

EXHIBIT J

**Chapter 102 Inspection Report No. 26-02 —
PAC210079A-4**



CUMBERLAND COUNTY
CONSERVATION DISTRICT

Conserving Natural Resources for Our Future

August 6, 2026

Petri Ottavainen
Carlisle Development Partners LLC
1660 International Drive STE 500
McLean, VA 22102

Re: Pennsylvania Digital 1 (PAX-1)
NPDES Permit Application No. PAC210079A-4
Middlesex Township, Cumberland County

Dear Mr. Ottavainen:

On **August 5, 2026**, representatives of the Cumberland County Conservation District conducted an inspection of earthmoving activities at the above referenced site. A copy of the inspection report is enclosed for your use.

This report is official notification that a representative of the Department of Environmental Protection has conducted an inspection of your earth disturbance activity to determine compliance with Title 25, Chapter 92, National Pollutant Discharge Elimination System, Title 25, Chapter 102, Erosion and Sediment Control, and the Pennsylvania Clean Streams Law. This representative is an employee of the local County Conservation District, which by delegation agreement with the Department of Environmental Protection is authorized to investigate complaints, inspect earth disturbance activities and conduct compliance actions. Any violations observed by the Conservation District have been noted on this report form and constitute unlawful conduct as defined in Section 611 of the Clean Streams Law.

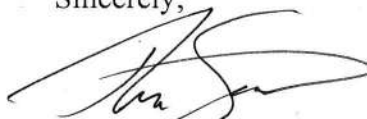
There will be no written confirmation of those violations from the Department. Failure to take corrective actions to resolve the violations may result in administrative, civil and/or criminal penalties being instituted by the Conservation District or the Department of Environmental Protection as defined in Section 602 of the Clean Streams Law of Pennsylvania. The Clean Streams Law provides for up to \$10,000 per day in civil penalties, up to \$10,000 in summary criminal penalties, and up to \$25,000 in misdemeanor criminal penalties for each violation.

This report does not constitute an Order or appealable action of the Conservation District or Department. Nothing contained herein shall be deemed to grant or imply immunity from legal action for any violation noted herein.



The blocks checked in the report reference which sections of the laws have been violated. Please submit a written reply to this letter detailing the corrective measures taken or planned to correct the violations referenced above. Your cooperation in resolving these matters is greatly appreciated. If you have any questions regarding this matter, please contact Thomas Swartz at 717-240-6507.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas Swartz', with a stylized flourish at the end.

Thomas Swartz
E&S Program Manager

cc: Zachary Zook, Middlesex Township (zzook@middlesextwp.com) (letter)
Catherine Prince, LIVIC Civil (cwilsbach@livicco.com) (Letter, report, and photo log)
James Armor, Liberty Excavators, Inc (jarmor@libertyinc.net)
District File



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Clear Report

CHAPTER 102 INSPECTION REPORT

CUMBERLAND CONSERVATION DISTRICT

Permit No.: PAC210079A-4

Report No.: 26-02

GENERAL INFORMATION

Project/Site Name:	<u>Pennsylvania Digital 1 (PAX-1)</u>	Permit Issuance Date:	<u>5/18/2026</u>
Site Address:	<u>Country Club Road</u>	Permit Expiration Date:	<u>12/7/2029</u>
Site City, State, ZIP:	<u>Carlisle, PA 17015</u>	Permit Type:	<u>PAG-02</u>
RP/Permittee Name:	<u>Carlisle Development Partners LLC</u>	Site Municipality(ies):	<u>Middlesex</u>
RP/Permittee Address:	<u>1660 International Drive STE 500</u>	Site County(ies):	<u>Cumberland</u>
RP/Permittee City, State, ZIP:	<u>McLean, VA 22102</u>	Earth Disturbance:	<u>100.00</u> acres
RP/Permittee Email:	<u>pottavainen@americanrepartners.com</u>	Site Latitude:	<u>40.25522</u>
Surface Water(s):	<u>Conodoguinet Creek</u>	Site Longitude:	<u>- 77.11522</u>
Special Protection?	☐ Yes ☒ No	Complaint Inspection?	☒ Yes ☐ No
Construction Stage:	<u>Bulk Earthwork</u>	Activity:	<u>Construction >= 1 ac</u>
Construction Sequence #:	<u>24</u>	Weather:	<u>Cloudy</u>
Date Earth Disturbance Commenced:	<u>5/22/2026</u>	Tax Parcel ID(s):	

