whether a party meets the statutory requirements. The two threshold criteria for the BFPP defense, which must be met prior to acquisition of property, are: (1) performing all appropriate inquiries⁴ into the previous ownership and uses of property, *e.g.*, a Phase 1 Environmental Site Assessment; and (2) demonstrating no affiliation with a liable party⁵

⁴ For more information on all appropriate inquiries, see *All Appropriate Inquiries Final Rule Fact Sheet*, available on the Agency's website at <https://www.epa.gov/system/files/documents/2023-03/English%20AAI%20factsheet.pdf>.

⁵ Enforcement Discretion Guidance Regarding the Affiliation Language of CERCLA's Bona Fide Prospective Purchaser and Contiguous Property Owner Liability Protections (2011): <https://www.epa.gov/sites/default/files/2013-11/documents/affiliation-bfpp-cpo.pdf>

The six continuing obligations for maintaining BFPP status, which are ongoing and must continue to be satisfied after acquisition, are: (1) demonstrating that no disposal of hazardous substances occurred after the property or lease acquisition; (2) complying with land use restrictions, as well as cooperating with the recording of required institutional controls, and not impeding the effectiveness or integrity of required institutional controls; (3) exercising appropriate care for hazardous substances releases by taking reasonable steps to stop any continuing release and prevent any threatened future release; (4) providing full cooperation, assistance, and access to the EPA; (5) complying with information requests and subpoenas; and (6) providing all legally required notices regarding the discovery or release of any hazardous substances. These requirements are explained further in the EPA's Common Elements Guidance.⁶

A court, rather than the EPA or a party, would determine whether that party has met the BFPP criteria. Thus, the EPA recommends that Sentinel consult with its legal counsel to advise on whether they might satisfy each of the statutory requirements necessary to achieve and maintain BFPP status.

Reasonable Steps

Among other criteria outlined in CERCLA, a BFPP must take "reasonable steps" to stop continuing releases, prevent threatened future releases, and prevent or limit human, environmental, or natural resources exposure to any previously released hazardous substances as required by CERCLA § 101(40)(B)(iv). This requirement is explained further in the EPA's Common Elements Guidance.⁷

By making the BFPP protection subject to the obligation to take reasonable steps, the EPA believes Congress intended to protect certain parties from CERCLA liability while at the same time recognizing that these parties should act reasonably, in conjunction with other authorized parties, in protecting human health and the environment. As noted above, the Agency has identified several environmental concerns in the Third Five-Year Report as discussed above. Based upon the information we have evaluated, reasonable steps related to the hazardous substance contamination found at the Site include:

1. Do not use the groundwater under the Property for any purpose, without prior written approval by the EPA and PADEP.
2. Do not construct wells or other structures or equipment for pumping or, through any method, withdraw groundwater on the Property, without prior written approval by the EPA.
3. No groundwater monitoring wells located on the Property shall be damaged, modified, altered, or relocated, without prior written approval by the EPA.
4. Prevent or limit human, environmental, or natural resource exposure to any previously released hazardous substance.

⁶ See *Enforcement Discretion Guidance Regarding Statutory Criteria for Those Who May Qualify as CERCLA Bona Fide Prospective Purchasers, Contiguous Property Owners, or Innocent Landowners ("Common Elements")* ("Common Elements Guidance") (July 29, 2019), available on the Agency's website at <https://www.epa.gov/enforcement/common-elements-guidance>.

⁷ *Id.*

5. Consult with the EPA and PADEP on the installation of appropriate vapor mitigation systems and vapor barriers in existing and new buildings as follows:
 - a. All new habitable buildings constructed at the Property should have at least a foundation vapor barrier and subsurface piping for an active sub-slab depressurization system, or a foundation vapor barrier and subsurface piping for a passive vapor intrusion mitigation system that can be activated if necessary;
 - b. Hire a Pennsylvania-licensed radon mitigation contractor with appropriate expertise to properly design, install and maintain the vapor barriers and vapor mitigation system(s);
 - c. Ensure that the vapor barrier is designed and manufactured for use in VOC mitigation. The material should be chemically resistant and have demonstrated low permeability for the VOCs present. Moisture barriers typically do not meet these criteria. Vapor barriers should be installed and tested pursuant to the manufacturer's recommendations;
 - d. Conduct appropriate testing of the indoor air in the buildings prior to occupancy. If indoor air concentrations are equal to or exceed EPA risk-based criteria, the sub-slab system should be activated and operated until such time as the EPA, in consultation with PADEP, determines that the groundwater contamination no longer poses a vapor intrusion risk;
 - e. If a sub-slab system is activated, provide the EPA, for review and approval, post-installation vapor mitigation performance data and documentation of the visual check of the vapor mitigation system to ensure the system is adequately operating and sufficient vacuum exists, both of which demonstrate that the system is performing effectively to prevent the potential intrusion of any subsurface vapors in the vicinity of the newly constructed building;
 - f. Upon request, provide the EPA with a report certified by a Pennsylvania-licensed radon mitigation contractor, or other appropriately qualified contractor or engineer, with appropriate experience in designing and installing vapor mitigation systems, containing design and construction specifications for the active vapor mitigation system(s) to be installed; and
 - g. Disclose to future prospective purchasers and lessees that the buildings were constructed with vapor barriers and vapor mitigation systems and that the systems should be operated and maintained to ensure vapor intrusion does not occur.
6. Provide full cooperation, assistance, and access at all reasonable times onto and across the Property, including inside buildings, to authorized representatives of the EPA and PADEP and those authorized to conduct response actions at the Property, including but not limited to vapor intrusion sampling and any future EPA investigations and

