

KYLE AND ALEXIA GERBER,	:	IN THE COURT OF COMMON PLEAS
ANDREW AND RACHAEL DYMSKI,	:	OF CUMBERLAND COUNTY,
ROBERT AND VIOLA BYERLY,	:	PENNSYLVANIA
JODY AND STANLEY SHIVELL, AND	:	
EARLE AND BONNIE MORTON,	:	
Appellants	:	No: 2026-06465 Civil Term
v.	:	
	:	Land Use Appeal
BOARD OF SUPERVISORS OF	:	
MIDDLESEX TOWNSHIP,	:	CIVIL ACTION – LAW
CUMBERLAND COUNTY,	:	
PENNSYLVANIA	:	
Appellee	:	
and	:	
	:	
CARLISLE DEVELOPMENT	:	
PARTNERS, LLC,	:	
Intervenor	:	

RULE TO SHOW CAUSE

AND NOW, this _____ day of _____, 2026, upon consideration of the Petition for Stay filed by Appellants, it is hereby Ordered that:

- 1) A rule is issued upon the respondents to show cause why the moving party is not entitled to the relief requested;
- 2) The respondents shall file an Answer to the Petition within _____ days of this date;
- 3) The Petition shall be decided under Pa R.C.P. 206.7.
- 4) Argument on the Petition shall be held on _____ day of _____, 2026 at __:__.m. before the undersigned in Courtroom _____ of the Cumberland County Courthouse.
- 5) Notice of the entry of this Rule shall be provided to all parties by the moving party.

BY THE COURT:

Matthew P. Smith, J.

Distribution:

Nathan C. Wolf, Esquire for Appellants
 Gregg I. Aldeman, Esq./Julie Bernstein, Esq for Intervenor
 Shawn N. Gallagher, Esq./Brandon Lucas, Esq. for Intervenor
 Charles M. Suhr, Esquire for Appellee

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ORDER

AND NOW, this ____ day of _____, 2026, upon consideration of Appellants' Petition for Stay of the Actions Appealed Pursuant to 53 P.S. § 11003-A(d), any responses thereto, and after hearing, it is hereby ORDERED and DECREED as follows:

1. The Petition is GRANTED. Pursuant to 53 P.S. § 11003-A(d), the following actions of the Board of Supervisors of Middlesex Township, each dated May 6, 2026, are STAYED pending final disposition of this appeal or further order of court:

- a. the approval of the Final Major Subdivision Plan for Pennsylvania Digital 1 (PAX-1) (Township File No. 26-2);
- b. the approval of the Final Land Development Plan for Pennsylvania Digital 1 (PAX-1) Phase 1-A (Township File No. 26-5); and
- c. the approval of the Preliminary Land Development Plan for Pennsylvania Digital 1 (PAX-1) Phase 1-B (Township File No. 25-25).

2. While this stay is in effect, Intervenor Carlisle Development Partners, LLC, together with its officers, agents, employees, contractors, subcontractors, and all persons acting in concert with it or on its behalf, shall not perform or cause to be performed, pursuant to or in reliance upon

any approval stayed by Paragraph 1, any of the following on the approximately 694-acre property comprising tax parcels 21-06-0015-001, 21-06-0015-013, 21-06-0015-014 and 21-06-0015-015 in Middlesex Township:

- a. earth disturbance of any kind, including clearing, grubbing, tree or vegetation removal, topsoil stripping, excavation, filling or stockpiling;
- b. grading, including grading of any building pad;
- c. drilling or blasting undertaken pursuant to or in reliance upon any approval stayed by Paragraph 1, including blasting within the Phase 1-B limit of disturbance for which the stayed Preliminary Land Development Plan approval is the sole municipal land development approval;
- d. construction, installation, expansion, or demolition of any building, structure, roadway, utility, or other improvement;
- e. recording of any plan, plat, covenant, or other instrument implementing any stayed approval; or
- f. any other act undertaken in reliance upon or pursuant to any stayed approval.

3. Paragraph 2 reaches the work described therein because, under the Township's own ordinances, municipal approval is a precondition to that work. The Middlesex Township Subdivision and Land Development Ordinance provides that "[t]he standards for resource conservation, as set forth in this Article, shall apply to all subdivision and land developments in Middlesex Township" (SALDO, Ord. 8-2017, § 1201), and that "[n]o clearing or earth disturbance (except for soil analysis) shall be permitted on a site before the approval of the preliminary Subdivision and Land Development Plan" (SALDO § 1202.D.2). The Middlesex Township Stormwater Management Ordinance provides that "Regulated Activities shall not commence until Middlesex Township issues written approval of an SWMP which demonstrates compliance with the requirements of this Ordinance" (Stormwater Management Ordinance, Exhibit A to Ord. No. 6-2011, § 301.A.1); that Regulated Activities include "Earth disturbance activities" (SWMO § 105.I); that "Middlesex Township's approval of a SWMP authorizes the regulated activities contained in the SWMP" (SWMO § 405); and that "[i]t shall be unlawful for a person to undertake any Regulated Activity

except as provided in an approved SWMP” (SWMO § 802.A). Accordingly, and for the avoidance of doubt, the work enjoined by Paragraph 2 includes: (a) earth disturbance, grading, drilling or blasting within the Phase 1-B data center campus area undertaken pursuant to or in reliance upon the stayed Preliminary Land Development Plan approval, including the grading of the Phase 1-B Campus 1 pad, that approval being the sole municipal land development approval for that phase; (b) construction or installation of any improvement shown on the Final Land Development Plan for Phase 1-A undertaken pursuant to or in reliance upon that stayed approval; and (c) recording or further implementation of the Final Major Subdivision Plan. The May 6, 2026 Phase 1-B approval itself granted modifications from Stormwater Management Ordinance §§ 302.A.13, 303.H.12, 303.J.3, 303.H.17 and 303.B.2; the Phase 1-B stormwater approval is therefore itself within the action stayed by Paragraph 1. Nothing in this Order adjudicates, suspends, or modifies any permit issued by the Pennsylvania Department of Environmental Protection or the Cumberland County Conservation District.

4. Any party may apply to the Court on an expedited basis for a determination whether a particular activity on the property falls within the scope of this Order. Intervenor may avoid such disputes by identifying in writing to counsel for all parties, in advance of performing it, any discrete work activity that Intervenor contends proceeds independently of the stayed approvals under a separate, unappealed authorization, together with its location on the property and the specific authorization relied upon.

5. Notwithstanding Paragraph 2, Intervenor may perform work necessary to: (a) stabilize areas already disturbed, including seeding, mulching and matting; (b) maintain, repair and keep functional all existing erosion and sedimentation control and stormwater best management practices; and (c) abate any condition presenting an imminent danger to persons or property, provided that written notice of any such abatement work is given to counsel for all parties within _____ days.

6. This Order is effective immediately upon entry and shall remain in effect pending final disposition of this appeal or further order of court.

7. While this stay is in effect, Middlesex Township shall defer consideration of, and shall take no action to approve, any pending or further application of Intervenor for subdivision or land development approval respecting the property described in Paragraph 2. Any time period

imposed upon Middlesex Township under the Pennsylvania Municipalities Planning Code for decision upon, or deemed approval of, any such application is tolled during the pendency of this stay, and no approval of any such application shall arise by operation of law while this Order remains in effect.

8. No security is required of Appellants as a condition of this stay.

9. The Court shall retain jurisdiction over this Order and over all matters relating to its scope, interpretation, modification and enforcement, and any party may apply to the Court on an expedited basis for clarification or modification of this Order.

BY THE COURT:

Matthew P. Smith, J.

Distribution:

Nathan C. Wolf, Esquire for Appellants

Gregg I. Aldeman, Esq./Julie Bernstein, Esq for Intervenor

Shawn N. Gallagher, Esq./Brandon Lucas, Esq. for Intervenor

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APPELLANTS’ PETITION FOR STAY OF THE ACTIONS
APPEALED PURSUANT TO 53 P.S. § 11003-A(d)

BRIEF INTRODUCTION

The instant petition seeks a stay in both construction and site development activities by the developer of the PAX-1 Data Center site in Middlesex Township Cumberland County, Pennsylvania and preventing Middlesex Township for engaging in further consideration of land development applications or permit requests for the PAX-1 Data Center project during the pendency of the three (3) previously filed land use appeals by the Appellants hereto, including the appeal of the deemed denial by the Middlesex Township ZHB of the substantive validity challenge alleging the underlying zoning district and enabling use provisions constituted unlawful spot zoning by Middlesex Township. This petition details the basis for relief in the form of a stay, including protection from any deemed approval deadlines otherwise imposed upon the Township. The unrelenting nature of the developer’s aggressive submission, review and approval schedule and its commencement of site improvements, blasting and grading create irreversible and immediate harm to the Appellants specifically and the interests of the community in general.

AND NOW come the above-captioned Appellants, by and through their attorneys, Wolf & Wolf, Attorneys at Law, and petition this Honorable Court pursuant to Section 1003-A(d) of the Pennsylvania Municipalities Planning Code (“MPC”), 53 P.S. § 11003-A(d), for a stay of the actions appealed from in the above-captioned land use appeal — the May 6, 2026 approvals of the Final Major Subdivision Plan, the Final Land Development Plan for Phase 1-A, and the Preliminary Land Development Plan for Phase 1-B for the Pennsylvania Digital 1 (“PAX-1”) data center project —

together with a stay of all site work undertaken pursuant to those approvals, and further consideration of pending land use applications by the Appellee, averring as follows:

I. PARTIES AND PROCEDURAL POSTURE

1. Appellants are the five married couples captioned above, all adult individuals residing in Middlesex Township, Cumberland County, Pennsylvania: Kyle and Alexia Gerber (585 Bernheisel Bridge Road, Carlisle, PA 17015); Andrew and Rachael Dymski (430 Bernheisel Bridge Road, Carlisle, PA 17015); Robert and Viola Byerly (263 Country Club Road, Carlisle, PA 17015); Jody and Stanley Shivell (8 Teaberry Drive, Carlisle, PA 17015); and Earle and Bonnie Morton (120 Locust Way, Carlisle, PA 17015).

2. Appellee is the Board of Supervisors of Middlesex Township, Cumberland County, Pennsylvania (the “Board”), the governing body empowered under the MPC, 53 P.S. § 10501, to grant approvals governing subdivisions and land developments within Middlesex Township.

3. Intervenor Carlisle Development Partners, LLC (“CDP”) is the owner and developer of the approximately 694-acre property along Country Club Road (the “Subject Property”) that is the subject of the approvals appealed and pending before this Court.

4. On or about June 5, 2026, Appellants filed the above-captioned Notice of Land Use Appeal (this “First Appeal”) with the Court challenging the three (3) approvals granted by the Board on May 6, 2026: (a) the Final Major Subdivision Plan for PAX-1; (b) the Final Land Development Plan for PAX-1 Phase 1-A (electrical substation); and (c) the Preliminary Land Development Plan for PAX-1 Phase 1-B (data center campus, five buildings).

5. On June 24, 2026, CDP filed a Motion to Quash the First Appeal, which remains pending. Appellants filed an Answer with New Matter to said Motion on August 4, 2026. The matter is assigned to the Honorable Matthew P. Smith, who has scheduled argument on the Motion for September 18, 2026, but there has been no ruling upon the merits of any issue in this appeal.

6. On or about July 31, 2026, Appellants filed a second Notice of Land Use Appeal, docketed at No. 2026-08652, challenging the Board’s July 1, 2026 preliminary land development approvals for PAX-1 Phase 1-C and Phase 2. A petition identical in substance to this Petition is being prepared for filing in that docket in the immediate future.

7. On August 6, 2026, Appellants filed a Notice of Land Use Appeal, docketed at No. 2026-08758, from the deemed denial by the Middlesex Township Zoning Hearing Board (“ZHB”) of Appellants’ Substantive Validity Challenge to Ordinance 03-2025 (the Data Center Overlay District, “DCO”) and the corresponding provisions of Ordinance 07-2025, filed May 13, 2026 pursuant to 53 P.S. § 10916.1 (ZHB Case No. 2026-03). Appellants consented in writing on May 14, 2026 to a first hearing on July 8, 2026, a date within the sixty-day period, but the ZHB never advertised, scheduled, commenced, or conducted any hearing, its Solicitor having directed the Zoning Officer on May 14, 2026 to hold off on advertising notice (No. 2026-08758 Notice ¶¶ 24–25 and Exhibits D–E thereto).

II. THE ACTIONS APPEALED FROM, THE SITE WORK, AND THE CHAIN OF AUTHORIZATION

8. The foregoing paragraphs are incorporated by reference as if set forth fully herein.

9. The actions appealed from in this docket are the three (3) May 6, 2026 written approvals identified in Paragraph 4, communicated by Notifications of Conditional Plan Approval issued on Township letterhead over the signature of the Middlesex Township Zoning Officer, dated May 6, 2026, for the Final Major Subdivision Plan, the Final Land Development Plan for Phase 1-A, and the Preliminary Land Development Plan for Phase 1-B. Each is contained in the certified record filed by the Board. (Certified Record (“CR”) 000854–000855; CR 011433–011435; CR 019023–019025.)

10. Those approvals are the municipal authorization for the subdivision of the Subject Property, for final land development approval including clearing, earth disturbance, grading and construction of the Phase 1-A substation site, and preliminary land development approval of the Phase 1-B data center campus.

11. Despite the fact that the final subdivision approval and final land development approval for Phase 1-A were not granted until May 6, 2026 (and appealed on June 5, 2026), site work began to occur months prior to the approvals being issued.

12. Of note is the fact that on or about March 2, 2026, CDP’s engineer, Justin Ross, P.E. of LIVIC Civil, acknowledged in writing that the plan for the pre-approval work “was intentionally discrete as we were concerned about public doing right to know and making it a bigger issue back

then when we submitted in the fall.” (Email of Justin Ross, P.E., March 2, 2026, included in Exhibit G.)

13. Prior to the submission of the PAX-1 application (which bore the name Project Bolt in some documents submitted to the Township), the property in question was the subject of two separate approvals of residential developments.

14. The “PennTerra” project was approved in or around 2004 for development of approximately 1,000 residential units on approximately 503 acres of the land now owned by CDP. (No. 2026-08758 Notice, Exhibit A, ¶ 40.)

15. The “Cumberland Knoll” project was approved by the Township in or around 2007 for development of 390 residential units on a portion of the land now owned by CDP, and construction of public improvements had commenced.¹ (No. 2026-08758 Notice, Exhibit A, ¶ 41.)

16. The certified record and other public records obtained through Right-to-Know requests document massive site work on the Subject Property beginning at the end of March 2026, together with permit authorizations in place to carry that work forward:

- a. Blasting commenced on the Subject Property on April 1, 2026. The Township Manager notified other Township officials on March 31, 2026 that “PAX-1 data center contractors will begin blasting procedures tomorrow,” that “[i]f possible they will blast twice a day,” and that “[t]his will be ongoing operation over the next few weeks.” (Email of Zachary Zook, Middlesex Township Manager, to Township supervisors and staff, March 31, 2026, Attached hereto as Exhibit A.²) A selection of daily blast reports of Maine Drilling & Blasting, Inc. for the job identified as “Project

¹ It is significant that the NPDES permit under which the present earthmoving proceeds, Permit No. PAC210079, originated as erosion-control coverage for the Cumberland Knoll residential development, renewed by the County Conservation District on September 5, 2023 for a residential development of 58 units on 15.3 acres. Following transfer to CDP confirmed August 5, 2025, and through Amendments A-1 through A-4, that same permit number now authorizes three hundred (300) acres of earth disturbance for a 693-acre data center development. At the time the land development applications were submitted, the permit had not been transferred and was identified only by the Cumberland Knoll project.

² For convenience and clarity, Appellants have appended hereto an index of the Exhibits attached hereto which do not otherwise appear in the certified record in this matter. Where such exhibits do exist in the record submitted by the Township, citations are to the appropriate Bates’ stamped page thereof.

Bolt - Country Club Road, Carlisle” begin April 1, 2026 and, with the accompanying seismograph records, run through June 26, 2026. (Attached hereto as Exhibit B.)

- b. On April 8, 2026, the Cumberland County Conservation District (“CCCD”) conducted its initial inspection of the site, recording “Earth Disturbance: 200.00 acres,” construction stage “Bulk Earthwork,” and “Active drilling and blasting,” together with erosion-and-sediment deficiencies including “Stream crossing area not protected with temporary E&S BMPs.” (CCCD Chapter 102 Inspection Report No. 26-01, April 8, 2026, Attached hereto as Exhibit C.)
- c. On May 5, 2026, CDP’s engineer advised CCCD in writing that “[r]ock blasting is currently proposed and is expected to continue throughout construction.” (Letter of David A. Hanes, II, LIVIC Civil, to CCCD, May 5, 2026, at 6, contained in the certified record at item 08-44.)
- d. On May 18, 2026, CCCD issued Amendment A-4 to NPDES Permit No. PAC210079, approving a Notice of Intent that authorizes three hundred (300) acres of total earth disturbance, approximately one hundred (100) acres of it new, and incorporating the Post-Construction Stormwater Management Plan under which the Phase 1-B Campus 1 pad is graded “toward the final proposed pad elevations” in an area “bordering the Conodoguinet Creek, approximately 4,600 feet west of the intersection with Bernheisel Bridge Road.” (A-4 Notice of Intent) Attached hereto as Exhibit D; A-4 Issuance, CR items 06-69, 08-62; Phase 1-B Post-Construction Stormwater Management Narrative, CR item 08-41.)
- e. Minutes prepared by CDP’s engineer of a May 27, 2026 meeting with the Department of Environmental Protection (“DEP”) record that “the developer is permitted to conduct earth disturbance the whole way through, while the individual permit application is under review.” (Meeting minutes dated June 15, 2026, prepared by LIVIC Civil, Attached hereto as Exhibit E.)