Operator Name	Operator Company	Operator Email	Operator Phone
James Armor	Liberty Excavators, Inc.	jarmor@libertyinc.net	717-480-1624

INSPECTION INFORMATION

Inspection Date:	<u>8/5/2026</u>	Inspection Time:	<u>9:00</u> ☒ AM ☐ PM
Lead Inspector Name:	<u>Thomas Swartz</u>	Inspector Email:	<u>tdswartz@cumberlandcountypa.gov</u>
Inspector Title:	<u>E&S Program Manager</u>	Inspector Phone:	<u>717-240-6507</u>
Other Attendee(s):	<u>Noelle Bennese</u>	Photographs Attached?	☒ Yes ☐ No
Was a representative of the project or permittee on-site during the inspection?		☒ Yes ☐ No	
Representative Name:	<u>James Armor</u>	Email:	<u>jarmor@libertyinc.net</u>
Representative Company:	<u>Liberty Excavators, Inc.</u>	Phone:	<u>717-480-1624</u>
Type of Inspection:	☐ Initial ☒ Follow-up (Previous Report #26-01) ☐ Final (NOT)		

Brief description of the site and summary of observations:

Routine and complaint inspection of Pennsylvania Digital 1 (PAX-1) site.

1. The District requested the visual site inspection reports for the past two rain events (7.28.26 & 8.2.26). The reports were produced as requested. The VSIRs appeared to have been completed per the forms instructions.
 2. Active Street sweeping on Country Club Road was observed at the time of the inspection. Photo 1
 3. Existing PPL Laydown Sediment basin was full of stormwater but was actively being dewatered via trash pump and pumped water filter bag. The filter bag was situated on a well vegetated area and wrapped in a compost filter sock. Photos 2, 60-66.
 4. Topsoil screen berms appear to be complete and to final grade with vegetation establishing. Photos 4 & 5
 5. SCMs 4 and V5 (MRC) have been rough graded, with the current bottom elevation approx. 1' above proposed final elevation, it was noted that SCMs are required to dewater within 72 hours following each rain event. Photos 6-7
- CONTINUED PG 4

INSPECTION FINDINGS	
	☐ No violations observed at this time.
a.	☒ Failure to implement and/or maintain E&S BMPs for earth disturbance (§§ 102.4(b)(1), 102.22(a)(1)).
b.	☐ Failure to develop and/or implement a written E&S Plan (§ 102.4(b)(2)).
c.	☐ Failure to have a person trained and experienced in E&S control methods develop an E&S Plan (§ 102.4(b)(3)).
d.	☐ Failure to have the E&S Plan and/or inspection/monitoring reports on-site and available for review (§ 102.4(b)(8)).
e.	☐ Failure of permittee to obtain all necessary approvals/permits from DEP/CCD prior to commencing earth disturbance (§ 102.4(d)).
f.	☐ Failure to hold a pre-construction meeting and/or invite DEP/CCD staff and/or provide at least 7 days' notice (§ 102.5(e)).
g.	☐ Failure of an operator to submit a co-permittee acknowledgement form (CSL § 402(b)).
h.	☐ Failure to prepare and/or implement and/or provide upon request a PPC Plan when required (§ 102.5(l)).
i.	☒ Failure to temporarily stabilize areas where there will be a cessation of earth disturbance activities for at least 4 days (§ 102.22(b)).
j.	☐ Failure to complete or accurately complete visual site inspections as required by the permit, including color photographs (CSL § 402(b)).
k.	☐ Failure to implement PCSM BMPs (SCMs) as specified in the approved PCSM Plan (§ 102.8(a)).
l.	☐ Failure to operate and maintain PCSM BMPs (SCMs) as specified in an approved PCSM Plan (§ 102.8(a)).
m.	☐ Failure to have the PCSM Plan, inspection reports, and/or monitoring records available for review (§ 102.8(j)).
n.	☐ Failure to have a licensed professional or a designee present on-site during critical stages of PCSM BMPs (SCMs) (§ 102.8(k)).
o.	☐ Failure to record an instrument for PCSM BMPs (SCMs) (§ 102.8(m)(2)).
p.	☐ Failure to meet riparian forest buffer criteria (§ 102.14(b)).
q.	☐ Failure to permanently stabilize a project site or any phase or stage thereof (§ 102.22(a)).
r.	☐ Failure to remove temporary E&S BMPs once permanent stabilization has been established (§ 102.22(a)(1)).
s.	☐ Failure to obtain NPDES permit prior to commencing earth disturbance activity with at least one acre of disturbance (§ 102.5(a)).
t.	☐ Failure to obtain E&S permit prior to commencing earth disturbance activity with at least 25 acres of disturbance for timber harvesting and road maintenance (§ 102.5(b)).
u.	☐ Failure to obtain E&S permit prior to commencing earth disturbance activity with at least 5 acres of disturbance for oil and gas activities (§ 102.5(c)).
v.	☐ Failure of activity not requiring a permit to comply with Chapter 102 requirements (§ 102.5(k)).
w.	☐ Failure to follow the approved construction sequence in an E&S or PCSM Plan (CSL § 402(b)).
x.	☐ Failure to submit a Notice of Termination (NOT) (§ 102.7(a)).
y.	☐ Unauthorized discharge of polluting substances to waters of the Commonwealth resulting in pollution (CSL § 401).
z.	☐ Failure to comply with the terms and conditions of a permit or order (CSL § 402(b)).