inspections.

7. Ensure that activities undertaken at the Property do not interfere with the performance and the effectiveness of the Selected Remedy or EPA's or PADEP's cleanup and investigation activities, inclusive of any operation and maintenance work.
8. Notify the EPA and PADEP in writing upon discovery of conditions at the Property which may adversely affect or interfere with the implementation, protectiveness, or effectiveness of response activities or long-term protectiveness of the Selected Remedy at the Site.
9. Submit a health and safety plan and a soil management plan to the EPA for review before any construction work begins at the Property. During any excavation of soil at the Property, characterize soils in accordance with the Soils Management Plan to determine appropriate handling and disposal methods in accordance with all applicable state and federal laws and regulations. Ensure appropriate measures are implemented during any construction to minimize the potential for worker exposure to soils impacted by contamination.
10. Notify the EPA and PADEP in writing immediately upon discovery of stained soils, odors, or other information that may indicate the presence of hazardous substances. If after sampling, the presence of hazardous substances is confirmed, notify the EPA and PADEP in writing and follow the approved Soil Management Plan for the removal and proper disposal of such contaminated soil.
11. Comply with land use restrictions, including recording and implementing institutional controls, e.g., environmental covenants, required by the Selected Remedy, as may be modified, and does not impede the effectiveness or integrity of institutional controls. If management of contaminated soils is needed to facilitate development activities, manage such soils appropriately in accordance with the Soils Management Plan to avoid human and natural resource exposure.
12. Notify all contractors, subcontractors, lessees, and any other parties operating at the property of this comfort/status letter and ensure that these parties satisfy the requirements set forth in this letter.
13. Ensure stormwater drainage is properly managed and there is no pooling of water or reduction of stormwater infiltration into the cap on the Property. Activities must not materially change groundwater flow direction/velocity or groundwater recharge in a way that would impact the plume.

Any reasonable steps suggested by the EPA are based on the nature and extent of contamination currently known to the Agency and are provided as a guide to help you as Sentinel seeks to reuse the Property. Because a determination about which steps are reasonable would be made by a court rather than the EPA, and because additional reasonable steps may later be necessary based on Site conditions, this list of reasonable steps is not exhaustive. Sentinel should continue to identify

reasonable steps based on its observation and judgment and take appropriate action to implement any reasonable steps regardless of whether EPA regional staff have identified any such steps.⁸

State Actions

The EPA can only provide you with information about federal Superfund actions at the Site, federal law and regulations, and EPA guidance. For information about potential state actions and liability issues, please contact Wayne Harms, Environmental Protection Specialist at PADEP Southeast Regional Office 484-250-5730 or wharms@pa.gov.

Conclusion

The EPA remains dedicated to facilitating the cleanup and beneficial reuse of contaminated properties and hopes the information contained in this letter is useful to you. Sentinel may find it helpful to consult with its own environmental professional, legal counsel, and its state, tribal, or local environmental protection agency before taking any action to acquire, clean up, or reuse the Property. These consultations may help you obtain a greater level of comfort about the compatibility of the proposed use and ensure compliance with any applicable federal, state, local, and/or tribal laws or requirements. If you or Sentinel have any additional questions or wish to discuss this information further, please contact Jaclyn Kondrk, Superfund Redevelopment Coordinator, EPA Region 3, at 215-814-3358 or kondrk.jaclyn@epa.gov.

Sincerely,

Paul Leonard, Director
Superfund and Emergency Management Division

Enclosure: Figure 1: Groundwater Well Locations Map

cc: W. Harms, PADEP

⁸ CERCLA § 101(40)(B)(iv) provides that “[t]he person exercises appropriate care with respect to hazardous substances found at the facility by taking reasonable steps to (i) stop any continuing release; (ii) prevent any threatened future releases; and (iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous substance.”

EXHIBIT 7



EcolSciences, Inc.