17. Appellants aver that certain early increments of the site work commenced before the May 6, 2026 approvals existed. Earth disturbance under NPDES Amendment A-3 commenced on or about March 16, 2026, as recorded in CCCD Inspection Report No. 26-01 (See, Exhibit C above),

and blasting commenced April 1, 2026 under DEP Blasting Activity Permits issued to the blasting contractor (initially Permit No. 21264103, later superseded through Permit No. 21264110) (Attached hereto as Exhibit F).

18. CDP's own March 2, 2026 summary of work items and permits conditioned both the item it labeled "Blasting/Watermain/Stockpile NPDES Approval" and the bulk earthwork upon "PLDP Phase 1A," the March 4, 2026 preliminary Phase 1-A land development approval. (Email of Justin Ross, P.E., LIVIC Civil, March 2, 2026, Attached hereto as Exhibit G; March 4, 2026 preliminary approval, CR 009413.)

19. The work now beginning to transform the Subject Property, however, depends on the approvals appealed from here. The Phase 1-B data center campus has exactly one preliminary land development approval, the May 6, 2026 approval with conditions, and it is the Phase 1-B Campus 1 pad that Amendment A-4 authorizes to be graded "toward the final proposed pad elevations" across a three hundred (300) acre limit of disturbance. (Exhibit D; CR item 08-41.)

20. Further, the Final Major Subdivision Plan approval is the sole authorization for recording and implementing the subdivision of the Subject Property, and the Final Land Development Plan approval for Phase 1-A is the authorization for completing the Phase 1-A substation improvements. A stay of the three (3) appealed approvals (with the corresponding relief sought by companion petition at No. 2026-08652) therefore concerns the work now ongoing on the site, and Section X herein describes the scope of the requested stay such that the Court may easily recognize the need for immediate relief.

21. No stay or supersedeas of any kind is presently in effect. The documentary record produced to date runs through late June 2026, and CDP's engineer has stated in writing that rock blasting "is expected to continue throughout construction." (CR item 08-44 at 6.) The site work itself has continued without interruption through the date of this Petition, as Appellants have observed from their homes, and Appellants will establish the current, ongoing site activity, if the averments herein are challenged by CDP or the Appellee, by affidavit or through testimony at the hearing.

22. At the Board's June 3, 2026 meeting, the Township Manager reported that blasting activities for the data center project had resumed and were ongoing, with additional blasts expected

over approximately seventy (70) days, and that the remaining Phase 1-A blasting would be completed before transitioning to Phase 1-B. (Middlesex Township Board of Supervisors Meeting Minutes, June 3, 2026, Attached hereto as Exhibit H.)

23. At the Board's June 26, 2026 meeting, the Township Manager reported that grading had begun for the first data center campus, Phase 1-B, and that the Phase 1-A area was nearing final grade. (Middlesex Township Board of Supervisors Meeting Minutes, June 26, 2026, Attached hereto as Exhibit I.)

24. On July 16, 2026, DEP issued an informal-hearing determination in which it declined to amend or overturn CCCD's Amendment A-4 coverage, leaving the three hundred (300) acre authorization in force, over the objections raised by Appellants to DEP. (DEP Informal Hearing Determination, July 16, 2026, Attached hereto as Exhibit J.)

25. On July 17, 2026, the blasting contractor entered a guilty plea to the summary citation arising from the June 15, 2026 airblast violation described in Paragraphs 67 through 69 below, and the summary case was closed. (Attached hereto as Exhibit K.)

III. THE TIMING OF THE INSTANT REQUEST FOR STAY

26. The foregoing paragraphs are incorporated by reference as if set forth fully herein.

27. As of June 5, 2026, when Appellants filed their Notice of Land Use Appeal, counsel for Appellants had not been provided with copies of the written May 6, 2026 approvals despite requests therefor, including a Right-to-Know Law request submitted on or about May 28, 2026 (Notice of Land Use Appeal n.1), and the Notice expressly reserved leave to supplement upon receipt of the written decisions (Notice ¶ 59).

28. Appellants first obtained copies of the three (3) signed written decisions on June 8, 2026, three days after this appeal was filed, through the Township's response to said Right-to-Know Law request. (CR 000854–000855; CR 011433–011435; CR 019023–019025.)

29. The Prothonotary of Cumberland County did not issue the Writ of Certiorari upon the Township until June 17, 2026.

30. On or about June 11, 2026 Counsel for CDP entered his appearance and filed a Notice of Intervention on behalf of CDP in this action.

31. On or about June 12, 2026, Special Counsel for the Township filed his entry of appearance.

32. On or about June 24, 2026 CDP filed its Motion to Quash the instant appeal placing the threshold viability of this action in question, and Appellants' Answer with New Matter was filed August 4, 2026.

33. The Township filed the certified record of the appealed matters on or about July 14, 2026. The certified record upon which this Petition relies throughout was not available to Appellants until that filing.

34. Additionally, the sixty-day period for the ZHB to commence a hearing on the Appellants Substantive Validity Challenge, filed May 13, 2026, did not expire until July 12, 2026. The deemed denial, and with it the ability to bring the validity merits before this Court under 53 P.S. § 11005-A, ripened only weeks before this filing. The appeal from the deemed denial was docketed August 6, 2026 (No. 2026-08758), and the appeal from the July 1, 2026 approvals was filed only days earlier (No. 2026-08652).

35. The evidence of the irreparable harm became available only as the hazard was adjudicated. DEP's June 24, 2026 inspection report documented the June 15, 2026 airblast violation (Attached hereto as Exhibit L), and the blasting contractor's guilty plea followed on July 17, 2026 (*See*, Exhibit K).

36. Amendment A-4 was issued on May 18, 2026, before the Notice of Land Use Appeal was filed. Appellants reference this authorization as the on-going, standing authorization for the work now underway. Amendment A-4 opened approximately one hundred (100) additional acres of land for blasting and sitework, including the area designated as the Phase 1-B (Campus 1) pad, along with grading toward the final proposed pad elevations across a three hundred (300) acre limit of disturbance. (*See*, Exhibit D; CR item 08-41.) Upon information and belief, said grading has not been completed, and once performed it cannot be undone. Thus, Appellants ask this Honorable Court to stay the appealed approvals before the work on this section of the Subject Property is complete, and before work proceeds on the other areas of the site that are the subject of the pending appeals and the remaining land use applications before the Township.

37. Appellants proceeded from notice of appeal, to defense of that appeal against CDP's motion, to the ripening and filing of the related appeals, to this Petition, without any period of repose.

38. Appellants are essentially being forced to fight these appeals on multiple fronts all at one time without any relief from the ongoing daily overwhelming intrusion into their lives and disruption of their households, negatively impacting their physical and emotional health in the process.

IV. STATUTORY BASIS FOR THE REQUESTED STAY

39. The foregoing paragraphs are incorporated herein by reference.

40. Section 1003-A(d) of the MPC provides, in pertinent part: "The filing of an appeal in court under this section shall not stay the action appealed from, but the appellants may petition the court having jurisdiction of land use appeals for a stay." 53 P.S. § 11003-A(d).

41. The Commonwealth Court has explained that in the third-party-objector posture presented here, "the appellant may request to have that order stayed and, thus, delay the permitted project," and that "Logically, the 'action' referred to in Section 1003-A(d) refers to the grant of a zoning permit or application, not an enforcement proceeding." *Borough of West Conshohocken v. Soppick*, 164 A.3d 555, 561–62 (Pa. Cmwlth. 2017).³

42. The actions appealed from in this docket are the grants of the three (3) May 6, 2026 approvals. A stay under Section 1003-A(d) suspends those grants and, with them, the municipal authorization for the site work undertaken pursuant to them, as pleaded in Paragraphs 19 and 20.

43. The Court of Common Pleas of Butler County entered precisely such relief, a stay pursuant to Section 1003-A(d) entered in the objectors' land use appeal in an ordinance-validity posture, and when the developer appealed the stay order, the Commonwealth Court dismissed those appeals as moot, the trial court having by then vacated its stay, without questioning the court's power to enter it. *Delaware Riverkeeper Network v. Middlesex Township Zoning Hearing Board* (Pa. Cmwlth., Nos. 1229, 1323 & 2609 C.D. 2015, filed June 7, 2017) (unreported memorandum 2017 WL 2458278),

³ Appellants note that *Soppick* arose in an enforcement context and that the quoted construction of Section 1003-A(d) is *dictum*. It is cited herein as persuasive authority.

172 A.3d 142 (table), *vacated and remanded on other grounds*, 190 A.3d 1126 (Pa. 2018) (per curiam), *appeal denied*, No. 248 WAL 2019 (Pa. Dec. 26, 2019), cited as persuasive authority only pursuant to 210 Pa. Code § 69.414(a). That matter concerned a Butler County municipality bearing the same name as the Appellee Township.

V. STANDARD

44. The foregoing paragraphs are incorporated herein by reference.

45. The four criteria identified in *Pennsylvania Public Utility Commission v. Process Gas Consumers Group*, 502 Pa. 545, 552–53, 467 A.2d 805, 808–09 (1983), govern applications for a stay pending appeal: (1) the petitioner makes a strong showing that he is likely to prevail on the merits; (2) the petitioner has shown that without the requested relief, he will suffer irreparable injury; (3) the issuance of a stay will not substantially harm other interested parties in the proceedings; and (4) the issuance of a stay will not adversely affect the public interest.

46. *Process Gas* further adopts the refinement that a court, “when confronted with a case in which the other three factors strongly favor interim relief[,] may exercise its discretion to grant a stay if the movant has made a substantial case on the merits.” 502 Pa. at 553, 467 A.2d at 809; *accord Township of Chartiers v. William H. Martin, Inc.*, 518 Pa. 181, 542 A.2d 985 (1988) (applying the four factors and affirming a stay in a land use enforcement posture on hearing evidence).

47. *Process Gas* arose after a final merits decision, and Appellants have not found a published decision which prescribes a different standard for a Section 1003-A(d) petition. Appellants accordingly demonstrate below that they satisfy each *Process Gas* criterion independently.

VI. LIKELIHOOD OF SUCCESS ON THE MERITS

A. The Approvals Are Independently Unlawful

48. As set forth in the Notice of Land Use Appeal, the appealed approvals were granted despite, inter alia: (a) an Environmental Impact Assessment prepared by a consultant who is simultaneously the Chief Operating Officer of the entity developing the project, contrary to Section 718(C) of the Middlesex Township Subdivision and Land Development Ordinance, Ordinance 8-2017 (the “SALDO”), which requires that the study “be prepared by a qualified consultant who shall be mutually agreed upon by the developer and the Township” (Notice ¶¶ 33–42; SALDO Ord.

8-2017 § 718.C, CR 000533); and (b) the absence of the proof of Susquehanna River Basin Commission (“SRBC”) review and approval required by Section 3.04(G)(2)(e)(9) of the Middlesex Township Zoning Ordinance, Ordinance 07-2025 (the “Zoning Ordinance”) for consumptive water use of 20,000 gallons per day or more over a 30-day average (Notice ¶¶ 48–53; Ordinance 07-2025 § 3.04(G)(2)(e)(9), CR 000178).

49. The certified record itself corroborates the first ground. Each of the three (3) Environmental Impact Assessment versions contained in the record was prepared by LIVIC Civil, the developer’s own project engineer. (CR 007767; CR 004366; CR 005332.)

50. The alleged SRBC defect is confirmed by communications from SRBC itself. By email of May 28, 2026, Todd Eaby of the Susquehanna River Basin Commission confirmed that “[i]t is expected that the PAX-1 Facility will consumptively use water equal to or above 20,000 gallons per day at least a portion of the year,” that “[t]he facility operator will be required to apply for and receive an approval for consumptive use from the Commission prior to operating,” and that “[t]o date, the Commission has not received an application for the PAX-1 project.” (Email of Todd Eaby, SRBC, May 28, 2026, Attached hereto as Exhibit M.)

51. The requirement is an approval-stage requirement by its own text. The Zoning Ordinance provides that “[n]o data center shall be approved without sufficient water and/or for a use that poses adverse impact on existing wells in the vicinity,” and makes “proof of review and approval from the Susquehanna River Basin Commission (SRBC)” a mandatory component of the water feasibility study required of a data center applicant. (Ordinance 07-2025 § 3.04(G)(2)(e), (e)(9), CR 000177–000179.) The proof was due with the application for approval. The fact that SRBC’s own operational trigger arises “prior to operating” does not convert the Zoning Ordinance’s approval-stage proof requirement into a condition subsequent, and the manner in which SRBC may ultimately process the facility’s consumptive use is beside the point of the proof the ordinance required at approval. No application to, or approval from, SRBC for the PAX-1 project has appeared in the period since.

52. Additionally, the requirement is properly before this Court on a land development appeal. The SALDO requires that “[p]roposed land uses shall conform to the Middlesex Township Zoning Ordinance, as amended” (SALDO § 702.D), that lots conform to applicable zoning regulations (SALDO § 706.A.1), that every plan state that the applicant “shall comply with all

Township regulations in effect at the time of the filing of the Preliminary Plan” (SALDO § 501.A.16), and that zoning requirements appear in each plan’s table of site data (SALDO § 501.A.21). (CR 000404–000647.) As the Notice avers, the SALDO “is replete with references incorporating compliance with all applicable provisions of the Township Zoning Ordinance such that preliminary and final subdivision and land development plans must demonstrate compliance with Zoning as a prerequisite to a valid approval being issued.” (Notice ¶ 50 n.2.)

53. CDP’s own authority holds that “[a] preliminary plan must be approved if it meets all specific, objective requirements under a subdivision and land development ordinance.” *CACO Three, Inc. v. Board of Supervisors of Huntington Township*, 845 A.2d 991, 993–94 (Pa. Cmwlth. 2004). Appellants submit that the corollary of that rule is that approval of a plan that does not satisfy the incorporated requirements is an abuse of discretion.

54. The Preliminary Land Development Plan approval for Phase 1-B itself imposes a restrictive covenant “stating that no water wells will be drilled on the property and that all existing water wells on the property will be properly abandoned and sealed in accordance with PA DEP regulations,” locking the entire project into public-water dependence. (CR 019023–019025, Condition 4.) The missing SRBC proof is consequential. The Board granted approval without requiring CDP to demonstrate that it satisfied the ordinance prerequisite before granting approval, and every acre graded now builds toward an operation whose consumptive-use authorization has never been reviewed by the agency the ordinance names. Appellants plead the defect as a violation of an approval-stage prerequisite, namely whether the Board could lawfully approve when the required proof was absent, and not as a claim that the underlying water supply can never be authorized. This specific requirement was identified to the Board as a basis to withhold approval on May 6, 2026 by Appellants and was summarily dismissed by the Board and representatives of CDP who insisted that such demonstration was not required at all.

55. In anticipation of arguments CDP will attempt to raise in response to the instant request, it should be noted that Appellants’ standing is unassailable. “It is well-established that adjacent property owners have substantive standing to object to subdivision plans both before the governing body and in land use appeals to common pleas,” and prior appearance below is not a prerequisite to an appeal from a subdivision or land development decision. *Miravich v. Township of Exeter*, 6 A.3d 1076, 1079–80 (Pa. Cmwlth. 2010); accord *Whitehall Manor, Inc. v. Planning Commission of*

the City of Allentown, 79 A.3d 720, 727–29 (Pa. Cmwlth. 2013). The appeal was filed within thirty (30) days as required by 53 P.S. § 11002-A(a) (quoted in *Whitehall Manor*, 79 A.3d at 725–26).

56. CDP’s remaining merits defense, that because no appeal was taken from the January 5, 2026 preliminary subdivision approval or the March 4, 2026 preliminary Phase 1-A approval, it is “entitled to final approval in accordance with the terms of the approved application” under Section 508(4)(i) of the MPC, 53 P.S. § 10508(4)(i) (as quoted in CDP Motion to Quash ¶ 56), does not diminish the showing here. Section 508(4) governs the effect of changes in the governing ordinances upon pending and approved plats; subsection (4)(i) protects an applicant against a “change or amendment of the zoning, subdivision or other governing ordinance” adopted during pendency. It protects an applicant against changes in the governing regulations. It does not preclude judicial review of whether a final approval complied with the ordinances as they stood.

57. By its own terms, moreover, the entitlement under Section 508(4)(i) runs only “in accordance with the terms of the approved preliminary application,” 53 P.S. § 10508(4)(i), and CDP’s own authority confirms that “[t]he preliminary plan is essentially conditional in nature in that after its approval, the developer must still fulfill all the requirements to obtain final approval.” *CACO Three*, 845 A.2d at 993–94. Whether the final approvals conformed to the terms and conditions of the preliminary approvals has never been adjudicated.

58. In all events, Section 508(4)(i) has no application to the principal object of this stay. The Phase 1-B approval is itself a preliminary approval, the first and only municipal land development approval for the Phase 1-B data center campus and the first appealable decision as to that phase, to which no entitlement or finality argument can attach. It is the Phase 1-B campus whose Campus 1 pad Amendment A-4 authorizes to be graded toward final elevations (Paragraph 19). The stay of the two (2) final approvals is sought as necessary ancillary relief, so that no instrument implementing the subdivision is recorded and no Phase 1-A improvement is completed while the lawfulness of these interdependent approvals, or the underlying zoning, is adjudicated.

B. The Validity Challenge Corroborates the Merits Showing

59. The likelihood-of-success showing in Paragraphs 48 through 58 rests entirely on grounds pleaded in this docket and is sufficient without more. In addition, and as corroboration, the zoning foundation of the Phase 1-B campus is under direct challenge in the appeal at No. 2026-08758. The campus is authorized as a data center use by the DCO enacted as Ordinance

03-2025 and carried forward in the corresponding data-center provisions of the September 3, 2025 comprehensive zoning ordinance, Ordinance 07-2025, both of which the Substantive Validity Challenge and the No. 2026-08758 appeal expressly reach (No. 2026-08758 Notice ¶¶ 15, 54–55 and the relief requested therein). Whether the campus approval is measured against Ordinance 03-2025 or against the same provisions as incorporated in Ordinance 07-2025, the zoning authorization for the use is the same challenged enactment. The Township Engineer’s own review noted that “Phase 1B was submitted under the 2025 Zoning Ordinance instead of the prior zoning ordinance with a data center overlay.” (HRG Phase 1-B Preliminary Plan Review Letter No. 3, April 9, 2026, certified record item 08-76.) In other words, if the challenged enactment falls, the authorization for the data center campus development falls with it.