aa.	☐	Failure to remove building materials and/or wastes from the site for recycling or disposal in accordance with DEP regulations as required by the permit (CSL § 402(b)).
bb.	☐	Failure to comply with DEP regulations or the Clean Streams Law (CSL § 611).
cc.	☐	Failure to take necessary measures to prevent pollutants from reaching waters of the Commonwealth (§ 91.34(a)).
dd.	☐	Failure to notify DEP of new or expanded earth disturbance not identified in an NPDES permit application (§ 92a.24(b)).
ee.	☐	Failure to notify and/or obtain authorization from DEP/CCD for changes to NPDES permitted activities (§ 92a.41(a)(12)).
ff.	☐	Failure to minimize the extent and duration of the earth disturbance, maximize protection of existing drainage features and vegetation, and/or minimize soil compaction (§ 102.4(b)(4)).
gg.	☐	Failure to provide notification to DEP/CCD in writing at least 3 days prior to commencing bulk earth disturbance activities as required by the permit (CSL § 402(b)).
hh.	☐	Failure to submit a complete SCM Construction Certification Form within 30 days of the completion of SCM construction as required by the permit. (CSL § 402(b)).
ii.	☐	Failure to submit a complete New Property Owner Notification Form to DEP/CCD for any property containing a PCSM SCM within 30 days of sale as required by the permit (CSL § 402(b)).
jj.	☐	Failure to submit a complete annual report to DEP/CCD by the deadline established in the permit (CSL § 402(b)).
kk.	☐	Failure of the permittee to use a qualified inspector for visual site inspections as required by the permit (CSL § 402(b)).
ll.	☐	Other:
	☐	During the inspection violations of Chapter 105 were observed and are identified in a separate Chapter 105 inspection report.
	☐	E&S BMPs were evaluated and appear to be functioning as designed.
	☐	PCSM SCMs were evaluated and appear to be functioning as designed.
	☐	Form 3800-FM-BCW0531a was used to document the PCSM SCM evaluation.
	☒	There is a need for modifications to the E&S Plan, PCSM Plan, or permit coverage. Describe: E&S/PCSM plan revisions for the addition of the retaining walls being constructed onsite.
		Date Latest Annual Report Received: 12/3/2025
COMPLIANCE ASSISTANCE RECOMMENDATIONS		
- CCCD recommends pumping the water from the Existing PPL Laydown Sediment Basin within 96 hours following a runoff event. This water may be utilized to spray the site to minimize dust. Sediment Basins are to be empty between runoff events. Using the system referenced in observation 3 of this report is ok. - Ensure the site continues to be inspected weekly and after each measurable runoff event (>0.25 inches). - Ensure any area of the site that is idle for four (4) or more days, including stockpiles, is temporarily stabilized. - The observations noted within #6, 7, 8, 9, 10, 12, 13, 14 and 15 should be corrected as soon as possible. Once corrections have been made, the District requests Liberty to send photos of all repairs to the District.		