Environmental Management & Regulatory Compliance

**SOILS MANAGEMENT PLAN
PORTION OF FOOTE MINERAL CO. SUPERFUND SITE
15 SOUTH BACTON HILL ROAD
UNIVERSAL PARCEL ID (UPI) #s 42-3-130.1 & 42-3-130.2
EAST WHITELAND TOWNSHIP
AND
215 VALLEY CREEK BOULEVARD
UPI # 41-3-4
WEST WHITELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

Prepared for:

Sentinel Green Fig, LLC
505 5th Avenue, 27th Floor
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Prepared by:

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April 2026

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ATTACHMENTS

ATTACHMENT A – Figures

ATTACHMENT B – Relevant USEPA Documents

ATTACHMENT C – Redevelopment Plans

ATTACHMENT D – PADEP FP-001 Form

ATTACHMENT E – Contractor Environmental Reporting Form (CERF)

1. INTRODUCTION

EcolSciences, Inc. was retained by Sentinel Green Fig, LLC to prepare this soils management plan (SMP) for redevelopment of the property at 15 South Bacton Hill Road, identified as Parcels 42-3-130.1, 42-3-130.2, & 41-3-4 in East and West Whiteland Township, Chester County, Pennsylvania (the 'Site'). The Site is part of the United States Protection Agency (USEPA) Foote Mineral Company Superfund case for which extensive soil remediation has been completed and Sentinel Green Fig, LLC intends to redevelop parcels 42-3-130.1, 42-3-130.2 with two industrial warehouse type buildings intended to be operated as data centers.

This SMP summarizes the environmental conditions at the Site and provides procedures for identifying and managing potentially contaminated materials in the unlikely event such soil is encountered during earthwork activities. The SMP also discusses training requirements for Site earthwork contractors, monitoring activities that will be completed during earthwork activities, and protocols for importing clean soil or quarry materials to the Site.

Please be advised that this SMP establishes protocols for the management of Site soils throughout the redevelopment process. The management of soils is a small part of the overall redevelopment process. Parties conducting work at the Site must comply with all applicable Federal, State and/or Local laws, rules, and regulations associated with the redevelopment. This document is only intended to provide a framework for appropriately managing the Site soils and does not identify all applicable laws, rules, and/or regulations associated with the redevelopment work.

An overview of the information presented in this report is as follows. A description of the Site, including the regional environmental setting, is included in Section 2. Section 3 provides a summary of the historic operations and previously completed remedial work at the Site and adjacent portions of the Foote Mineral Superfund Site. Section 4 discusses the specific soils management activities associated with the proposed redevelopment.

2. **SITE DESCRIPTION AND REGIONAL ENVIRONMENTAL SETTING**

The following sections describe the environmental setting of the Site. This Site description includes the regional location and physical features of the Site. Figures 1 and 2 in Attachment A present the regional site location map and tax mapping, respectively.

2.1 **Regional Location**

The location of the Site is as follows:

- **County** – Chester County, Pennsylvania
- **Address, UPI, Municipality, and Acreage** –

Property Address	UPI	Municipality	Acreage
No address assigned	42-3-130.2	East Whiteland Township	33.41
No address assigned	42-3-130.1	East Whiteland Township	29.12
215 Valley Creek Boulevard	41-3-4	West Whiteland Township	24.9
Total			87.43

- **Nearest Cross Street** – The Site is located approximately 800-feet west of the intersection formed by South Bacton Hill Road and Swedesford Road.

2.2 **Physical Features**

The physical features of the Site, including a brief description of the onsite improvements and exterior grounds, are summarized below:

- **Property Configuration** – The Site is irregular in shape with roadway frontage along Valley Creek Boulevard to the west. The Chester Valley Trail, a 10-12 foot wide asphalt paved walking and biking trail also borders the majority of the Site to the north.
- **Improvements/Grounds** – The Site is not improved with any permanent structures and consists of mainly vacant meadow areas. The western most portion of the Site, in the vicinity of Valley Creek, is wooded.
- **Topography** – The Site exhibits gently sloping to moderately sloping topography with elevations ranging from ± 350 feet above mean sea level (MSL) in the western corner of the Site to ± 390 feet above MSL in the eastern portion of the Site.
- **Drainage** – Storm water and surface water runoff percolates into onsite soil or flows overland following site topography. No surface water features were observed on the Site.
- **Easements** – There are several easements on the Site, including: two Pennsylvania Electric

Company (PECO) easements and three pipeline easements (Keystone, Sunoco, and PPL Interstate) in the southeastern portion of the Site and two Philadelphia Electric Company easements, a Transcontinental Gas Pipe Line easement, and proposed access/utility right of way easement in the northern portion of the Site.

- **Surrounding Land Use** - The Site is surrounded by undeveloped land including a portion of the former Foote Mineral Superfund Site to the east, which has been remediated and capped with industrial buildings beyond, a residential community further to the north, an electrical substation to the south, and a solar/recreational complex and a church to the west.
- **Soil, Geology, and Groundwater** – The soil beneath the western side of the Site is classified as urban land Conestoga complex (UrgB), which are soils where the original profile has been altered by removal, disturbance or land development. The soil beneath the central portion of the Site is classified as Conestoga silt loam (CtB). Soil on the western side of the Site is classified as Thorndale silt loam (Th), Penlaw Silt Loam (PdB) and Conestoga silt loam (CtB).