60. The Substantive Validity Challenge was deemed denied by operation of law. Section 916.1(f)(1) of the MPC provides that “[t]he challenge shall be deemed denied when: (1) the zoning hearing board or governing body, as the case may be, fails to commence the hearing within the time limits set forth in subsection (d).” 53 P.S. § 10916.1(f)(1), quoted in *Rice Family Trust v. City of St. Marys*, 51 A.3d 913, 916 n.3 (Pa. Cmwlth. 2012); *see id.* at 915–16. The ZHB never advertised, scheduled, commenced, or conducted any hearing within sixty (60) days of the May 13, 2026 filing, and Appellants’ only consent was to a first hearing on July 8, 2026, itself within the sixty-day period. (No. 2026-08758 Notice ¶¶ 24, 32–43 and Exhibits C, D and I–L thereto.)

61. On appeal from that deemed denial, this Court will decide the validity challenge itself, creating its own record and making findings of fact and conclusions of law therefrom. Section 1005-A of the MPC provides that “appeals brought before the court pursuant to section 916.1 shall not be remanded for further hearings before any body, agency or officer of the municipality,” and that where the record contains no findings, “the court shall make its own findings of fact based on the record below as supplemented by the additional evidence, if any.” 53 P.S. § 11005-A, quoted in *Harrisburg Gardens, Inc. v. Susquehanna Township Zoning Hearing Board*, 981 A.2d 405, 414 n.6 (Pa. Cmwlth. 2009).

62. The substantive challenge rests on controlling Pennsylvania Supreme Court authority. “A singling out of one lot or a small area for different treatment from that accorded to similar surrounding land indistinguishable from it in character, for the economic benefit of the owner of that lot or to his economic detriment is invalid ‘spot’ zoning,” and “the size of the

property involved is only one of the determining factors.” *Mulac Appeal*, 418 Pa. 207, 210–11, 210 A.2d 275, 276–77 (1965) (quoting *Putney v. Abington Township*, 176 Pa. Super. 463, 108 A.2d 134 (1954)). “Spot zoning is the antithesis of lawful zoning,” and zoning “must be directed toward the community as a whole.” *In re Appeal of Realen Valley Forge Greenes Associates*, 576 Pa. 115, 838 A.2d 718, 728–29 (2003).

63. In *Allen Distribution*, the West Pennsboro Township Zoning Hearing Board sustained a substantive validity challenge brought to a Cumberland County township’s rezoning of a large tract and this Honorable Court affirmed. The Commonwealth Court likewise affirmed, explaining that “where zoning was enacted to accommodate the plans of one landowner and was not enacted to enhance the public’s health, safety, morals and general welfare, there was no justification for the differential treatment of land and, therefore, the rezoning constituted spot zoning.” *Allen Distribution v. West Pennsboro Township Zoning Hearing Board*, 231 A.3d 90 (Pa. Cmwlth. 2020) (discussing *In re Appeal from Fayette County Ordinance No. 83-2*, 509 A.2d 1342, 1346 (Pa. Cmwlth. 1986)); *see also Township of Plymouth v. County of Montgomery*, 109 Pa. Cmwlth. 200, 217–18, 531 A.2d 49 (1987) (“legislating as to a *spot* is the antithesis of *zoning*”) (emphasis in original).

64. Appellants acknowledge their burden in that action. A zoning ordinance is presumed valid, the challenger must show its provisions arbitrary and unreasonable, and a debatable ordinance stands. *Allen Distribution*, 231 A.3d 90. *Allen Distribution* reached the Commonwealth Court after the zoning hearing board had sustained the challenge on a full evidentiary record, whereas here the ZHB’s refusal to hear the Challenge means this Court will build that record itself under 53 P.S. § 11005-A. That posture is why the validity case is presented as corroboration of, and not a substitute for, the grounds pled at this docket.

65. As averred in the Challenge (Exhibit A to the No. 2026-08758 Notice), the DCO comprises all of the Subject Property and only the Subject Property (No. 2026-08758 Notice ¶ 13); it was adopted at the request of CDP’s predecessor in interest, KMWW Partnership (*id.* ¶ 14); and the Challenge avers that the enactment furthered only the interests of the applicant (Challenge ¶ 132). The record evidence of developer authorship and accelerated adoption maps directly onto the *Allen Distribution* fact pattern of zoning enacted to accommodate the plans of one landowner at the expense of the adopted zoning scheme.

66. At minimum, Appellants present a “substantial case on the merits” within the meaning of *Process Gas*, 502 Pa. at 553, 467 A.2d at 809, a case built on the Board’s own approval letters, the Township Engineer’s own review letters, SRBC’s own correspondence, DEP’s own enforcement records, and CDP’s own engineer’s written admissions, and the related pending challenge to the substantive validity of the ordinance from which the challenged approvals flow.

VII. IRREPARABLE INJURY TO APPELLANTS

A. The Blasting Hazard Has Been Adjudicated by the Department of Environmental Protection

67. On June 15, 2026, at 5:02 p.m., a blast was fired on the Subject Property under Blasting Activity Permit No. 21264110 “that failed to control air blast by registering a 140.5 dbL at the compliance location 70 Sassafras Lane,” in excess of the 133 dBL airblast limit of 25 Pa. Code § 211.151(d), as documented in DEP’s inspection report of June 24, 2026, marked “Violation(s) Noted,” with summary citation R2428145-6 filed the same day. (DEP EXPLO Inspection Report, June 24, 2026, *See*, Exhibit L, at 2–3.)

68. The blasting contractor’s own corrective action plan concedes that the same blast produced “an air overpressure exceedance at 2 seismograph locations. 140.5dB at 70 Sassafras Lane and 133.9dB at 477 Sherwood Drive.” (Corrective Action Plan for Project Bolt, Maine Drilling and Blasting, June 16, 2026, Attached hereto as Exhibit N.)

69. On July 17, 2026, the blasting contractor, Maine Drilling & Blasting Inc., pleaded guilty to the resulting summary citation under 73 P.S. § 166(a), offense date June 15, 2026, at MDJ Docket No. MJ-09201-NT-0000119-2026, paying a fine of \$100.00 and total assessments of \$206.25, and the summary case was closed. (*See*, Exhibit K.)

70. DEP complaint investigation No. 397183 documents a May 1, 2026 home visit at which the inspector “viewed alleged damage to her home and documented the damage with photos,” and records that blasting had been underway since April 1, 2026. (DEP EXPLO Inspection Report, May 1, 2026, Attached hereto as Exhibit O.)

71. DEP’s inspector thereafter recorded that eight (8) seismographs were to be placed “in different directions at non-owned buildings every blast regardless of scale distance,” on a

permanent basis until completion of the project. (DEP EXPLO Inspection Report, May 29, 2026, Attached hereto as Exhibit P.)

72. DEP's District Mining Manager confirmed on June 17, 2026 that "enforcement action is pending from the Department concerning this matter" and that DEP had "received a number of complaints relating to the June 15th blast and blasting in general this week." (Email of Cory Seese, District Mining Manager, DEP, June 17, 2026, Attached hereto as Exhibit Q.) That enforcement concluded on July 17, 2026 in the contractor's guilty plea, and no further DEP enforcement respecting the blasting program appears of record.

73. The contractor itself conceded to DEP on May 20, 2026 that there was "a pretty high level of public concern surrounding the blasting operations." (Email of Jon Neithercoat, Maine Drilling & Blasting, to DEP, May 20, 2026, Attached hereto as Exhibit R.)

74. Township records document contemporaneous resident complaints, including a Meadows resident who felt her house "rattle" on repeated occasions, a resident who reported blasting without the five-minute warning horn and felt his entire house shake, a complaint of a blast at 6:00 p.m. after a 4:00 p.m. cutoff "discussed at the last supervisor meeting," and an April 22, 2026 report of a resident "feeling the windows vibrating and the low frequency." (Township resident-complaint emails of April 9 and April 22, 2026, Attached hereto as Exhibit S.)

75. The foregoing violation, guilty plea and complaint record demonstrate that the blasting and earthmoving operations conducted under the project's approvals present a real and imperfectly controlled hazard to neighboring property owners. The monitored exceedances were recorded at seismograph locations selected by the operator and DEP. The June 15, 2026 violation arose from the Phase 1-A blasting program, and the Township's own minutes record that the same program was to transition to the Phase 1-B campus upon completion of the Phase 1-A work (*See*, Exhibit H) and that Phase 1-B grading has begun (*See*, Exhibit I). The Phase 1-B campus is authorized by the appealed preliminary approval alone, on ground adjoining and in close proximity to the home of each Appellant. The injury particular to these Appellants is set forth in Paragraphs 89 through 93 and is able to be proven by affidavit and testimony at the hearing.

B. Irreversible Alteration of the Subject Property

76. The approved construction sequencing constructs the permanent stormwater management facilities only after bulk earthwork. Stage 30 of the approved sequence builds the infiltration basins, and Stage 35 converts the sediment basins to permanent facilities. (E&S and PCSM Plot Sets, May 5, 2026, CR items 08-42, 08-43.) CDP's own engineer reads Stages 30 and 35 as the stages at which "the MRC and infiltration basins will be over-excavated 2 feet and then backfilled," and acknowledges that "[i]nfiltration testing of the basins is listed as a critical stage within the construction sequence." (CR item 08-44 at 7.) Under the governing general permit, the confirmation testing of those facilities "must be performed after major earthwork is complete." (PAG-02 General Permit, Part X.C, Attached hereto as Exhibit T, at 28.) By the time the design is tested, the bulk earthwork will be complete and the site graded.

77. CDP's own consultants concede the stormwater design is unproven on this ground. Of one hundred fifty-four (154) infiltration tests, ninety-six (96), or 62.3%, returned rates below the 0.2 inch per hour rate generally considered suitable for standard infiltration basin design, with a median rate of 0.09 inch per hour, and the testing consultant reported "sitewide limitations that appear to make a conventional infiltration basin unsuitable." (ECS Mid-Atlantic, LLC, Overburden Layer Infiltration Basin Suitability Memorandum, November 14, 2025, Attached hereto as Exhibit U, at 2–3.) The Board's own Phase 1-B approval, moreover, granted modification of Stormwater Management Ordinance Section 303.H.12 and deferred until final plan the geotechnical certification of that design. (CR 019023–019025.)

78. CDP's engineers further advised DEP that "most all of our basins are in deep cut or on fill, we do not meet the separation distances to limiting zones" (Email of Nick Long, LIVIC Civil, to DEP, October 20, 2025, Attached hereto as Exhibit V), and that "the flood testing failed," prompting redesign of six (6) of nine (9) basins (Email of Justin Ross, LIVIC Civil, to DEP, November 3, 2025, Attached hereto as Exhibit W).

79. Of approximately twenty-five (25) permitted during-construction discharge points, thirteen (13) report a "Distance to Waters" of zero feet, discharging directly to Channel 07 and Wetlands W, U, Z, T, O, N and M, unnamed tributaries to the Conodoguinet Creek. (A-4 Notice of Intent, *See*, Exhibit D; PCSM Module 2, CR item 08-59.) CCCD's own technical review noted "several wetlands that experience significant changes to the surface discharges from pre to post

construction.” (CCCD Technical Deficiency Letter, March 30, 2026, item 54, Attached hereto as Exhibit X, at 5.)

80. The site is classified one hundred percent (100%) agricultural in pre-construction condition and is approved to reach 98.12 acres of impervious cover. (*See*, Exhibit D at 4.) Once graded and blasted, the condition of the land under review in this appeal cannot be restored, and this Court’s review of the appealed approvals will be rendered meaningless as a practical matter.

81. No remedy at law is adequate to these injuries, and no parallel proceeding supplies one. No award of money damages can remedy the contamination or diminution of a household water supply, restore the Subject Property to its pre-construction condition, or preserve this Honorable Court’s ability to grant effective relief upon the instant appeal. To the extent damage to an individual home from a particular blast may sound in damages, that remedy addresses discrete past events and does not protect against the site transformation the approvals authorize going forward.

82. Regulatory enforcement is also not an adequate substitute. DEP’s enforcement of the June 15, 2026 violation produced a summary citation, resolved by the contractor’s guilty plea and a \$100.00 fine, together with corrective action plans, and no halt of any kind. (*See*, Exhibits K, L, N, Q.) Two Appellant households, the Dymskis and the Shivells, have appealed DEP’s July 16, 2026 determination to the Pennsylvania Environmental Hearing Board, docketed at EHB Docket No. 2026-095. That appeal is deliberately confined to the DEP and CCCD permit action for the Amendment A-4 area and cannot suspend, and does not seek to suspend, the municipal approvals under appeal here.

C. Irreparable Injury to the Appalachian Trail

83. The Subject Property lies approximately three-tenths (0.3) of a mile from the Appalachian National Scenic Trail (the “Appalachian Trail”). The Appalachian Trail has been determined eligible for listing in the National Register of Historic Places at the national level, and the character-defining features of the trail in the project area include “the trail itself and views of natural open scenery visible from the trail, which includes rolling hills, farmland and views of North Mountain.” (Letter of the Pennsylvania State Historic Preservation Office (“SHPO”), January 23, 2026, Attached hereto as Exhibit Y; Appalachian Trail Conservancy letter, January 9, 2026, certified record item 06-37.)

84. The National Park Service, by letter of December 18, 2025 directed to the Township, and the Appalachian Trail Conservancy, by letters of January 9, 2026 and February 18, 2026, each placed the Township on written notice of concerns regarding the project's visual, noise, light and habitat impacts upon the Appalachian Trail. (Certified record items 08-58, 06-37 and 08-47.)

85. On January 23, 2026, SHPO rejected the conclusion of the visual analysis prepared for the project that the project would have "No Adverse Effect" on the Appalachian Trail, finding instead: "It is our opinion that construction of the project will have an Adverse Effect on the Appalachian Trail viewshed by obscuring views of open space that contribute to the significance of the resource." (*See*, Exhibit Y.)

86. On March 3, 2026, SHPO rejected the proposed planting of one hundred (100) evergreens as mitigation, finding that the plantings themselves "would have the potential to introduce new features into the setting of the resource and thereby obstruct a historic viewshed of surrounding agricultural lands," and required further information, including balloon tests or visual simulations, maximum building and substation heights, and documentation of coordination with the Appalachian Trail Conservancy. (Letter of SHPO, March 3, 2026, Attached hereto as Exhibit Z.) Upon information and belief, that review remains incomplete, and no mitigation of the Adverse Effect identified by SHPO has been established.

87. The Board granted the appealed approvals on May 6, 2026 while SHPO's finding of an Adverse Effect upon the Appalachian Trail stood unresolved, and the site work now underway proceeds toward the very condition SHPO found would adversely affect the trail. Once the viewshed identified by SHPO is altered by grading, blasting and vertical construction, no order of this Court can restore it. It is further noted that this specific issue was raised by Appellants at the time of the May 6, 2026 meeting of the Board and was ignored by the Board as they proceeded to grant the challenged approvals.

88. Article I, Section 27 of the Pennsylvania Constitution provides: "The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people." Pa. Const. art. I, § 27. The trustee obligations of Article I, Section 27 extend to every level of Pennsylvania government,

including its municipalities. See *Pennsylvania Environmental Defense Foundation v. Commonwealth*, 640 Pa. 55, 89 A.3d 911, 931 n.23 (2017) (“Trustee obligations are not vested exclusively in any single branch of Pennsylvania’s government, and instead all agencies and entities of the Commonwealth government, both statewide and local, have a fiduciary duty to act toward the corpus with prudence, loyalty, and impartiality.”); *Robinson Township v. Commonwealth*, 623 Pa. 564, 83 A.3d 901, 952 (2013) (plurality opinion) (“the constitutional obligation binds all government, state or local, concurrently”); *Frederick v. Allegheny Township Zoning Hearing Board*, 196 A.3d 677, 694–95 (Pa. Cmwlth. 2018) (en banc) (applying Article I, Section 27 to a township zoning ordinance), *appeal denied*, 208 A.3d 462 (Pa. 2019). The natural, scenic, historic and esthetic values SHPO found the project will adversely affect are the very values the Constitution commands be conserved, and their destruction pending review cannot be remedied after the fact.

D. The Injury Falls on These Appellants Specifically

89. The Dymskis draw their household drinking water from a private on-site well at 430 Bernheisel Bridge Road, proximate to the Conodoguinet Creek reach and floodplain receiving the approved stormwater discharges, as will be established by affidavit and testimony at the hearing. The Board’s own Phase 1-B approval recognizes the significance of groundwater on the Subject Property, conditioning approval upon a covenant that no water wells be drilled and that existing wells be abandoned and sealed. (CR 019023–019025, Condition 4.)

90. The Shivells’ parcel (Tax Parcel No. 21-05-0433-239) is identified by name and parcel number on CDP’s own subdivision plan sheets as an adjoining owner, their property lying within the Meadows subdivision across from the Phase 1-B campus. (Subdivision plan sheets, certified record file 05; Notice ¶¶ 22–23.)

91. The Byerlys front directly on Country Club Road, in closest proximity to Phase 1-A (Notice ¶¶ 22–23), and Viola Byerly voiced concerns regarding low-frequency noise, vibration and generator testing respecting the Phase 1-B campus at the May 11, 2026 meeting of the Township Planning Commission, as will be established by testimony at the hearing. The certified record contains the Township’s own Phase 1-B noise file, including the noise materials received by the Township Engineer on February 27, 2026 and the Ambient Sound Monitoring Report of April 9, 2026. (Certified record items 08-53, 08-64.)

92. The Gerbers and Mortons reside in immediate proximity to the Subject Property with well, noise and stormwater exposure, as will likewise be established by affidavit and testimony at the hearing.

93. The specific distances from each Appellant's home to the limit of disturbance and blast areas, well depths and water data, and each Appellant's first-person observations of vibration, dust, noise and any damage will be established by affidavit and testimony at the evidentiary hearing requested herein.