ADDITIONAL COMMENTS

6. Sediment Basin A1 has been constructed with its outlet structure and skimmer. All seals appeared watertight based on visual observation. Plywood baffles and the sediment clean out stake were not observed to be installed at the time of inspection. Areas of erosion were visually observed at the basin's outlet; riprap had not yet been installed due to ongoing retaining wall construction in the vicinity. The potential use of R5 riprap was discussed on site with Liberty. Photos 8–14.
7. Compost Filter Sock (CFS) #4, located at the discharge of Sediment Basin A1, appeared to have overtopped during a recent storm event based on visible evidence. Photos 13–16.
8. CFS #9 was visually observed to be overtopped and undercut. Sedimentation was visible within the boundary of Wetland Y; however, the relationship between this sediment and nearby controls could not be determined with certainty during this inspection. No visual evidence indicated sediment movement beyond the LOD boundary or reaching discharge point 002 at the time of inspection. Photos 19–28.
9. Sediment Basin C1 has been constructed with outlet structure OC C1.4 and a skimmer. All seals appeared watertight based on visual observation. The emergency spillway was installed with an appropriate liner. Plywood baffles and sediment clean out stakes were not observed to be installed. A level spreader at the basin's discharge location appeared to be installed consistent with the approved plans. Photos 29–34.
10. CFS #68 was visually observed to be dislodged and appeared to have overtopped. No evidence was observed indicating sediment movement outside of the LOD boundary during this inspection. Photos 35–39 and 41.
11. Disturbances associated with the waterline relocation, conducted during March–April 2026, appeared to have achieved adequate perennial vegetation coverage based on visual observation. Photo 40.
12. CFS #72 appeared to have overtopped during the most recent storm event. Sediment was visually observed near discharge point 024; no observable evidence indicated sediment reaching surface water identified as “channel 04” at the time of inspection. Photos 42–47.
13. Sediment Basin K1 was observed to be under construction. The outlet structure, baffles, and sediment clean out stakes did not appear to be installed at the time of inspection. Liberty reported that a plan or construction sequence modification may be needed due to the planned retaining wall on the basin's southern side, which they stated may limit access once installed. Any modification would need to be coordinated and submitted by the design engineer. Photos 48, 49 & 58.
14. The north side of the topsoil pile located north of Sediment Basin K1 appeared to lack temporary stabilization. Although the topsoil pile remains active, perimeter E&S controls were visually observed to be accumulating sediment. Photos 50–52.
15. Perimeter controls on the west side of the site appeared to be functioning as intended based on visual observation. The area appeared to be in preparation for retaining wall construction. The top of slope berm has been installed and appeared to be functioning as designed. The approved construction sequence (Step 23) references Sediment Basin R1 construction prior to retaining Wall 3 for Campus 1. Photos 53–57 & 59.
16. Rock Construction Entrance #4 (referenced in previous inspection report as RCE #2) has been installed and was observed to be barricaded as recommended within the inspection report dated 6/17/2026. Photo 67.

NOTICE AND SIGNATURES

This report is official notification that a representative of the Department of Environmental Protection (DEP) has conducted an inspection of your earth disturbance activity to determine compliance with 25 Pa. Code Chapter 102 and the Pennsylvania Clean Streams Law. This representative may be an employee of a County Conservation District (CCD), which by delegation agreement with DEP is authorized to investigate complaints, inspect earth disturbance activities and conduct compliance actions. Any violations observed by DEP/CCD have been noted in this report and constitute unlawful conduct as defined in Section 611 of the Clean Streams Law. Failure to take corrective actions to resolve the violations may result in administrative, civil and/or criminal penalties being assessed by DEP as specified at Section 602 of the Clean Streams Law. The Clean Streams Law provides for up to \$10,000 per day in civil penalties, up to \$10,000 in summary criminal penalties, and up to \$25,000 in misdemeanor criminal penalties for each violation. This report does not constitute an Order or appealable action of DEP. Nothing contained herein shall be deemed to grant or imply immunity from legal action for any violation noted herein. For further information or assistance contact the DEP/CCD inspector.

The Project Site Representative's signature acknowledges that they have read the report and were given an opportunity to discuss the report with the inspector. The signature does not necessarily mean the signee agrees with the report. All comments by the inspector are based on visual site observations and do not constitute professional practice under applicable law.