The majority of the site is underlain by ledger bedrock formation which is Cambrian in age and comprised of dolomite and chert. Based on the PaGEODE Map, the surficial geology of the Project Site is underlain by Felsic Gneiss, Pyroxene-Bearing, which is characterized by light, medium fine grained rocks.

Groundwater studies conducted as part of the Superfund ~~case~~ indicate that the overburden and bedrock groundwater flow is generally to the ~~east~~. Overburden (initial) groundwater depth at the Site appears to be relatively deep, ranging from approximately 40 to 70 feet below surface grade.

3. SITE & REMEDIAL HISTORY

The following sections summarize the historic uses of the Site and remedial activities completed. Attachment B contains relevant USEPA documentation.

3.1 Site History

~~Offsite portions of~~ the former Foote Mineral Superfund Site (the parcel which has been capped and is not part of the redevelopment, parcel ID# 42-3-130) were utilized as a limestone quarry from circa 1873 through 1941, when Foote Mineral Company acquired the Site and offsite parcels and began operations circa 1942. The westernmost portion of the Site (parcel 41-3-4) was historically farmed and was not used for industrial purposes by Foote.

The industrial operation, known as the ‘Frazier Facility’, was historically operated by Foote (also referred to as Cyprus Foote Mineral Company in some of the reports). At its height, Foote’s industrial activities were conducted throughout approximately 50 buildings and onsite operations included the manufacture of lithium metal, lithium chemicals, and inorganic fluxes produced by melting, casting, and sizing and for operations associated with the crushing and resizing ores, alloys, and minerals. These operations reportedly generated large volumes of waste materials which were disposed of onsite. In addition, portions of the Foote facility were also reportedly operated by the Department of Defense for a short period of time during World War II for the production of lithium salts, although no other specific details were provided. Maps of the ‘Frazier Facility’ reviewed as part of prior due diligence evaluation showed the locations of the quarries to the east of the Site, as well as other impoundment areas in the southern, western, and northern portions of the Site. Other improvements observed on the maps included rail lines and sidings crossing the Site from east to west, six fuel oil tanks (two 275-gallon, two 10,000 gallon, and two 15,000-gallon), and bromine tanks in the central portions of the Site. In addition to these areas, pyrophoric (extremely flammable) wastes including diethyl ether, n-hexane, n-pentene, benzene, tetrahydrofuran, and methanol were reportedly burned in a pit in the southwest portion of the Site. Foote’s operations at the Site ceased in 1991. The former Site structures were removed in the 1990s and early 2000s, and the Site has remained vacant since circa 2010. Aerial photographs also indicated earthwork was conducted throughout the Site in the 2010’s, apparently as part of previously planned redevelopment activities, some of which reportedly included a proposed residential component, although no structures were constructed.

3.2 Remedial History

The Site was initially identified as a potential environmental concern in 1969, when the Pennsylvania Department of Environmental Protection (PADEP) conducted a routine inspection

and identified that Foote's operations included discharging waste water into the south quarry. PADEP directed Foote to conduct groundwater monitoring including sampling of nearby residential wells, to cease burning wastes in the burn pit, and to cease discharge of waste water to the south quarry. Foote subsequently backfilled the burn pit, settling ponds, and unused wash pond between 1973 and 1979. As a result of the identification of lithium and other contaminants in the groundwater at the Site, the PADEP requested USEPA involvement which lead to Foote conducting an extensive groundwater study of the area and providing alternative drinking water sources to impacted residents circa 1990. Initial onsite remedial investigation and remedial action activities consisted of the removal of two underground storage tanks (USTs) and the excavation of approximately 15,000-cubic yards of contaminated soil that was remediated using bio remedial techniques in 1990. The Site was added to the National Priorities List (NPL) in October 1992 and in 1998, Frazer Exton Development, LP (FED) purchased the Site and accepted responsibility for cleanup of the Site. The Site was later taken by Whiteland Holdings, LP (WH) throughout foreclosure and then acquired in several phases by the most recent owner, Green Fig 11.33 LLC/Green Fig Land LLC, in 2019, 2022, and 2023. In July 2024, the USEPA took over the remaining cleanup from FED due to ~~inactivity~~. The work takeover notice acknowledgment indicates that FED (the Settling Defendant of the USEPAs Consent Decree) is responsible for costs incurred by the USEPA in performing the work. Sentinel Green Fig, LLC purchased the property on January 29, 2026 to redevelop the site for data center usage.