VIII. A STAY WILL NOT SUBSTANTIALLY HARM OTHER INTERESTED PARTIES

94. CDP's claimed hardship is substantially discounted in equity, because the work it has performed and the sums it has spent since these challenges began were undertaken at its own risk. A landowner who proceeds in reliance on an approval during the window for an appeal "took whatever risks were involved if such an appeal were taken and were successful." *Silverco, Inc. v. Zoning Board of Adjustment*, 379 Pa. 497, 503, 109 A.2d 147 (1954).

95. Pennsylvania courts have long held that a landowner who builds while its approval remains subject to challenge proceeds at its own risk. *Cheltenham Township Appeal*, 413 Pa. 379, 387, 196 A.2d 363, 367 (1964) (one who "begins construction prior to expiration of the appeal period ordinarily proceeds at his own peril"); *Butch v. East Lackawannock Township Zoning Appeal Board*, 75 Pa. Cmwlth. 33, 39, 460 A.2d 923 (1983) (any resulting hardship is "self-induced"); *Potratz v. Commonwealth, Department of Environmental Protection*, 897 A.2d 16, 22 (Pa. Cmwlth. 2006) ("persons who begin construction during the pendency of an appeal period, do so at their own peril"); *Schechter v. Zoning Board of Adjustment*, 395 Pa. 310, 318, 149 A.2d 28, 32 (1959) (owner who continued construction with notice of the municipality's challenge acted "*only at his own risk*") (emphasis in original). Appellants submit that the same principle applies with equal force to a developer who continues construction with full written notice of a perfected appeal, and that Appellants' not having previously obtained a supersedeas does not shift the risk of that choice to them.

96. CDP has been on written notice of the Substantive Validity Challenge no later than June 4, 2026, when its counsel sought party status in the ZHB proceeding (Letter of Gregg I. Adelman, Esquire, June 4, 2026, Attached hereto as Exhibit AA), and of this appeal no later than June 24, 2026, when it moved to quash. CDP continued site work through that notice, including the June 15, 2026 blast that produced the adjudicated violation described in Paragraphs 67 through 69.

97. Further, the NPDES coverage under which the present earthmoving proceeds originated as erosion-control coverage for the Cumberland Knoll residential development and reached its present three hundred (300) acre scope through amendments issued between August 2025 and May 2026, the last of them twelve (12) days after the approvals now under appeal. CDP's claimed reliance on that authorization is reliance on an instrument whose expansion it procured while these challenges were ripening.

98. Moreover, Section 915.1(a) of the MPC provides that “[u]pon filing of any proceeding referred to in section 913.3 and during its pendency before the board, all land development pursuant to any challenged ordinance, order or approval of the zoning officer or of any agency or body, and all official action thereunder, shall be stayed” absent a certification that the stay “would cause imminent peril to life or property.” 53 P.S. § 10915.1(a); *see also id.*, as quoted in *Dream Mile Club, Inc. v. Tobyhanna Township Board of Supervisors*, 150 Pa. Cmwlth. 309, 315–16, 615 A.2d 931, 934 (1992). Section 913.3 by its terms encompasses appeals under Section 909.1(a)(1), *see* 53 P.S. § 10913.3; *Dream Mile Club*, 615 A.2d at 934, and Section 909.1(a)(1) is the route through which a Section 916.1(b) challenge is decided. *Vanderlin v. City Council of Williamsport*, 821 A.2d 1287, 1291–92 & nn.11–12 (Pa. Cmwlth. 2003).⁴ The statutory scheme itself placed CDP on notice that development under a challenged ordinance is presumptively halted, and CDP continued blasting with that notice.

99. Appellants do not contend that CDP's economic interests are legally invisible. In *Township of Chartiers*, the Supreme Court credited a stay applicant's unchallenged hearing evidence of revenue loss and operational harm. 518 Pa. at 189–90. Appellants anticipate that CDP will offer evidence of demobilization costs, contractor and labor commitments, utility-interconnection scheduling, carrying costs, and its January 15, 2026 water and sewer tapping fee agreement with the Middlesex Township Municipal Authority. Such reliance evidence must be weighed against the fact that the tapping fee agreement was executed before any challenge was filed and survives a stay intact, while the construction spending incurred after written notice of the pending challenges is subject to the principle pleaded in Paragraph 95.

⁴ Appellants note that no appellate decision squarely applies Section 915.1(a) to a Section 916.1(b) challenge brought by neighboring landowners. The point is presented as confirmation of the notice the statutory scheme provides.

100. Further, any harm to CDP from a stay is temporary and able to be mitigated. A stay suspends the operation of the approvals without revoking them. CDP's approvals, permits, plans and legal positions are preserved intact, work resumes upon dissolution of the stay, and delay-period costs are the ordinary and quantifiable incidents of litigation risk on a project of this scale, protected, where an appeal is truly frivolous, by the bond mechanism of Section 1003-A(d) itself.

101. Finally, the injury to Appellants absent a stay is permanent, as the blasting and grading of the Subject Property, once performed, cannot be undone and the land cannot be restored to its prior condition. A temporary and compensable harm to CDP does not "substantially harm" CDP within the meaning of *Process Gas* when weighed against the destruction of the subject of the appeal.

IX. A STAY WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST

102. The record already documents breaches of the regulatory requirements enacted to protect the public. Those breaches include a DEP-cited airblast violation and a guilty plea (*See*, Exhibits L, K), erosion-control deficiencies recorded during active bulk earthwork (*See*, Exhibit C), and stormwater facilities to be built, untested until after major earthwork is complete, on ground CDP's own consultants found unsuitable (*See*, Exhibits U, V, W).

103. The public interest is further embodied in the Appalachian Trail showing of Paragraphs 83 through 88: SHPO has found an unmitigated Adverse Effect upon a resource the Commonwealth holds in trust for all the people, including generations yet to come.

104. Appellants recognize that DEP's July 16, 2026 informal-hearing determination declined to disturb the Amendment A-4 coverage, stating that DEP "has not identified that outstanding violations existed at the time of Amendment 4 and there is no evidence of a pattern of violations." (*See*, Exhibit J.) That determination addressed the Chapter 102 stormwater permit coverage. It did not purport to adjudicate the June 15, 2026 airblast violation, which arises under the Department's explosives program and was resolved by the guilty plea, and it halted no site work. That determination is itself now under appeal to the Environmental Hearing Board at EHB Docket No. 2026-095 (Paragraph 82). The permit authorization accordingly stands, the appealed municipal approvals remain unreviewed, and relief must come from this Court.

105. The public interest is also served by effective judicial review. If the DCO is declared void in the validity appeal, “all other actions taken pursuant to that amendment fall, including any approval of development plans thereunder.” *Mercer County Citizens for Responsible Development v. Springfield Township Zoning Hearing Board*, 81 Pa. D. & C.4th 175, 180 (C.P. Mercer 2007) (cited for persuasive authority only as this is a Common Pleas decision). A stay ensures that the Appellants’ substantive challenge is not rendered moot and ensures the due process rights of Appellants in prosecuting that appeal.

106. Appellants anticipate that CDP and the Board will invoke the project’s asserted public benefits, including construction employment, tax revenue and electric-infrastructure development. A stay will merely defer any such claimed benefits until this Honorable Court has ruled upon the lawfulness of the appealed approvals. If the approvals are upheld, the project may proceed and any claimed public benefits will be realized without diminution. The public interest embodied in the MPC is development undertaken pursuant to valid ordinances and lawful approvals, and that interest is served by judicial review before the Subject Property is irreversibly altered.

X. SCOPE OF THE STAY REQUESTED

107. Appellants request a stay of the three (3) actions appealed from and of all site work undertaken pursuant to them, defined to include: (a) earth disturbance of any kind, including clearing, grubbing, tree and vegetation removal, topsoil stripping, excavation, filling and stockpiling; (b) grading, including all pad grading; (c) drilling or blasting undertaken pursuant to or in reliance upon any approval stayed by this Petition, including blasting within the Phase 1-B limit of disturbance for which the May 6, 2026 preliminary approval is the sole municipal land development approval, (c) construction, installation, or demolition of any structure, roadway, utility, or improvement; (d) recording of any plan, covenant, or instrument implementing the appealed approvals; and (e) any other act undertaken in reliance on or pursuant to the appealed approvals; excepting only work necessary to stabilize existing disturbed areas, maintain existing erosion and sedimentation controls, and abate conditions dangerous to persons or property.

108. It is requested that the stay operate on the Board considering further requests for approvals from CDP and on activity undertaken pursuant to or in reliance upon them such approvals. It does not purport to adjudicate or suspend any permit issued by DEP or CCCD, whose

separate authorizations are the subject of the Environmental Hearing Board appeal at EHB Docket No. 2026-095, as pleaded in Paragraph 82.

109. It is further requested that the stay operate to toll any time period imposed upon Middlesex Township under the MPC for decision upon, or deemed approval of, any of CDP's pending land development applications, so that no approval arises by operation of law during the pendency of the stay.

110. The relationship between the stayed approvals and the site work is pleaded with particularity in Paragraphs 19 and 20. The Phase 1-B campus, the area of the Amendment A-4 pad grading and the locus of the current earthwork expansion, has no municipal land development authorization other than the stayed preliminary approval. No plan, covenant, or instrument implementing the stayed final subdivision approval may be recorded or executed while it is suspended, and no Phase 1-A improvement shown on the stayed final plan may be constructed. A DEP Blasting Activity Permit governs the manner in which blasting is performed; it does not supply the municipal land development authorization upon which site work within the Phase 1-B limit of disturbance depends.

111. To the extent CDP contends that any discrete increment of work proceeds independently of the stayed approvals, for example under the unappealed January 5, 2026 and March 4, 2026 preliminary approvals or under DEP blasting permits, the proposed Order permits any party to apply to the Court on an expedited basis for a determination whether a particular activity falls within the Order's scope, and invites CDP to identify such work and its claimed independent authorization in writing in advance, so that any dispute as to the scope of the stay may be determined by this Honorable Court upon expedited application of any party.

XI. NO BOND SHOULD BE REQUIRED OF APPELLANTS; ANY SECURITY SHOULD BE NOMINAL

112. Section 1003-A(d) authorizes the stay without conditioning it on security, and any petition by CDP for an appellants' bond faces the statute's own safeguards: "After the petition for posting a bond is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the landowners to prove the appeal is frivolous." 53 P.S. § 11003-A(d), quoted in *Soppick*, 164 A.3d at 561–62.

113. “An appeal is deemed to be frivolous when there is no likelihood of success and the continuation of the contest is unreasonable.” *Rickert v. Latimore Township*, 960 A.2d 912, 922 n.21 (Pa. Cmwlth. 2008) (quoting *Donohue v. Arrowhead Lake Community Association*, 718 A.2d 904, 907 (Pa. Cmwlth. 1998)). *Rickert* itself reversed a \$100,000 bond order entered against land use appellants. Frivolity is judged on the merits alone; the trial court “cannot determine whether an appeal is frivolous by weighing the merits against the injury that an appeal may cause to the landowner.” *D. Kasun Associates v. Manheim Township Board of Commissioners*, 879 A.2d 830, 832 (Pa. Cmwlth. 2005) (citing *In re Appeal of Kuźmiak*, 845 A.2d 961, 967 n.9 (Pa. Cmwlth. 2004)).

114. Appeal bonds “are in derogation of the right to appeal,” a right “constitutional in its dimension. See Pa. Const. art. V, § 9,” and the statutory bond authority “should not be construed more broadly than the statutory text will support.” *PPM Atlantic Renewable v. Fayette County Zoning Hearing Board*, 623 Pa. 134, 81 A.3d 896, 901–02 (2013).

115. These appeals rest on the Board’s own approval letters, the Township Engineer’s own reviews, SRBC’s own correspondence, DEP’s own citation, a guilty plea and the pendency of the substantive validity challenge now before this Honorable Court. An appeal built upon those documents cannot be found to have “no likelihood of success.”

116. Should the Court nonetheless require security for the stay itself, Appellants, five (5) resident couples, respectfully request that it be set at a nominal amount of \$10,000.00, because: (a) the stay preserves rather than alters the status quo; (b) any bond amount must rest on “a factual basis” of the “damages the landowner will suffer as a result of the delay caused by the objector’s land use appeal,” *Kasun*, 879 A.2d at 834; *In re Appeal of Kuźmiak*, 845 A.2d 961, 966–67 (Pa. Cmwlth. 2004), an amount to be tested by evidence and cross-examination at the mandatory hearing; and (c) CDP’s claimed delay losses are in material part of its own making, having been incurred after full written notice of the pending challenges, as pleaded in Paragraphs 95 and 96, a circumstance the court may weigh in its “sound discretion” as to amount (53 P.S. § 11003-A(d), quoted in *Soppick*, 164 A.3d at 561–62).

117. Site work on the Subject Property continues daily as of the date of this Petition, as pleaded in Paragraph 21. CDP’s engineer has stated in writing that rock blasting “is expected to continue throughout construction” (CR item 08-44 at 6), Amendment A-4 stands fully in force following DEP’s July 16, 2026 determination (*See*, Exhibit J), and the approved sequencing builds

and tests the permanent stormwater facilities only after major earthwork is complete (Paragraph 76). Each interval of delay therefore risks a further irreversible increment of the conversion of the site under review.

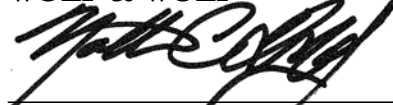
118. Appellants stand ready to present the testimony and affidavits of the individual Appellants, the documentary record cited herein, and such further evidence as the Court directs.

XII. CONCLUSION

WHEREFORE, Appellants respectfully request that this Honorable Court: (a) schedule an expedited evidentiary hearing on this Petition; (b) enter an Order pursuant to 53 P.S. § 11003-A(d) staying the Board's May 6, 2026 approvals of the Final Major Subdivision Plan, the Final Land Development Plan for Phase 1-A, and the Preliminary Land Development Plan for Phase 1-B, and enjoining all site work undertaken pursuant to those approvals as defined in Paragraph 107, effective immediately and pending final disposition of this appeal or further order of court; (c) require no bond of Appellants, or in the alternative set security at a nominal amount; and (d) grant such other and further relief as the Court deems appropriate and just.

Respectfully submitted,

WOLF & WOLF



Dated: August 19, 2026

BY:

Nathan C. Wolf, Esquire
10 West High Street
Carlisle, PA 17013
Supreme Court I.D. No. 87380
(717) 241-4436
Attorneys for Appellants

CERTIFICATE OF COMPLIANCE

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

Submitted By:



Nathan C. Wolf, Esquire
Attorney for Appellants
Attorney ID: 87380

KYLE AND ALEXIA GERBER,	:	IN THE COURT OF COMMON PLEAS
ANDREW AND RACHAEL DYMSKI,	:	OF CUMBERLAND COUNTY,
ROBERT AND VIOLA BYERLY,	:	PENNSYLVANIA
JODY AND STANLEY SHIVELL, AND	:	
EARLE AND BONNIE MORTON,	:	
Appellants	:	No: 2026-06465
v.	:	
	:	Land Use Appeal
BOARD OF SUPERVISORS	:	
MIDDLESEX TOWNSHIP,	:	CIVIL ACTION – LAW
CUMBERLAND COUNTY,	:	
PENNSYLVANIA	:	
Appellee	:	

CERTIFICATE OF SERVICE

I, Nathan C. Wolf, hereby certify that I have served true copy of the Petition for Stay upon the following individuals, by electronic mail (with consent) and on August 19, 2026:

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Dated: August 19, 2026

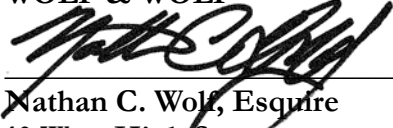
Respectfully submitted,
 WOLF & WOLF

 BY: _____
 Nathan C. Wolf, Esquire
 10 West High Street
 Carlisle, PA 17013
 Supreme Court I.D. No. 87380
 (717) 241-4436
 Attorneys for Appellants

EXHIBIT INDEX

Exhibit A — Email of Zachary Zook, Middlesex Township Manager, to Township supervisors and staff, “Data Center Construction Update - Blasting,” March 31, 2026.

Exhibit B — Maine Drilling & Blasting, Inc. daily Blast Reports and seismograph event records, Job No. 2002886500, “Project Bolt - Country Club Road, Carlisle,” April 1 through June 26, 2026 — summary chart pursuant to Pa.R.E. 1006, with excerpted reports of April 1, 2026, June 15, 2026 (with all seven accompanying seismograph event records) and June 26, 2026; complete set of 332 pages to be made available to the Court and all parties upon request.

Exhibit C — CCCD Chapter 102 Inspection Report No. 26-01, Permit No. PAC210079 A-3, inspection of April 8, 2026 (N. Bennese, Conservation Coordinator).

Exhibit D — PAG-02 Notice of Intent, NPDES Permit No. PAC210079 Amendment A-4 (approved May 18, 2026).

Exhibit E — Meeting minutes dated June 15, 2026, prepared by LIVIC Civil, of the May 27, 2026 meeting with DEP and CCCD.

Exhibit F — PA DEP Bureau of Mining Programs Blasting Activity Permits (composite): Nos. 21264103 (Feb. 10, 2026), 21264108 (Apr. 3, 2026), 21264109 (Apr. 14, 2026) and 21264110 (Apr. 23, 2026, operative).

Exhibit G — Emails of Justin Ross, P.E., LIVIC Civil, March 2, 2026 (composite): “Work Items and Permits Required” (4:00 p.m.) and the 10:55 p.m. email acknowledging the plan “was intentionally discrete.”

Exhibit H — Middlesex Township Board of Supervisors Meeting Minutes, June 3, 2026.

Exhibit I — Middlesex Township Board of Supervisors Meeting Minutes, June 26, 2026.

Exhibit J — DEP Informal Hearing Determination, NPDES Permit PAC210079 A-4 (Scott R. Williamson, Program Manager, Waterways and Wetlands, to William J. Cluck, Esq.), July 16, 2026.