- ☒ This report serves as a Compliance Notice (CN). ☐ This report serves as a Notice of Violation (NOV).
☒ A follow-up inspection will occur on or about: 8/27/2026

Site Representative Signature

Date


Inspector Signature

8/6/2026
Date

CC:



Photo 1



Photo 2

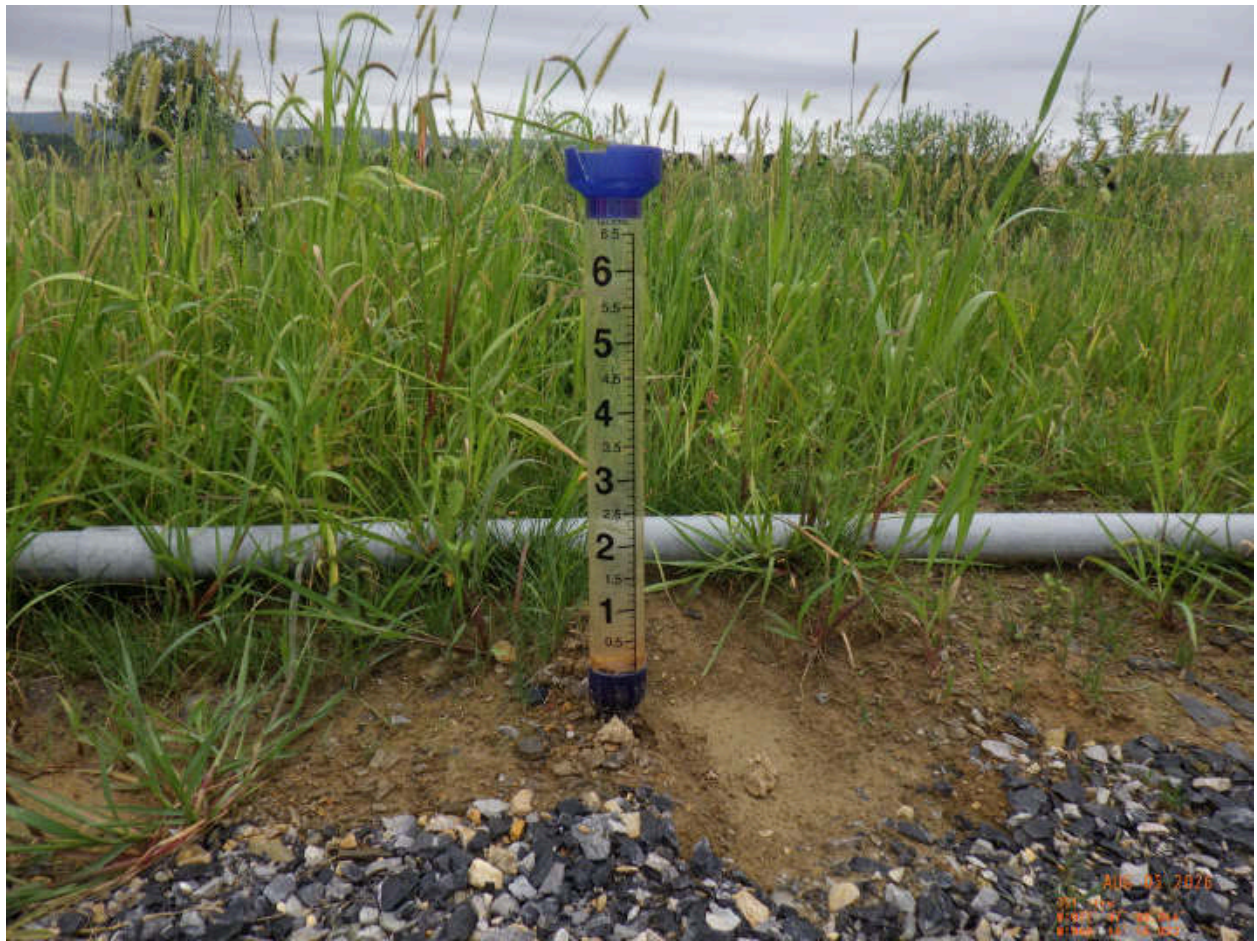


Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8



Photo 9



Photo 10



Photo 11



Photo 12



Photo 13



Photo 14



Photo 15



Photo 16



Photo 17



Photo 18



Photo 19



Photo 20



Photo 21



Photo 22



Photo 23



Photo 24



Photo 25



Photo 26



Photo 27



Photo 28



Photo 29



Photo 30



Photo 31



Photo 32



Photo 33



Photo 34



Photo 35



Photo 36



Photo 37



Photo 38



Photo 39



Photo 40



Photo 41



Photo 42



Photo 43



Photo 44



Photo 45



Photo 46



Photo 47



Photo 48



Photo 49



Photo 50



Photo 51



Photo 52



Photo 53



Photo 54



Photo 55



Photo 56



Photo 57



Photo 58



Photo 59



Photo 60



Photo 61



Photo 62



Photo 63



Photo 64



Photo 65



Photo 66



Photo 67