Specific to the ~~Site~~ that is being redeveloped, soil samples at the former 'Main Plant area' were collected to evaluate: the former septic system area, three chromite ore storage areas, the former wash pond, the arsenite disposal area, former settling pond, former colemanite (boron ore) storage area, and the former solvent burn area. Generally speaking, volatile organics (where sampled) were not detected, or were detected at low level, estimated concentrations. In several of these areas, particularly the arsenite disposal area, elevated metals (arsenic, chromium, lithium, etc.) were identified and initial response actions included targeted excavation activities. Elevated levels of radiation were also identified in certain areas onsite. The radiation was believed to be naturally occurring, and associated with residual dust from the mineral ores that were stored at the Site, and unrelated to specific processes associated with Foote's operations (e.g., Foote's operations concentrated naturally occurring radioactive materials within certain areas of the Site). The 2006 Record of Decision (ROD), presenting the remedial activities for the Site, specified the following:

1. Excavation and offsite disposal of the areas of radiation contaminated soils;
2. In-situ stabilization of the process tailing wastes located in the South Quarry (offsite to the east of the redevelopment Site; note, stabilization was initially not proposed

however, due to studies by the USGS which potentially contradicted the groundwater depths and flow regimes, remediation beyond simple capping was required to further limit the potential for consolidated contaminated materials to continue impacting regional groundwater);

3. Excavation and consolidation of contaminated soils, waste materials, and debris into the north and south quarries (offsite to the east of the redevelopment Site) to prevent direct contact threats;
4. Capping of the north and south quarries (offsite to the east of the redevelopment Site) to contain and reduce contamination migration from the waste in the quarries to the groundwater;
5. Long term monitoring of the groundwater;
6. Removal of the LNAPL from the MW-2 location; and
7. Institutional controls to prevent residential use of impacted groundwater, to prevent residential use of the capped quarry areas and to preserve the integrity of the remedy.

Remedial excavation and offsite disposal of the radiation impacted areas was completed, and the USEPA approved the confirmation report and supporting information on May 13, 2010. A total of 36 areas of contamination were excavated with post-removal sampling conducted to confirm the removal. As described in the ESD, the expansion of the quarry areas allowed for up to 195,000 cubic yards of impacted materials to be consolidated, with the deeper contaminated materials solidified through the installation of 1,765 columns of cement slag reagent mixture to achieve an overall permeability of the stabilized quarry areas of less than 1×10^{-6} centimeters/second. The average permeability was actually calculated at approximately 10 times lower than this required permeability. The quarry areas were subsequently capped with a geotextile fabric, 40-mil geomembrane, a geo-composite drainage layer, minimum 18-inches of compacted soil, and 6-inches of topsoil. The cap construction activities, which included a detention basin to account for increased runoff due to the impermeability of the capped area, was completed in October 2010. An environmental covenant, an institutional control (IC), describing the restriction on the capped area of the Site, was recorded in 2017 for parcel 42-3-130 and on January 5, 2018 the Site achieved the 'Sitewide Ready for Anticipated Use Performance Measure'. **The capped area is outside the redevelopment area.**

No engineering or institutional controls for soil were required on parcels 42-3-130.1, 42-3-130.2, or 41-3-4).

3.3 Applicable Remediation Standards

The ROD specified the Site Specific Soil Screening Levels (SSLs) that apply to the Site, which are shown on the table below. As shown on the table, the USEPA SSLs that apply the Site are more restrictive than the current PADEP residential remedial levels, with the exception of the manganese and fluoride soil to groundwater pathway at used aquifers and the thallium residential remedial level. However, since the aquifer at the Site is not used, the nonuse generic value of 44,000 mg/kg for fluoride and 190,000 mg/kg for manganese (and higher than the USEPA SSL), would apply and in all cases, the USEPA SSLs also all meet the current PADEP non-residential standards. The SSLs which are indicated in bold were revised as part of the explanation of significant difference document issued after the ROD.

Chemical	USEPA ROD	Current PADEP Remedial Levels			
	SSL	Soil to GW (used aquifer) (residential, TDS<2500, generic value)	Residential 0-15 feet	Non-Residential	
				Surface Soil 0-2 feet	Subsurface Soil 2-15 feet
Benzene	0.021	0.13	57	280	330
Bromoform	0.748	3.5	400	2000	2300
Carbon tetrachloride	0.0469	0.26	75	370	430
Chloroform	0.417	2	19	96	110
Ethylbenzene	9.47	46	180	880	1000
Tetrachloroethene (PCE)	0.278	0.43	760	3200	3600
Trichloroethene (TCE)	0.0387	0.17	38	160	180
1,2-Dichloroethane	0.045	1.6	17	85	98
1,2-Dichloroethene	0.326	0.1	440	6400	10000
Antimony	16.6	27	88	1300	190000
Arsenic	12	29	12	61	190000
Chromium (VI)	20.5	190	37	180	140000
Fluoride	6,424	44	8800	130000	190000
Iron	66000*	NA	150000	190000	190000
Manganese	31000*	2000	31000	190000	190000
Thallium	6.2	14	2.2	32	190000
Boron	150	1900	44000	190000	190000
Lithium	130	2100	440	6400	190000