Exhibit K — UJS Web Portal MDJ Docket Sheet, Commonwealth v. Maine Drilling & Blasting Inc, MJ-09201-NT-0000119-2026 (guilty plea July 17, 2026; closed).

Exhibit L — DEP EXPLO Inspection Report, Inspection ID 4226882, BAP No. 21264110, June 24, 2026 (M. Duke, Inspector; “Violation(s) Noted”).

Exhibit M — Email of Todd Eaby, Susquehanna River Basin Commission, to Andrew Dymski, “Middlesex Twp Data Center SRBC Permit Question,” May 28, 2026, 9:57 a.m.

Exhibit N — Corrective Action Plan for Project Bolt (original, REV1 and REV2, submitted June 16, 2026), Jon Neithercoat, Maine Drilling and Blasting.

Exhibit O — DEP EXPLO Inspection Report, Inspection ID 4192406, BAP No. 21264110, May 1, 2026 (Complaint No. 397183).

Exhibit P — DEP EXPLO Inspection Report, Inspection ID 4211496, BAP No. 21264110, May 29, 2026 (eight seismographs).

Exhibit Q — Email of Cory Seese, District Mining Manager, PA DEP, June 17, 2026, 3:31 p.m. (enforcement pending; complaints).

Exhibit R — Email of Jon Neithercoat, Divisional Manager, Maine Drilling & Blasting, to Michael Duke, PA DEP, May 20, 2026 (public concern).

Exhibit S — Middlesex Township resident-complaint emails (composite): April 9, 2026 (house “rattle”); April 9, 2026 (no warning horn; house shake; 6:00 p.m. blast); April 22, 2026 (windows vibrating; low frequency).

Exhibit T — PA DEP 2024 PAG-02 General Permit (revised Jan. 2026), Part X (Infiltration SCMs).

Exhibit U — ECS Mid-Atlantic, LLC, Overburden Layer Infiltration Basin Suitability Memorandum, ECS Project No. 47-21671-A, November 14, 2025.

Exhibit V — Email of Nick Long, Sr. Project Manager, LIVIC Civil, to PA DEP, October 20, 2025 (basin separation distances).

Exhibit W — Email of Justin Ross, LIVIC Civil, to PA DEP, November 3, 2025 (flood testing failed; redesign of six of nine basins).

Exhibit X — CCCD Technical Deficiency Letter, NPDES Permit PAC210079 A-4, March 30, 2026, item 54, at 5.

Exhibit Y — Letter of the Pennsylvania State Historic Preservation Office (Barbara Frederick, Environmental Review Division Manager), ER Project No. 2025PRO0055.014, January 23, 2026 (Adverse Effect finding, Appalachian Trail viewshed).

Exhibit Z — Letter of the Pennsylvania State Historic Preservation Office (Barbara Frederick), ER Project No. 2025PRO0055.016, March 3, 2026 (evergreen screening rejected; review incomplete).

Exhibit AA — Letter of Gregg I. Adelman, Esquire, requesting party status in ZHB Case No. 2026-03,
June 4, 2026.

Gerber, et al. v. Board of Supervisors of Middlesex Township
No. 2026-06465 (C.P. Cumberland County) — Land Use Appeal

EXHIBIT A

Email of Zachary Zook, Middlesex Township Manager, to Township supervisors and staff, “Data Center Construction Update - Blasting,” March 31, 2026

Electronic mail message (rendered from native Outlook .msg file)

From:

To: [REDACTED] 'Barb'; [REDACTED] Phil Neiderer; Eileen Gault
Cc: Jerry St [REDACTED] er; Beth Fraker; Scott Shepler; Tracy Heiter;

Denise Jumper; Rory Morrison; Scott Coleman; Edwin Beam; Roberty Horning Jr. ■

Subject: Data Center Construction Update - Blasting

Just an FYI for everyone,

PAX-1 data center contractors will begin blasting procedures tomorrow. If possible they will blast twice a day, once in morning and once in afternoon all weather permitting. This will be ongoing operation over the next few weeks.

The operation will be broken into smaller sections with the use of smaller charges of explosives. For the most part residents nearby will probably not even know that they are occurring. If we receive calls or complaints please advise me so that we can pass any information along to the general contractor.

Thanks, have a great afternoon.

Zachary Zook

Middlesex Township Manager/Roadmaster

350 N. Middlesex Rd

Carlisle, PA, 17013

(717)249-4409

Gerber, et al. v. Board of Supervisors of Middlesex Township
No. 2026-06465 (C.P. Cumberland County) — Land Use Appeal

EXHIBIT B

Maine Drilling & Blasting, Inc. daily Blast Reports and seismograph event records, Job No. 2002886500, “Project Bolt - Country Club Road, Carlisle,” April 1 – June 26, 2026 — summary chart pursuant to Pa.R.E. 1006, with excerpted reports of April 1, 2026; June 15, 2026 (with all seven seismograph event records); and June 26, 2026. Complete set (332 pages) to be made available to the Court and all parties upon request.

EXHIBIT B
SUMMARY OF BLAST RECORDS PURSUANT TO Pa.R.E. 1006

The daily Blast Reports and accompanying seismograph event records of Maine Drilling & Blasting, Inc. for the job identified as “Project Bolt - Country Club Road, Carlisle,” Job No. 2002886500, produced in response to Right-to-Know Law requests, comprise three hundred thirty-two (332) pages and cannot conveniently be examined in court. Pursuant to Pa.R.E. 1006, Appellants submit the summary chart set forth on the following page, together with excerpts of three (3) of the daily reports: the report of April 1, 2026, being the first report of blasting on the Subject Property; the report of June 15, 2026, together with all seven (7) of its accompanying seismograph event records, being the blast adjudicated a violation as pleaded in the Petition; and the report of June 26, 2026, being the most recent report contained in the records produced to date. The complete set of said records will be made available to the Court and to all parties upon request and at any hearing on this Petition.

Summary of Maine Drilling & Blasting Daily Blast Reports, April 1 – June 26, 2026

Date	Shot No.¹	Shot Time (24-hr)	Loaded Holes	Explosives Detonated (lbs)	Seismograph Event Records²	Peak Ground Vibration (in/s)²	Peak Airblast (dBL)²
4/1/2026	1	14:04	305	20,069	—	—	—
4/2/2026	2	16:00	288	28,130	—	—	—
4/3/2026	3	15:16	230	19,818	—	—	—
4/7/2026	4	15:31	183	33,323	—	—	—
4/8/2026	5	15:31	206	17,882	—	—	—
4/9/2026	6	17:50	494	51,467	—	—	—
4/9/2026	6	18:58	6	617	—	—	—
4/10/2026	7	14:51	149	9,677	—	—	—
4/13/2026	8	16:01	427	33,359	9	0.222	124.7
4/14/2026	9	14:21	260	33,183	—	—	—
4/15/2026	10	14:32	208	27,612	—	—	—
4/16/2026	11	14:30	267	41,469	9	0.569	129.8
4/20/2026	13	17:16	364	77,272	4	0.12	124.9
5/4/2026	21	14:47	181	20,625	3	0.255	131.2
5/5/2026	22	14:12	118	25,961	4	0.2125	119.4
6/3/2026	23	13:15	255	14,037	2	0.035	108.4
6/4/2026	24	14:50	418	26,956	—	—	—
6/5/2026	1	13:44	290	16,802	3	0.045	115.2
6/8/2026	2	14:30	309	23,568	4	0.05	124.7
6/9/2026	3	14:20	367	40,279	5	0.0975	127.4
6/10/2026	4	13:00	280	21,407	4	0.07	123.5
6/11/2026	5	13:51	449	37,631	6	0.135	126.2
6/12/2026	6	13:35	151	15,615	2	0.05	120.0
6/15/2026³	7	17:02	492	49,691	7	0.14	140.5
6/16/2026	8	14:16	206	12,204	2	0.075	115.9
6/17/2026	9	12:00	208	9,977	2	0.035	113.3
6/18/2026	10	12:31	363	22,710	2	0.0475	122.0
6/19/2026	11	14:00	396	43,440	4	0.155	121.5
6/22/2026	12	13:16	377	28,462	4	0.075	120.5
6/23/2026	13	13:35	421	29,437	3	0.125	116.9
6/24/2026	14	13:00	433	27,727	4	0.1175	125.2
6/25/2026	15	13:49	476	33,964	3	0.1075	123.2
6/26/2026	16	12:30	442	26,806	3	0.055	120.1
TOTALS — 33 blasts on 32 dates			10,019	921,178			

¹ Shot numbers are as printed on the face of each report. The gaps in the sequence (Nos. 12 and 14 through 20) reflect reports not contained in the records produced to date; the numbering begins anew at No. 1 with the report of June 5, 2026.

² Peak values are the highest readings among the seismograph event records included with each day's report; “—” indicates that no seismograph event record for that date is contained in the records produced. Eighty-three (83) additional seismograph reports among these records registered no event because monitored levels did not reach the instruments' recording thresholds.

³ The June 15, 2026 blast is the blast adjudicated an airblast violation, registering 140.5 dBL at 70 Sassafra Lane and 133.9 dBL at 477 Sherwood Drive. (See, Exhibits K, L and N; Petition ¶¶ 66–68.)



Blast Report



Job#	2002886500	Cust. PO#	N/A	
Date	4/1/2026	Cust. Supt. Name	JIM ARMOUR	
Customer Name	Liberty Excavators Inc	Pick Tks#	MDBSO002218 9	N/A
Job Address	Project Bolt - Country Club Road, Carlisle	N/A	N/A	N/A
		N/A	N/A	N/A
State	PA	Permit No.	21264103	
Pre Shift Insp.Time (24hrs) :	7:00:00 AM	Identify Hazards <u>FLYROCK,STEMMING EJECTION,SLIPS TRIPS AND FALLS,CUT-OFFS, MISFIRES</u>		
Post Shift Insp.Time (24hrs):	2:30:00 PM			
Blaster :	Behrens;Michael B	Precautions Taken:		
License #:	BL-10340	<u>MAINTAIN POWDER FACTOR. USE STEM RODS IN ALL HOLES. DO NOT OVER STEM HOLES. MAKE SURE CAP WIRE ISNT ON SHARP ROCKS. DO NOT DROP STEM ROD IN HOLE. MAKE SURE BIC AND COMPETANT INDIVIDUALS WALK SHOT THOROUGHLY BEFORE SHOOTING. WATCH FOOTING</u>		
Signature:				

MBB

Weather
Comments:

SUNNY

No. of Crew Members	4		
Crew Members Names :			
JON NEITHERCOAT	DON HOLCOMB	JASON HUBERT	ALEX SMITH
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Seismograph Monitoring Plan (Not to Scale):



Shot #1Shot Time (24hrs)14:04Shot VideoTaped:yWeather

Notes:

N/A

Weather Conditions: SunnyTemp (°F): 53-77Wind Direction: North-WestWind Spd: 9-15 MPH

Preblast

Blast Direction: South-WestMax Holes/Delay: 4.00Predicted K Factor: 160

Blast Location: 40°15'1.33"N 77° 6'41.97"W

Location of Structure: 40°14'51.43"N 77° 6'42.34"W 302 COUNTRY CLUB RD. Predicted Max Weigh/Delay: 304.50 Lbs Predicted PPV: 0.27

Measurement Google Map Dist. to Closest (Ft) Structure 951 Railroad/Highway 1063 Overhead Util 724 Underground Util 1081

Pay Quantities

Fire Detail # of Hrs: N/A

Lump Sum30720.00 LS

N/AN/A N/A

N/AN/A N/A

Pay Calculations Notes

320 Holes on 8 x 12 Pattern

Shot Info

Configuration

1 - Open

Total Drill Depth(Ft)5440.00

Total TonsN/A

Cal MethodPattern

Holes320

Drill Depth17.00

Burden(Feet)8.00

Spacing (Feet)12.00

Hole Diameter4.00

OverBurden (Ft)10.00

Control Row TapedY

Total SqFt30720.00

Total Yards19342.22

Loaded Holes305

Min14.00

Max20.00

Stone WeightN/A /Cyd

Type of TerrainFlat/Sloped

Type of RockShale

Stemming Type3/8" Crushed Stone

Height of Face0.00

Angled Holes /Face BermedN/N

Avg Powder1.04 Lbs/Cyd

Factor0.96 Cyd/Lbs

Cover Used/No Earth

Top Stemming8.00

Charges/Hole1

Deck Stemming0.00

Charge Wgt/Deck41.83

Depth of Water0.00

Laser/BoreTrackingN

Total Product Weight (Lbs) :20069

Avg Weight / Hole (Lbs):65.80

Total Pounds20068.75 Lbs

Type Of Initiation: Non-Electric

Product #	Desc	Density	Wgt
1966	1966 Emulsion Blend	1.26	19840.00 Lbs
BA BULK Totals:		N/A	19840.00 Lbs
Product #	Desc	Qty	Wgt
SP0350	TROJAN SPARTAN 350G BOOSTER 49/CS	305.00	228.75 Lbs
BOOSTERS Totals:		305.00	228.75 Lbs

Product #	Desc	Qty	Length
DXAB641	NONEL EZDET 25/350 40FT/12M 30/60/CS	305.00	
DJ01000	NONEL STARTER 1000FT/305M 4/CS 1.4B	2.00	
DETS DHOLE Totals:		307.00	
Product #	Desc	Qty	Length
DY17820	NONEL EZTL 17MS 20FT/6.1M 75/150/CS	6	
DY25820	NONEL EZTL 25MS 20FT/6.1M 75/150/CS	15.00	
DY42820ME	NONEL EZTL 42/MS 20FT 60/CS	28.00	
SURF DELAY Totals:		49.00	

Please See Attached for Seismograph Report

Description: MIN LOAD

Elevation	Feet
Brench (ft)	N/A
Floor (ft)	N/A
Overburden (ft)	8.00
Sub Drilling(ft)	4.00
Total Depth (ft)	14.00

Stemming Stones	8.00
1966 Emulsion Blend	6.00
TROJAN SPARTAN 350G BOOSTER 49/CS	0.00
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	

Description: MAX LOAD

Elevation	Feet
Brench (ft)	N/A
Floor (ft)	N/A
Overburden (ft)	10.00
Sub Drilling(ft)	4.00
Total Depth (ft)	20.00

Stemming Stones	8.00
1966 Emulsion Blend	12.00
TROJAN SPARTAN 350G BOOSTER 49/CS	0.00
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	

Seismographs**Actual Max Weight/Delay:304.50****Lbs**

Operator Name	Location of Seis	GPS Location	Seis #	Monitor Log Status	Actual PPV	Actual PPV Freq,	Actual db	Actual Dist. (ft)	Actual K Factor
Behrens;Michael B	40°14'51.43"N 77° 6'42.34"W 302 COUNTRY CLUB RD.	40°14'51.43"N 77° 6'42.34"W 302 COUNTRY CLUB RD.	7618	Triggered	0.541	20.5	126.5	951	325
Behrens;Michael B	40°15'8.81"N 77° 6'34.34"W PP&L TOWER	40°15'8.81"N 77° 6'34.34"W PP&L TOWER	7827	Triggered	0.208	26.6	118.3	724	81



Blast Report



Job#	2002886500	Cust. PO#	N/A	
Date	6/15/2026	Cust. Supt. Name	JIM ARMOR	
Customer Name	Liberty Excavators Inc	Pick Tks#	N/A	107126
Job Address	Project Bolt - Country Club Road, Carlisle	N/A	N/A	N/A
		N/A	N/A	N/A
State	PA	Permit No.	21264110	
Pre Shift Insp.Time (24hrs) :	7:00:00 AM	Identify Hazards		
Post Shift Insp.Time (24hrs):	5:15:00 PM	FLYROCK,STEMMING EJECTION,SLIPS TRIPS AND FALLS,CUT-OFFS, MISFIRES		
Blaster :	Behrens;Michael B	Precautions Taken:		
License #:	BL-10340	MAINTAIN POWDER FACTOR, USE STEM RODS IN ALL HOLES, DO NOT OVER STEM HOLES, MAKE SURE CAP WIRE ISNT ON SHARP ROCKS, DO NOT DROP STEM ROD IN HOLE, MAKE SURE BIC AND COMPETANT INDIVIDUALS WALK SHOT THOROUGHLY BEFORE SHOOTING, WATCH FOOTING		
Signature:				

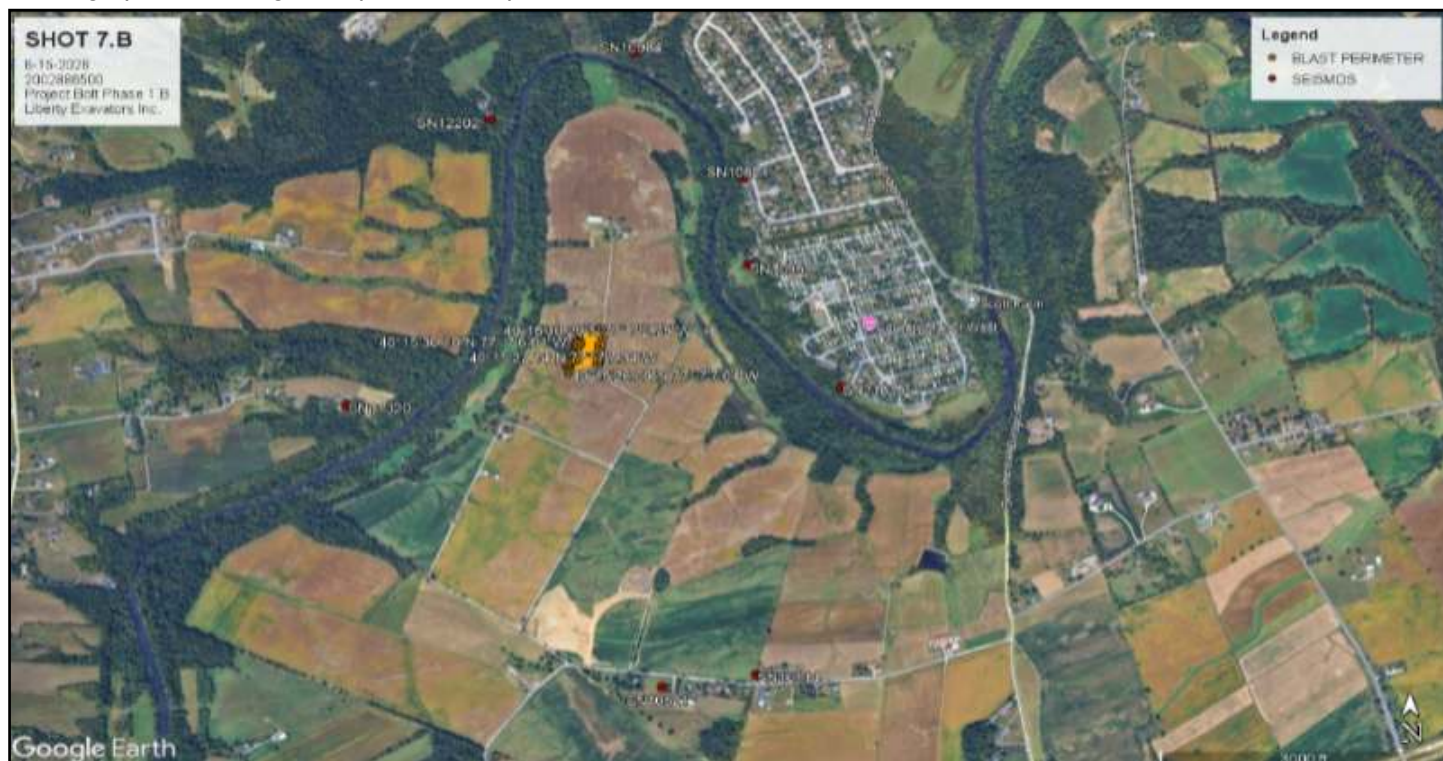
MBB

Weather
Comments:

PARTLY CLOUDY

No. of Crew Members	8		
Crew Members Names :			
AUSTIN WEST	JOSHUA WILLIAMS	DAMIAN MCWHERTER	AIDAN SPOONHOUR
STEPHON LEE	KINSEY BOYER	BRANDON EDWARDS	ARIEL ALBA
N/A	N/A	N/A	N/A

Seismograph Monitoring Plan (Not to Scale):



Shot # 7.B Shot Time (24hrs) 17:02 Shot VideoTaped: Y

Weather

Notes: Self Reported High Air Blast

Weather Conditions: Partly Cloudy

Temp (°F): 64-75

Wind Direction: North-East

Wind Spd: 10-25 MPH

Preblast

Blast Direction: North Max Holes/Delay: 5 Predicted K Factor: 160

Blast Location: 40°15'30.49"N 77° 7'4.54"W Slope: -1.60 Scale Dist.: 78.24

Location of Structure: 40°15'38.54"N 77° 6'43.03"W 70 SASSAFRAS LN. Predicted Max Weigh/Delay: 492.86 Lbs Predicted PPV: 0.15

Measurement Google Map Dist. to Closest (Ft) Structure 1737 Railroad/Highway 1762 Overhead Util 560 Underground Util 1807

Pay Quantities

Pay Calculations Notes

Fire Detail # of Hrs: N/A

Lump Sum 1.00 LS

N/A N/A N/A

N/A N/A N/A

495 HOLES D & B ON 10 X 24 PATTERN

Shot Info

Configuration

1 - Open

Total Drill Depth(Ft) 9900.00 Total SqFt 118800.00 Avg Powder 0.56 Lbs/Cyd Total Product Weight (Lbs) : 49691

Total Tons N/A Total Yards 88000.00 Factor 1.77 Cyd/Lbs Avg Weight / Hole (Lbs): 101.00

Cal Method Pattern

Holes 495

Loaded Holes 492

Cover Used/No Earth

AVG

Min

Max

Drill Depth 20.00

12.00 32.00

Burden(Feet) 10.00 Feet

10.00 10.00

Spacing (Feet) 24.00 Feet

24.00 24.00

Hole Diameter 5.00

5.00 5.00

OverBurden (Ft) 2.00

2.00 3.00

Stone Weight N/A /Cyd

Top Stemming 7.00 Min 10.00 Max

Type of Terrain Flat

Charges/Hole 1 Min 1 Max

Type of Rock Shale

Deck Stemming 0.00 Min 0.00 Max

Stemming Type 3/8" Crushed Stone

Charge Wgt/Deck 47.80 Min 178.90 Max

Height of Face 0.00

Depth of Water 0.00 Min 7.00 Max

Control Row Taped Y

Angled Holes /Face Bermed N/Y

Laser/BoreTracking N

Total Pounds 49691.08 Lbs

Type Of Initiation: Non-Electric

Product #	Desc	Density	Wgt
QR740	TITAN XL 1000 G	1.10	49204.00 Lbs
BA BULK Totals:		N/A	49204.00 Lbs

Product #	Desc	Qty	Wgt
SP0450	TROJAN SPARTAN 1# 450G 36/CS	492.00	487.08 Lbs
BOOSTERS Totals:		492.00	487.08 Lbs

Product #	Desc	Qty	Length
DXAB660	NONEL EZDET 25/350 60FT/18M 25/50/CS	492.00	
DJ00500	NONEL STARTER 500FT/152.4M 8/CS	1.00	

DETS DHOLE Totals: 493.00

Product #	Desc	Qty	Length
DY17820	NONEL EZTL 17MS 20FT/6.1M 75/150/CS	4.00	
DY25820	NONEL EZTL 25MS 20FT/6.1M 75/150/CS	6.00	
DY42820	NONEL EZTL 42MS 20FT/6.1M 75/150/CS	38.00	
DY67840	NONEL EZTL 67MS 40FT/12.2M 50/100/CS	54.00	

SURF DELAY Totals: 102.00

Please See Attached for Seismograph Report

Description: MIN LOAD

Elevation	Feet
Brench (ft)	N/A
Floor (ft)	N/A
Overburden (ft)	2.00
Sub Drilling(ft)	4.00
Total Depth (ft)	12.00

Stemming Stones	7.00
TITAN XL 1000 G	5.00
TROJAN SPARTAN 1# 450G 36/CS	0.00
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	

Description: MAX LOAD

Elevation	Feet
Brench (ft)	N/A
Floor (ft)	N/A
Overburden (ft)	2.00
Sub Drilling(ft)	4.00
Total Depth (ft)	32.00

Stemming Stones	10.00
TITAN XL 1000 G	22
TROJAN SPARTAN 1# 450G 36/CS	0.00
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	

Seismographs**Actual Max Weight/Delay:492.86****Lbs**

Operator Name	Location of Seis	GPS Location	Seis #	Monitor Log Status	Actual PPV	Actual PPV Freq,	Actual db	Actual Dist. (ft)	Actual K Factor
SAULS SEISMOS	40°15'38.54"N 77° 6'43.03"W 70 SASSAFRAS LN.	40°15'38.54"N 77° 6'43.03"W 70 SASSAFRAS LN.	10959	Triggered	0.140	16.0	140.5	1737	150
SAULS SEISMOS	40°15'48.53"N 77° 6'43.86"W 40 WHEATFIELD DR.	40°15'48.53"N 77° 6'43.86"W 40 WHEATFIELD DR.	10821	Triggered	0.042	36.5	132.7	2350	73
SAULS SEISMOS	40°15'22.29"N 77° 7'37.12"W 231 N. MIDDLESEX RD.	40°15'22.29"N 77° 7'37.12"W 231 N. MIDDLESEX RD.	11320	Triggered	0.027	56.8	125.7	2351	47
SAULS SEISMOS	40°15'55.16"N 77° 7'17.84"W 477 SHERWOOD DR.	40°15'55.16"N 77° 7'17.84"W 477 SHERWOOD DR.	12202	Triggered	0.035	42.6	133.9	2696	76

Event #23

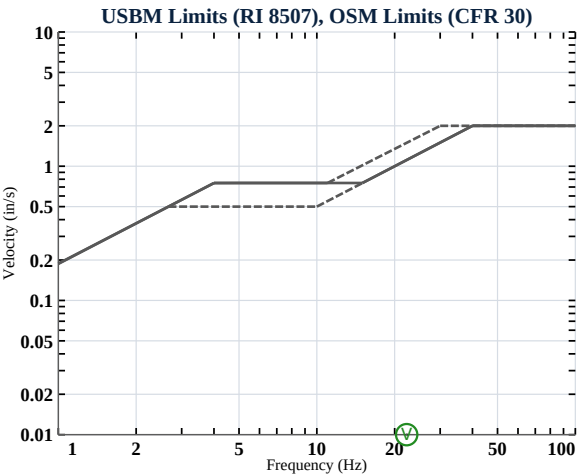
NOW Access^(SM)

v5.0.0.8

Event Date:	6/15/2026 17:02:52 (5 seconds)	Model Number:	MiniSuperGraph v.1.78	Distance to Source:	N
Company:	Maine DB: PAX-1 (Proj Bolt)	Serial Number:	10114	Weight Per Delay:	N
Location:	302 Country Club Rd	Calibration Date:	5 Aug 2025	Calculated Scaled Distance:	N
Operator:	Justin Elkin	GPS Coordinates:	40.247528, -77.111657	Seismic Trigger Level:	0.02 in/s
		Samples Per Second:	1024	Air Overpressure Trigger Level:	120 dBL

Notes:

	Radial	Transverse	Vertical	Air Overpressure
Peak Particle Velocity:	0.0075 in/s	0.0050 in/s	0.0100 in/s	128.9 dB(L) / 0.0080518 psi
Frequency at Peak:	n/a	n/a	22.2 Hz	24.3 Hz
Time at Peak:	2.9 ms	23.4 ms	10.7 ms	26.4 ms
Acceleration at Peak:	n/a	n/a	0.0036 g	
Displacement at Peak:	n/a	n/a	0.0001 in	

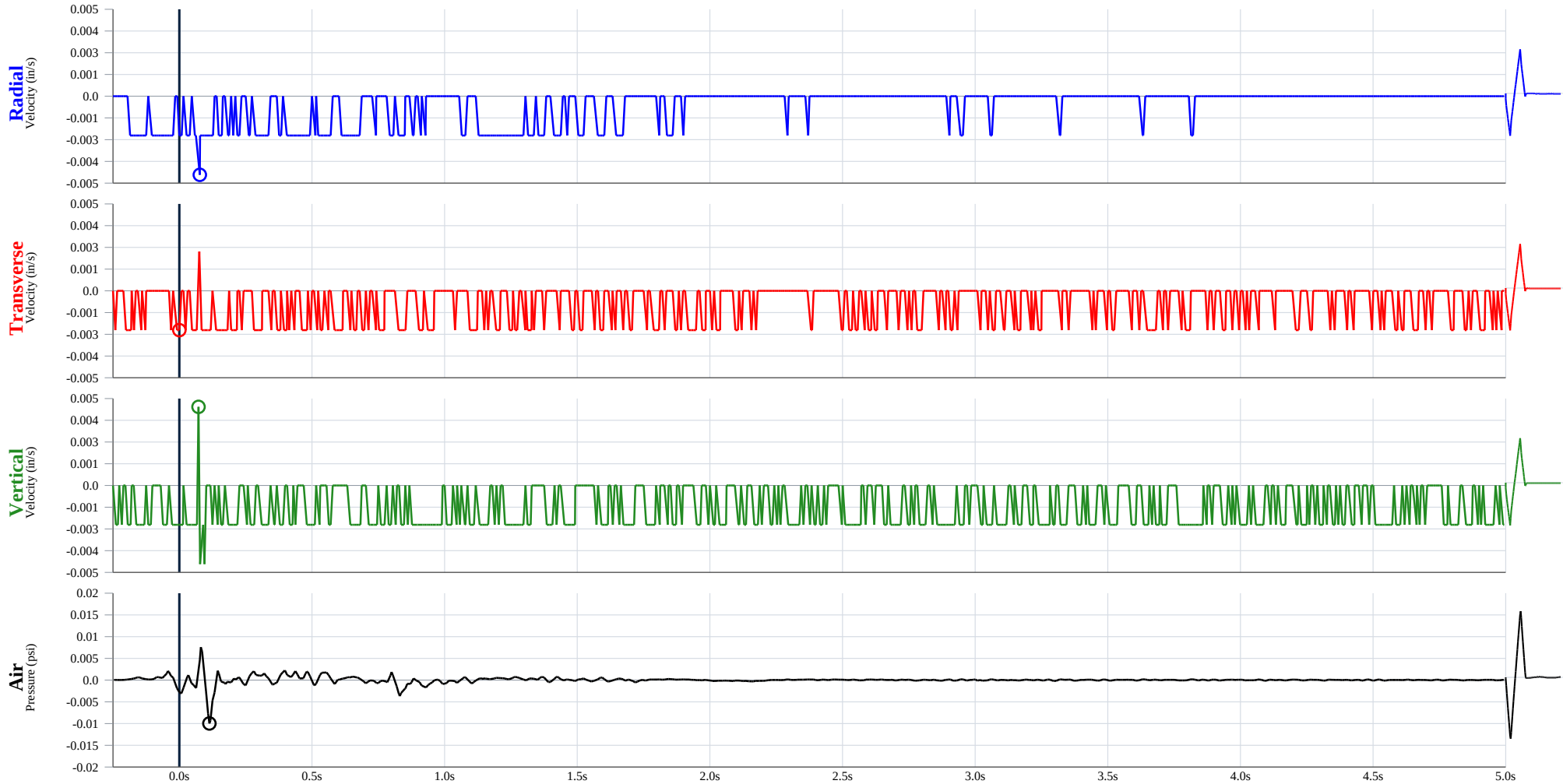
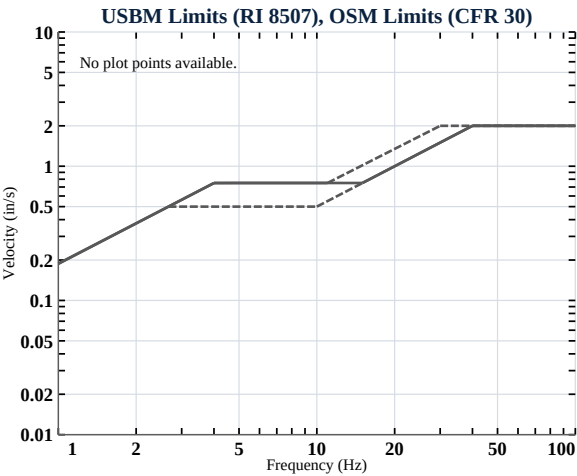


Event #31

Event Date:	6/15/2026 17:03:17 (5 seconds)	Model Number:	MiniSuperGraph v.1.78	Distance to Source:	N
Company:	Maine DB: PAX-1 (Proj Bolt)	Serial Number:	10521	Weight Per Delay:	N
Location:	257 Country Club Rd	Calibration Date:	21 Oct 2025	Calculated Scaled Distance:	N
Operator:	Justin Elkin	GPS Coordinates:	40.247120, -77.115309	Seismic Trigger Level:	0.02 in/s
		Samples Per Second:	1024	Air Overpressure Trigger Level:	120 dBL

Notes:

	Radial	Transverse	Vertical	Air Overpressure
Peak Particle Velocity:	0.0050 in/s	0.0025 in/s	0.0050 in/s	131.6 dB(L) / 0.0110259 psi
Frequency at Peak:	n/a	n/a	n/a	11.9 Hz
Time at Peak:	77.1 ms	0.0 ms	72.3 ms	113.3 ms
Acceleration at Peak:	n/a	n/a	n/a	
Displacement at Peak:	n/a	n/a	n/a	