All Concentrations in mg/kg

*These were not detected in groundwater, as such the Statewide Act 2 standards applied

4. SOILS MANAGEMENT PLAN

The following sections describe the general procedures associated with the management of onsite soils during the redevelopment activities. Based on our discussions with your representatives, we understand that the Site is a ‘net import’ Site and will require the importation of soil and quarry materials to balance the Site and meet final grading requirements. The earthwork activities at the Site are envisioned to include, but are not limited to, the initial, large scale excavation and placement of soils as part of the initial grading activities, excavation and trenching activities associated with future infrastructure installations, and the import of soil materials to the Site. While not anticipated, this soils management plan also presents contingency protocols and best management practices for the management of suspected contamination, and any excess soils. Attachment C contains preliminary cut/fill drawings, and other plans associated with the redevelopment activities.

4.1 Permits & Approvals Required

The Site owner and contractor are responsible for obtaining any and all required permits (federal, state, and local) associated with the property redevelopment which may include, but are not limited to, the following:

- Soil Erosion and Sediment Control Permits;
- Soil Movement Permits;
- Storm Water Pollution Prevention Plan;
- Soil Import Certifications; and
- Soil Disposal Approvals

4.2 Health and Safety Requirements and General Protective Measures

EcolSciences is separately preparing an ‘Environmental Health & Safety Plan’ EHASP, which is specific to the potential environmental hazards that may be encountered at the Site although this EHASP does not include traditional construction Health and Safety protocols and procedures, which are the responsibility of the applicable contractors. All plans should be consistent with the National Institute for Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities, OSHA regulations (particularly Title 29 of the Code of Federal Regulations [CFR] Sections 1910 and 1926), and any other applicable Federal, State, or local regulations.

4.3 Site Controls

The Site Owner should arrange for appropriate Site security controls to be implemented at the Site. The purpose of Site controls (i.e. fencing and other procedures of controls) is to restrict access by unauthorized persons to the Site. All onsite work will be completed during specified

working hours, which may be subject to specific State or local permits. All visitors to the Site will be required to sign in at the designated location and appropriate signage will be posted at the entrance to the Site.

4.3.1 Traffic Control and Decontamination Procedures

Traffic into and out of the Site will be at dedicated locations, where stone vehicle tracking pads shall be installed in accordance with applicable permits. No obviously contaminated (e.g., leaking, etc.) equipment shall be permitted onto the Site and likewise any machinery leaving the site (e.g., tools, equipment, trucks), shall be properly cleaned of all loose soil materials removed to avoid potential impact to offsite roadways, etc. In general, the stone tracking pads are designed to serve as a barrier against the offsite migration and the cleaning procedures may also include brushing or washing of truck bodies and tires, periodic street sweeping of incidental dust or dirt, etc. in the event that travel across the tracking pad is insufficient to address residual soil on trucks. Trucks entering and leaving the Site are also required to be properly tarped to secure loads.

4.3.2 Erosion and Runoff Controls

The work will be completed in accordance with applicable soil and sediment erosion controls and/or storm water pollution prevention plans prepared by the Site engineering team. In general this will include the use of properly installed silt fencing, proper grading to prohibit offsite drainage or runoff, minimizing areas of bare soil, wetting soils in dusty conditions, and covering soil piles, where necessary. Copies of the applicable engineering plans will be maintained onsite and the soil and sediment erosion controls will be periodically inspected and maintained.

4.3.3 Dust Control and Monitoring

Fugitive dust emissions can, generally, be monitored through hand held, personal aerosol monitors or dedicated stations. The Owner or contractor may be required to implement a perimeter/community air monitoring program (CAMP). General procedures for particulate monitoring are included in the EHASP.

As noted above, water trucks and wetting of soils will be utilized for dust controls, where necessary. In instances or particularly windy conditions, it may be necessary to install windscreens, install additional stone tracking pads, or temporarily postpone active work, if conditions dust emissions cannot be controlled by wetting or otherwise covering areas of the Site. All equipment movement onsite should be conducted at appropriate speeds to minimize the generation of dust.

4.3.4 Vapor and Odor Controls

Organic vapors are not anticipated during earthwork since the Site has been remediated. In the event that a suspect odor is encountered, work should be suspended until the area is evaluated by an environmental health and safety officer. In general, organic vapors can be detected and monitored with a hand-held photoionization detector (PID) and procedures are included in the environmental Health & Safety Plan to address potential vapors. In the unlikely event soil containing volatile organic vapors are confirmed, the appropriate procedures for addressing the impacted material will be implemented at that time, in accordance with the EHASP and Section 4.4.6 of this SMP.

4.4 Soils Management

Any onsite work that requires the disturbance of Site soils shall be conducted in manner consistent with the SMP and applicable laws, rules, regulations, and guidance.

4.4.1 Disturbance Procedures

Soils excavation activities (including trenching, grading, etc.) will be completed by equipment such as excavators, bulldozers, trucks, compactors as well as hand tools. During these activities, dust and vapor monitoring activities will be implemented, as necessary, in accordance with the EHASP.

Excavated soils will be consistently observed for potential contamination by the earthwork team. If suspected contamination is identified (e.g., odors or staining, etc.) the contractor shall notify the Environmental Health & Safety Officer and the potentially impacted materials will be evaluated and addressed in accordance with Section 4.4.6, below under the oversight of the environmental team specified in the EHASP.

Proper safety precautions must be implemented by the contractor during (and after) excavation activities, including but not limited to the proper benching of excavations, the use of shoring, safety fencing and caution tape, etc. **These general construction safety precautions are the responsibility of the contractor and are not outlined herein.**

4.4.2 Soil Stockpile Management

Soils may be temporarily stockpiled on the Site. Stockpiling will be conducted in a way to limit the amount of dust generated and to prevent erosion. This may include the use of additional silt fencing, hay/straw, etc. and may be subject to additional requirements of the soil and sediment erosion control plans or stormwater management plans. If soil stockpiles are intended to be stored for future use, the stockpiled soils will be routinely wetted, covered, or appropriately stabilized in

accordance with typical earthwork practices to limit erosion. Potentially contaminated stockpiled soils will be managed in accordance with Section 4.4.6.

4.4.3 Soil Export Procedures

Any soils that are to be removed from the Site will be characterized to ensure proper handling and disposal. Generally speaking, soil characterization samples are 4 or 5 point composite samples, generally analyzed for the target compound list/target analyte list (TCL/TAL+30) suite of parameters. However, specific receiving facility sampling requirements will be considered, which may also include other testing parameters such as toxicity characteristic leaching procedure (TCLP) evaluation. The removal of any soil from the Site must be completed in consultation with the environmental team outlined in the EHASP and potentially in consultation with the USEPA. Records of soil characterization and disposal will be maintained by the property owner or their representatives.

4.4.4 Materials Import Procedures

Materials imported from licensed quarries (such as stone, stone dust, rip rap, etc.) are considered to be clean fill material. Licensed Quarry or Mine materials sources and volumes should be maintained by the property. Volumes of materials imported and sources of the quarry materials should be maintained property owner or their representatives.

Soils imported to the Site are subject to inspection and the completion of a PADEP FP-001 form, which must be filed with the Pennsylvania Department of Environmental Protection (PADEP). The Owner and/or their Contractor's are responsible for the filing of these forms. Copies of the filed FP-001 forms, volumes of soil imported from each source, and trucking logs/tickets should be maintained. Sampling of imported materials is not necessarily required, unless the import source is a former cleanup or remediation Site or is otherwise suspected of being contaminated. An example FP-001 form is included in Attachment D.

4.4.5 Groundwater Management

Groundwater onsite is assumed to be contaminated with tetrachloroethene [PCE], trichloroethene [TCE], and metals. During earthwork groundwater is not anticipated to be encountered, given the depth to water is 40 to 70 feet below ground surface. If any perched groundwater is encountered, it will be managed within the excavations, to the extent possible. Any liquid that pools in excavations will be inspected for the presence of visible contamination (e.g., sheens). All liquids/groundwater encountered in the subsurface are assumed to be contaminated. All liquids must be handled by 40-hour hazardous waste operations and emergency response (HAZWOPER) trained personnel pursuant to the EHASP. If groundwater cannot be managed within the excavations in accordance with existing permits, samples of the water may be collected

for disposal purposes, depending upon disposal facility requirements, and the liquids will be disposed. Consultation with the United States Environmental Protection Agency (USEPA) may also be required for the offsite removal/disposal of any material. No groundwater will be discharged to stormwater systems or surface water bodies at any time. All stormwater and rainwater will be managed in accordance with engineering designs prepared for the Site.

4.4.6 Suspected Contamination/Unknown Conditions Contingency

If suspected contamination is identified (e.g., oily or stained soils, odorous soils, discolored soils, or debris items such as drums), the Contractor shall immediately notify the Environmental health & safety officer, the Owner, and/or the Owner's agents. The suspected impacted materials will be managed by appropriately trained individuals in accordance with the EHASP, and a Contractor Environmental Reporting Form (CERF), included in Attachment E, must be filled out anytime an environmental concern is identified. Response actions will generally consist of placing material on and covering with plastic to segregate the potentially contaminated materials. Characterization samples will be collected by the environmental team to determine a proper offsite disposal facility, which will likely include the same procedures outlined in Section 4.4.3. Notification of the Pennsylvania Department of Environmental Protection (PADEP) and the United States Environmental Protection Agency (USEPA) will also be necessary, and will be completed by the Owner's environmental consultants. Consultation with the United States Environmental Protection Agency (USEPA) may also be required for the offsite removal/disposal of any material.