Event #23

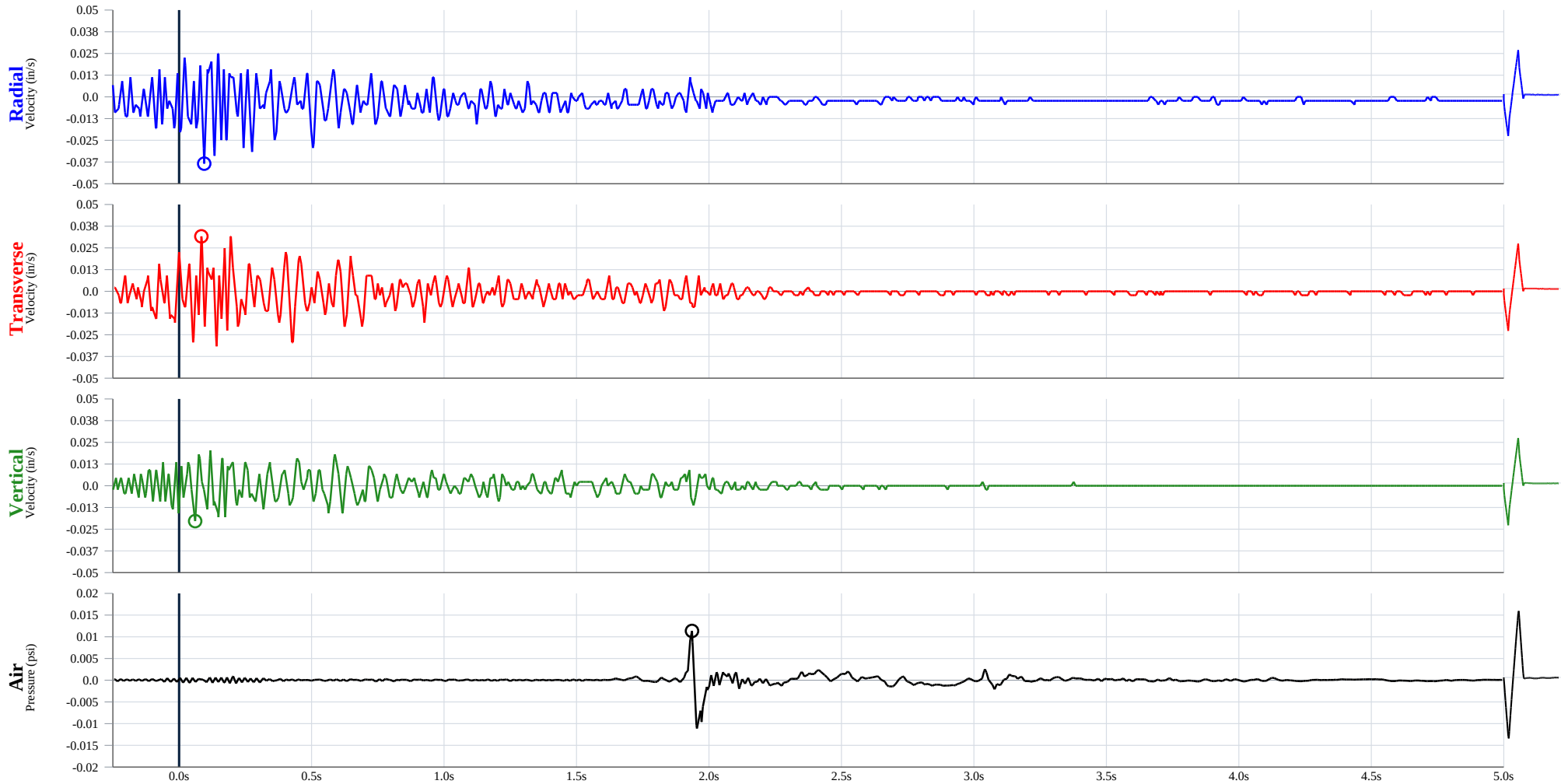
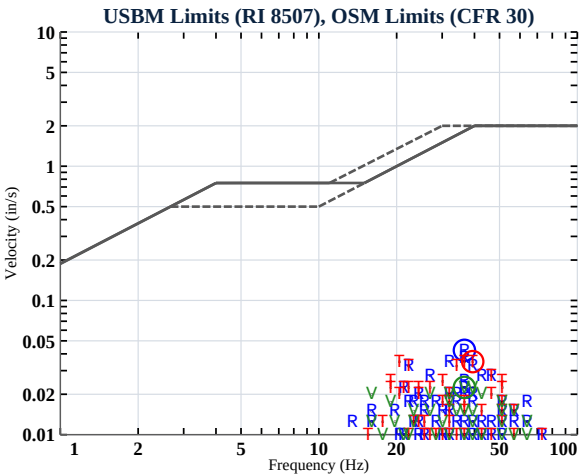
NOW Access^(SM)

v5.0.0.8

Event Date:	6/15/2026 17:03:08 (5 seconds)	Model Number:	MiniSuperGraph v.1.78	Distance to Source:	N
Company:	Maine DB: PAX-1 (Proj Bolt)	Serial Number:	10821	Weight Per Delay:	N
Location:	40 Wheatfield Dr	Calibration Date:	12 May 2026	Calculated Scaled Distance:	N
Operator:	Justin Elkin	GPS Coordinates:	40.263498, -77.112177	Seismic Trigger Level:	0.02 in/s
		Samples Per Second:	1024	Air Overpressure Trigger Level:	120 dBL

Notes:

	Radial	Transverse	Vertical	Air Overpressure
Peak Particle Velocity:	0.0425 in/s	0.0350 in/s	0.0225 in/s	132.7 dB(L) / 0.0125492 psi
Frequency at Peak:	36.5 Hz	39.3 Hz	36.5 Hz	11.3 Hz
Time at Peak:	94.7 ms	84.0 ms	60.5 ms	1935.5 ms
Acceleration at Peak:	0.0252 g	0.0224 g	0.0134 g	
Displacement at Peak:	0.0002 in	0.0001 in	0.0001 in	

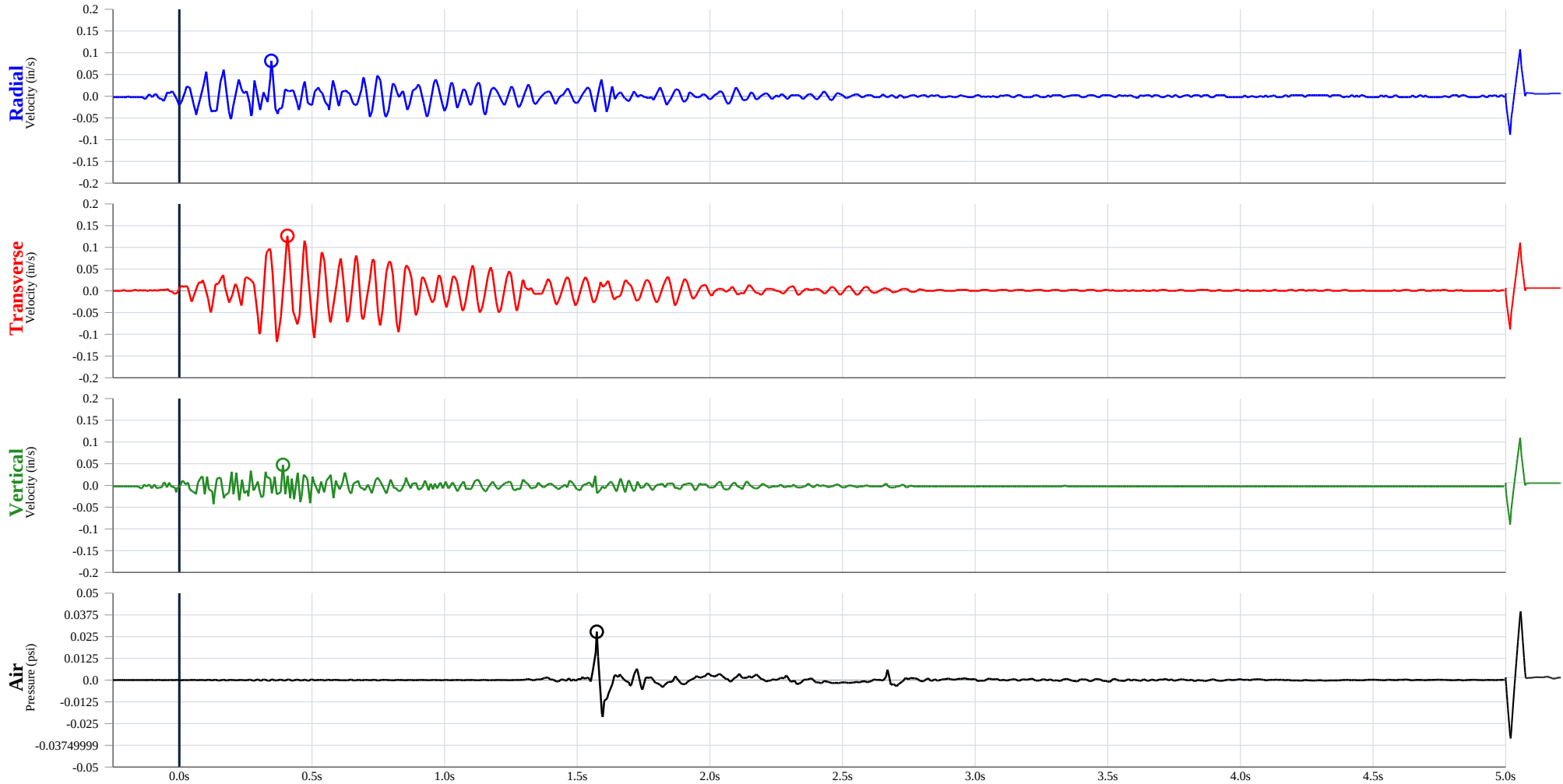
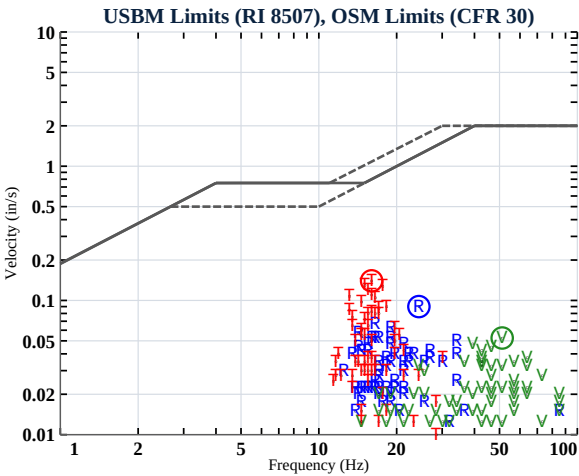


Event #24

Event Date:	6/15/2026 17:02:53 (5 seconds)	Model Number:	MiniSuperGraph v.1.78	Distance to Source:	N
Company:	Maine DB: PAX-1 (Proj Bolt)	Serial Number:	10959	Weight Per Delay:	N
Location:	70 Sassafras Ln	Calibration Date:	19 May 2026	Calculated Scaled Distance:	N
Operator:	Justin Elkin	GPS Coordinates:	40.260527, -77.112173	Seismic Trigger Level:	0.02 in/s
		Samples Per Second:	1024	Air Overpressure Trigger Level:	120 dBL

Notes:

	Radial	Transverse	Vertical	Air Overpressure
Peak Particle Velocity:	0.0900 in/s	0.1400 in/s	0.0525 in/s	140.5 dB(L) / 0.0307565 psi
Frequency at Peak:	24.3 Hz	16.0 Hz	51.2 Hz	17.6 Hz
Time at Peak:	346.7 ms	407.2 ms	390.6 ms	1573.2 ms
Acceleration at Peak:	0.0356 g	0.0364 g	0.0437 g	
Displacement at Peak:	0.0006 in	0.0014 in	0.0002 in	



Event #22

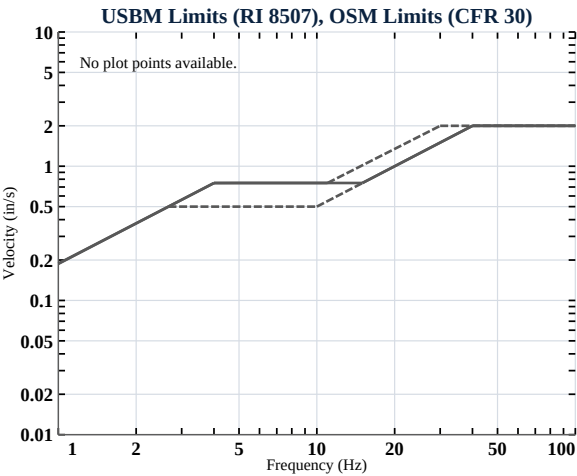
NOW Access^(SM)

v5.0.0.8

Event Date:	6/15/2026 17:03:15 (5 seconds)	Model Number:	MiniSuperGraph v.1.78	Distance to Source:	N
Company:	Maine DB: PAX-1 (Proj Bolt)	Serial Number:	10984	Weight Per Delay:	N
Location:	355 Sherwood Dr	Calibration Date:	11 Dec 2025	Calculated Scaled Distance:	N
Operator:	Justin Elkin	GPS Coordinates:	40.267550, -77.115743	Seismic Trigger Level:	0.02 in/s
		Samples Per Second:	1024	Air Overpressure Trigger Level:	120 dBL

Notes:

	Radial	Transverse	Vertical	Air Overpressure
Peak Particle Velocity:	0.0075 in/s	0.0025 in/s	0.0050 in/s	126.0 dB(L) / 0.0057668 psi
Frequency at Peak:	n/a	n/a	n/a	7.2 Hz
Time at Peak:	43.0 ms	0.0 ms	9.8 ms	35.2 ms
Acceleration at Peak:	n/a	n/a	n/a	
Displacement at Peak:	n/a	n/a	n/a	

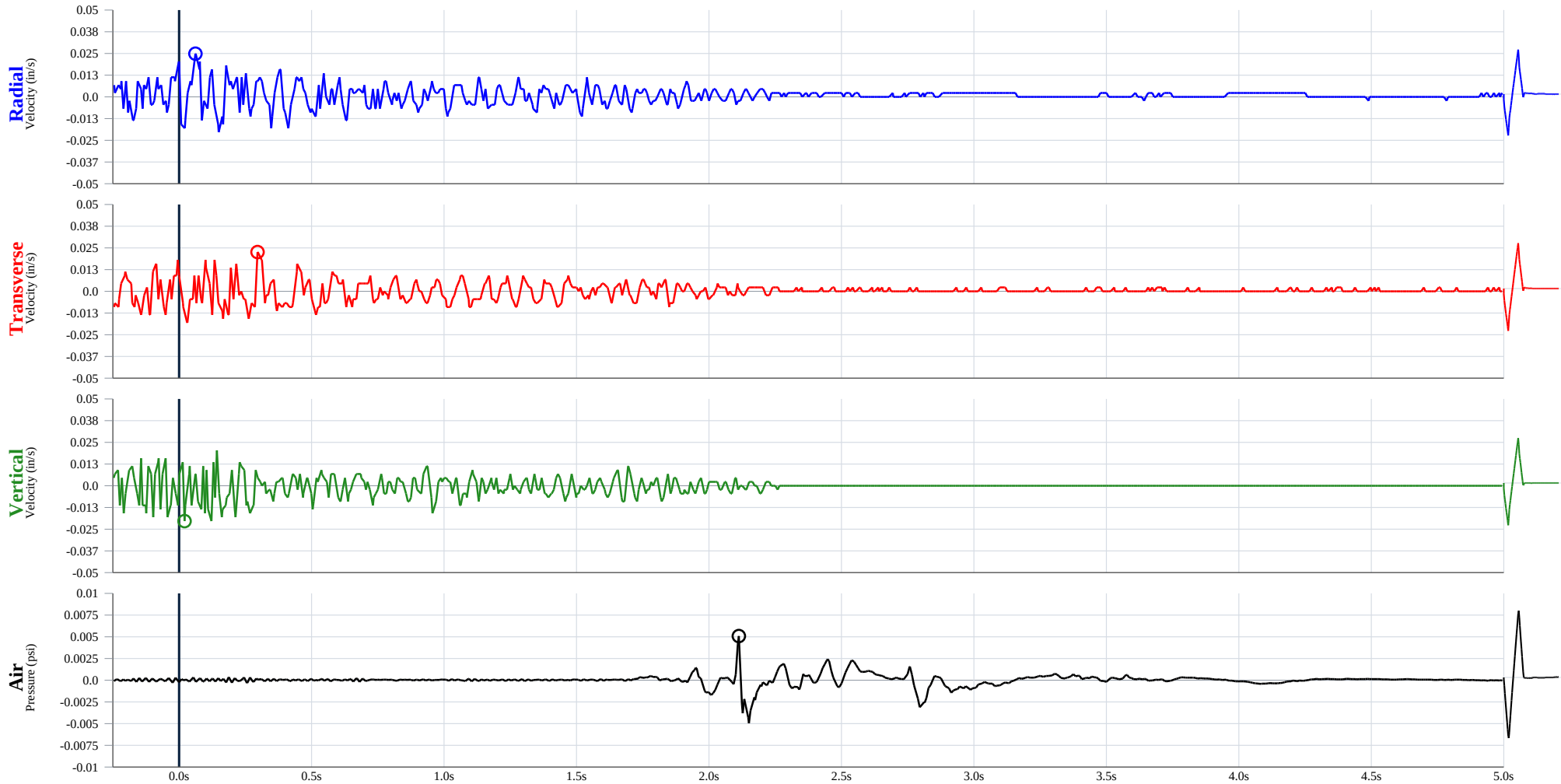
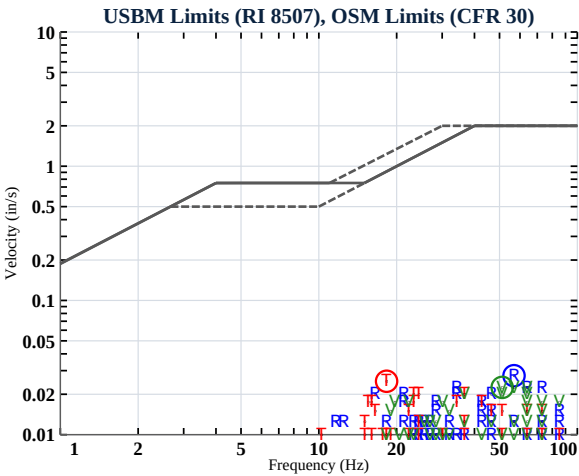


Event #29

Event Date:	6/15/2026 17:02:56 (5 seconds)	Model Number:	MiniSuperGraph v.1.78	Distance to Source:	N
Company:	Maine DB - PAX-1 (Proj Bolt)	Serial Number:	11320	Weight Per Delay:	N
Location:	231 N Middlesex Rd	Calibration Date:	12 May 2026	Calculated Scaled Distance:	N
Operator:	Justin Elkin	GPS Coordinates:	40.256310, -77.126794	Seismic Trigger Level:	0.02 in/s
		Samples Per Second:	1024	Air Overpressure Trigger Level:	120 dBL

Notes:

	Radial	Transverse	Vertical	Air Overpressure
Peak Particle Velocity:	0.0275 in/s	0.0250 in/s	0.0225 in/s	125.7 dB(L) / 0.0056218 psi
Frequency at Peak:	56.8 Hz	18.2 Hz	51.2 Hz	21.3 Hz
Time at Peak:	61.5 ms	295.9 ms	20.5 ms	2112.3 ms
Acceleration at Peak:	0.0254 g	0.0074 g	0.0187 g	
Displacement at Peak:	0.0001 in	0.0002 in	0.0001 in	