If any remnant building foundations (concrete and/or concrete block/brick) are encountered, they will be inspected following the procedures outlined in Section 4.4.1. If they are suspected of being contaminated, the procedures outlined above will be followed.

4.4.7 Groundwater Monitoring Wells

Currently, there are three groundwater monitoring wells (MW-2, ERM-2S, and ERM-2D) installed within the Site. Three other former groundwater monitoring wells (ERM-5, ERM-6, and MW-22) located within future building footprints were recently sealed by a licensed well driller. The three groundwater monitoring wells (shown on the figures in Attachment C) will need to be maintained and may need to be raised or lowered by a licensed well driller. Any damage to the monitoring wells must be immediately reported to the environmental health and safety officer and/or the owner /owner representatives.



EXHIBIT 8

Environmental Covenant prohibits residential development on the quarry area, prohibits any installation, construction or other alterations to the quarry area without prior the EPA's approval, prohibits any excavation or invasive activities in the quarry area that could compromise the integrity of the cap, and prohibits any damage or disruption to the vegetative cover over the quarry cap (Figure 2). Subsequently, in 2019, WH subdivided the Property into three separate parcels: 42-3-130, 42-3-130.1, and 42-3-130.2. Because WH recorded the 2017 Environmental Covenant only with respect to parcel 42-3-130, there are no ICs currently in place to restrict land use on the other two parcels on the Property, parcels 42-3-130.1 and 42-3-130.2. Additional ICs are necessary for these two parcels. At this time, the Property in its entirety is zoned as commercial, however, an IC to restrict land-use of the uncapped parcels is needed to ensure residential development does not occur on the Property without additional soil contaminant characterization and/or risk evaluations being taken. Additionally, an IC is needed in order to ensure protection of the Selected Remedy, as there are Site-related monitoring wells present on both of these parcels.

Soil cleanup goals for the Site (Table 3) were intended to support residential land use for uncapped areas outside the quarry area. However, this FYR performed a screening-level risk review and found that the cleanup goals used are not protective of either residential (specifically, a child resident) or commercial/industrial use in which a composite worker is present (Appendix J, Tables J-3 through J-5). Additional assessment, such as soil sampling, of the potential risk posed by residual soil contamination is needed prior to approval of any on-Site development supporting commercial/industrial use in which composite workers³ are present or residential use.

During the RI, all Site-related wells were sampled for VOCs and MW-2 and MW-22 were the only wells with VOC exceedances. MW-22, located in a central area of the Site, is the only well that has been consistently sampled for VOCs since the long-term monitoring plan has been implemented at the Site. Since no other wells besides MW-22 have been sampled for VOCs since the RI, the extent of VOC contamination is currently unknown. Because of this, the potential for vapor intrusion cannot be ruled out, and VOC sampling of all Site-related wells should be performed prior to any construction of enclosed buildings. At a minimum, the 2008 GMP should be updated to include additional VOC sampling in groundwater to delineate the extent of VOC contamination. Alternatively, or in addition, an IC requiring a vapor barrier in any new on-Site buildings could be evaluated.

³ The composite worker scenario is a long-term receptor exposed during the workday who is a full-time employee working on-site and spends most of the workday conducting maintenance activities outdoors. The activities for this receptor (e.g., moderate digging, landscaping) typically involve on-site exposure to surface soils (<https://www.epa.gov/risk/regional-screening-levels-rsls-users-guide#compositeworker>).

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Letter of Notification of PECO Energy Company	:
Filed Pursuant to 52 Pa. Code §§ 57.71 et seq.	:
for Approval of the Siting and Construction of	: Docket No. A-2025-3054731
the Siting and Construction of the 220-09 Line Tap	:
Project Located in East Whiteland Township,	: Docket No. P -2026-3064335
Chester County, Pennsylvania	:

VERIFICATION

I, Julieanna Ferris, hereby state that the facts set forth in the foregoing Petition for Reconsideration of Denial of Emergency Relief are true and correct to the best of my knowledge, information and belief, as required by 52 Pa. Code § 3.6(b). I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



Juliana Ferris

Dated: August 13, 2026

**BEFORE THE
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Letter of Notification of PECO Energy Company :
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the Siting and Construction of the 220-09 Line Tap :
Project Located in East Whiteland Township, : **Docket No. P -2026-3064335**
Chester County, Pennsylvania :

CERTIFICATE OF SERVICE

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

VIA ELECTRONIC MAIL:

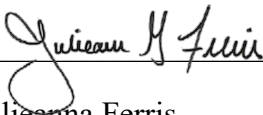
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Julieanna Ferris

Dated: August 13, 2026