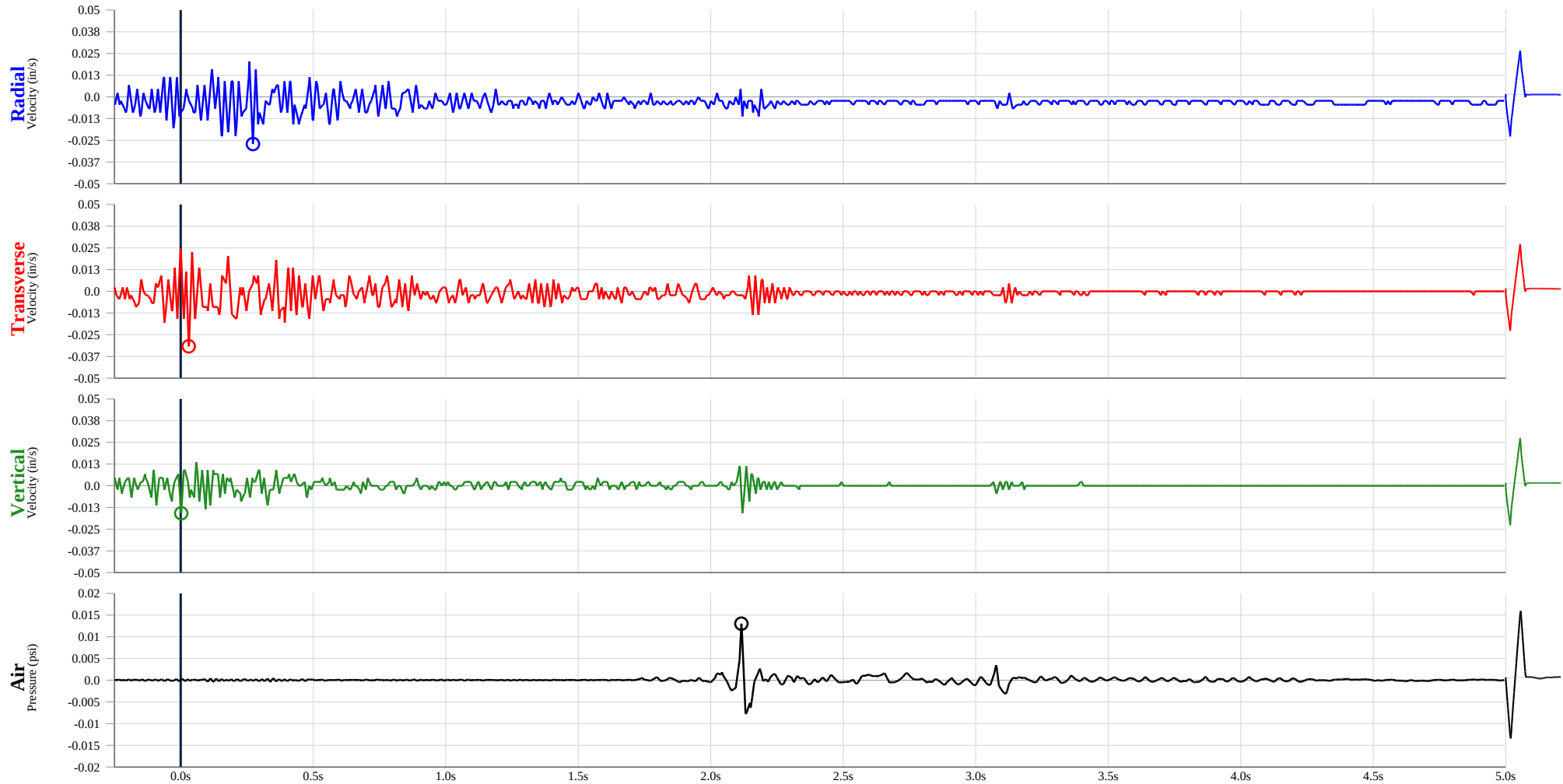
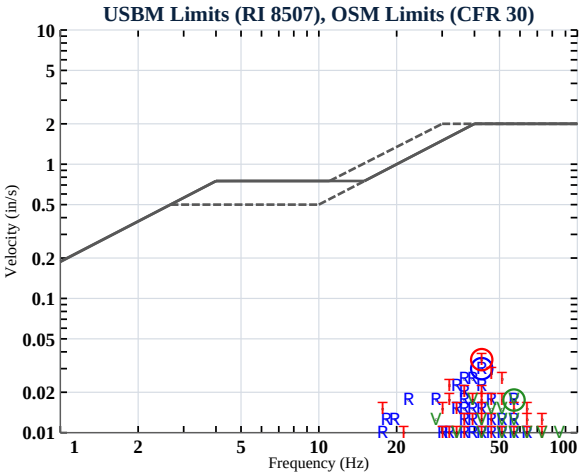


Event #21

Event Date:	6/15/2026 17:03:05 (5 seconds)	Model Number:	MiniSuperGraph v.1.78	Distance to Source:	N
Company:	Maine DB: PAX-1 (Proj Bolt)	Serial Number:	12202	Weight Per Delay:	N
Location:	477 Sherwood Dr	Calibration Date:	12 May 2026	Calculated Scaled Distance:	N
Operator:	Justin Elkin	GPS Coordinates:	40.265158, -77.121525	Seismic Trigger Level:	0.02 in/s
		Samples Per Second:	1024	Air Overpressure Trigger Level:	120 dBL

Notes:

	Radial	Transverse	Vertical	Air Overpressure
Peak Particle Velocity:	0.0300 in/s	0.0350 in/s	0.0175 in/s	133.9 dB(L) / 0.0143990 psi
Frequency at Peak:	42.6 Hz	42.6 Hz	56.8 Hz	26.9 Hz
Time at Peak:	272.5 ms	30.3 ms	2.0 ms	2115.2 ms
Acceleration at Peak:	0.0208 g	0.0242 g	0.0162 g	
Displacement at Peak:	0.0001 in	0.0001 in	0.0000 in	





Blast Report

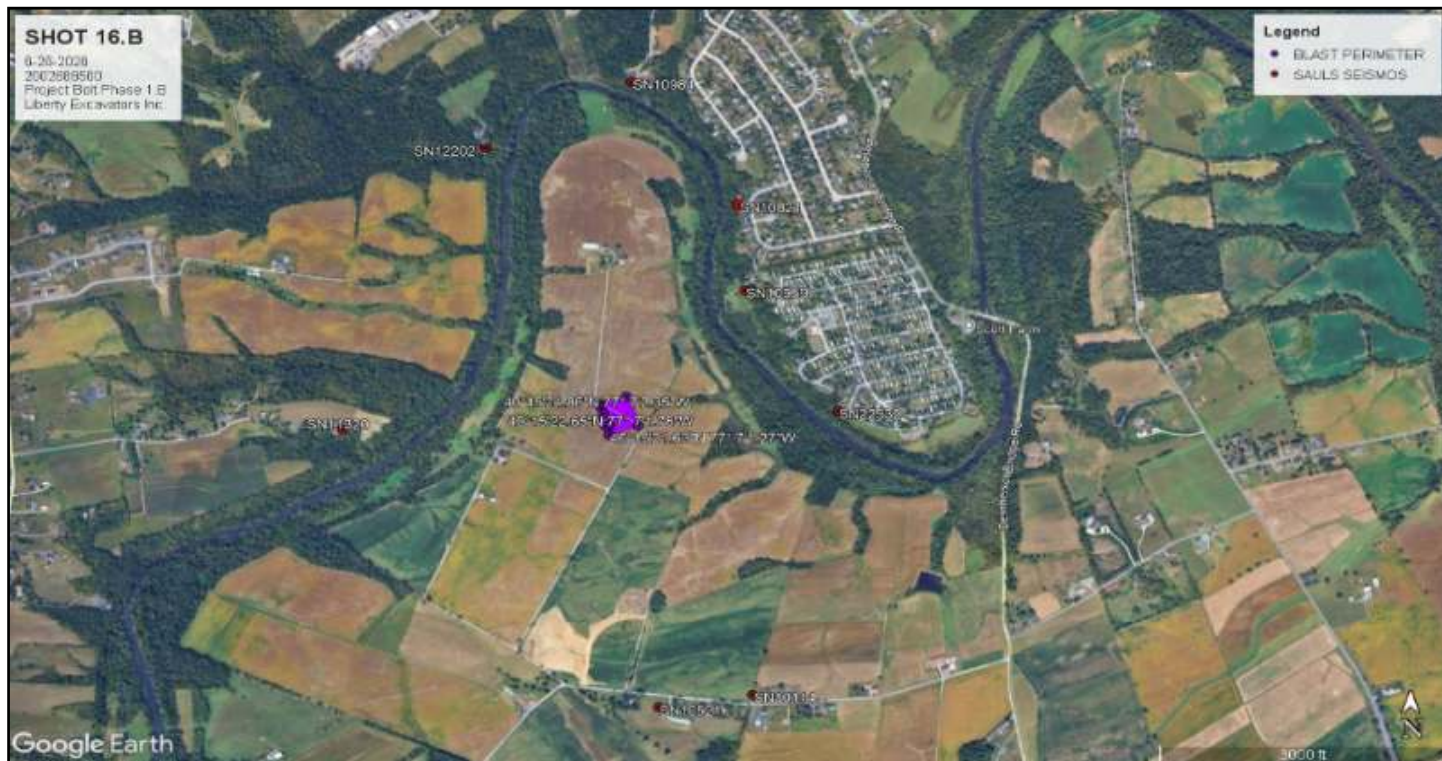


Job#	2002886500	Cust. PO#	N/A	
Date	6/26/2026	Cust. Supt. Name	JIM ARMOR	
Customer Name	Liberty Excavators Inc	Pick Tks#	107135	N/A
Job Address	Project Bolt - Country Club Road. Carlisle	N/A	N/A	N/A
		N/A	N/A	N/A
State	PA	Permit No.	21264110	
Pre Shift Insp.Time (24hrs) :	7:00:00 AM	Identify Hazards	FLYROCK,STEMMING EJECTION,SLIPS TRIPS AND FALLS,CUT-OFFS, MISFIRES	
Post Shift Insp.Time (24hrs):	12:45:00 PM	Precautions Taken:	MAINTAIN POWDER FACTOR, USE STEM RODS IN ALL HOLES, DO NOT OVER STEM HOLES, MAKE SURE CAP WIRE ISNT ON SHARP ROCKS, DO NOT DROP STEM ROD IN HOLE, MAKE SURE BIC AND COMPETANT INDIVIDUALS WALK SHOT THOROUGHLY BEFORE SHOOTING, WATCH FOOTING	
Blaster :	Behrens;Michael B	Weather	Comments:	
License #:	BL-10340		CLOUDY	
Signature:				

MBB

No. of Crew Members	7		
Crew Members Names :			
BRANDON EDWARDS	JOSHUA WILLIAMS	KINSEY BOYER	AIDAN SPOONHOUR
STEPHON LEE	DON HOLCOMB	DAMIAN MCWHERTER	N/A
N/A	N/A	N/A	N/A

Seismograph Monitoring Plan (Not to Scale):



Shot # 16.B Shot Time (24hrs) 12:30 Shot VideoTaped: Y

Weather

Notes:

N/A

Weather Conditions: Partly Cloudy

Temp (°F): 66-83

Wind Direction: East

Wind Spd: 0-10 MPH

Preblast

Blast Direction: North-West Max Holes/Delay: 5 Predicted K Factor: 100

Blast Location: 40°15'25.35"N 77° 7'1.79"W Slope: -1.6 Scale Dist.: 101.19

Location of Structure: 40°15'38.54"N 77° 6'43.03"W 70 SASSAFRAS LN. Predicted Max Weigh/Delay: 304.60 Lbs Predicted PPV: 0.06

Measurement Google Map Dist. to Closest (Ft) Structure 1766 Railroad/Highway 1785 Overhead Util 809 Underground Util 1806

Pay Quantities

Fire Detail # of Hrs: N/A

Pay Calculations Notes

Lump Sum 1 LS

N/A N/A N/A

N/A N/A N/A

442 HOLES ON 10 X 28 PATTERN

Shot Info

Configuration

1 - Open

Total Drill Depth(Ft) 6630.00 Total SqFt 123760.00 Avg Powder 0.39 Lbs/Cyd Total Product Weight (Lbs) : 26806

Total Tons N/A Total Yards 68755.56 Factor 2.56 Cyd/Lbs Avg Weight / Hole (Lbs): 60.65

Cal Method Pattern

Holes 442

Loaded Holes 442

Cover Used/No Earth

AVG

Min

Max

Drill Depth 15 Feet

12 18

Stone Weight N/A /Cyd

Top Stemming 8 Min 9 Max

Burden(Feet) 10 Feet

10 10

Type of Terrain Flat

Charges/Hole 1 Min 1 Max

Spacing (Feet) 28 Feet

28 28

Type of Rock Shale

Deck Stemming 0 Min 0 Max

Hole Diameter 5

5 5

Stemming Type 3/8" Crushed Stone

Charge Wgt/Deck 38.45 Min 85.27 Max

OverBurden (Ft) 1

1 10

Height of Face 0

Depth of Water 0 Min 0 Max

Control Row Taped Y

Angled Holes /Face Bermed N/Y

Laser/BoreTracking N

Total Pounds 26805.55 Lbs

Type Of Initiation: Non-Electric

Product #	Desc	Density	Wgt
QR740	TITAN XL 1000 G	1.1	26365.00 Lbs
BA BULK Totals:		N/A	26365.00 Lbs

Product #	Desc	Qty	Wgt
SP0450	TROJAN SPARTAN 1# 450G 36/CS	445	440.55 Lbs
BOOSTERS Totals:		445	440.55 Lbs

Product #	Desc	Qty	Length
DXAB660	NONEL EZDET 25/350 60FT/18M 25/50/CS	445	
DETS DHOLE Totals:		445	

Product #	Desc	Qty	Length
DJ25025	NONEL LEADLINE 2500FT/762M 2/CS	1.0	2500
LINES Totals:		1.0	

Product #	Desc	Qty	Length
DY17820	NONEL EZTL 17MS 20FT/6.1M 75/150/CS	7	
DY42820	NONEL EZTL 42MS 20FT/6.1M 75/150/CS	44	
DY67840	NONEL EZTL 67MS 40FT/12.2M 50/100/CS	22	
SURF DELAY Totals:		73	

Description: MIN LOAD

Elevation	Feet
Brench (ft)	N/A
Floor (ft)	N/A
Overburden (ft)	1
Sub Drilling(ft)	4
Total Depth (ft)	12.00

Stemming Stones	8
TITAN XL 1000 G	4
TROJAN SPARTAN 1# 450G 36/CS	0
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	

Description: MAX LOAD

Elevation	Feet
Brench (ft)	N/A
Floor (ft)	N/A
Overburden (ft)	1
Sub Drilling(ft)	4
Total Depth (ft)	18.00

Stemming Stones	9
TITAN XL 1000 G	9
TROJAN SPARTAN 1# 450G 36/CS	0
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	

Seismographs**Actual Max Weight/Delay:304.60****Lbs**

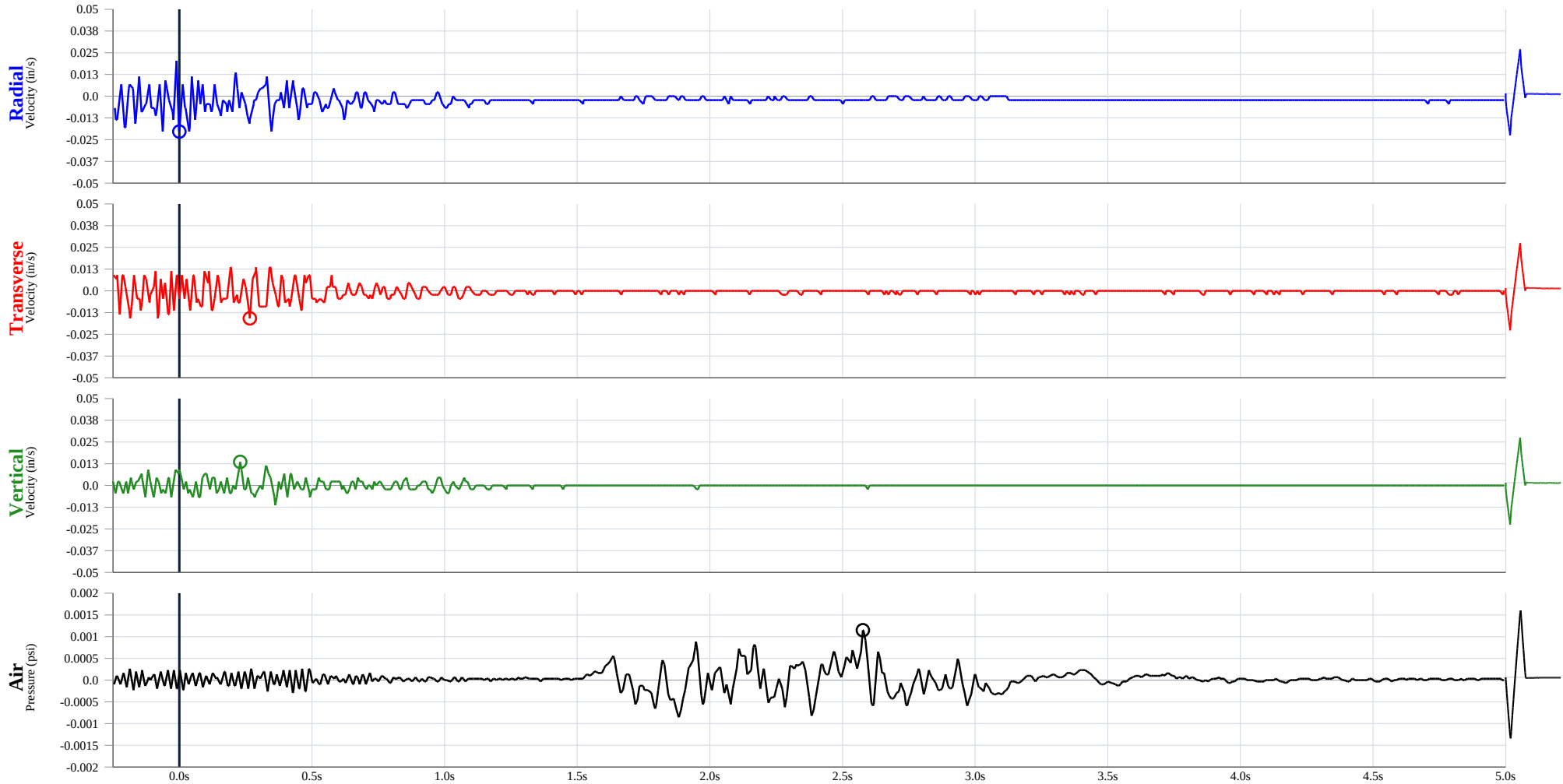
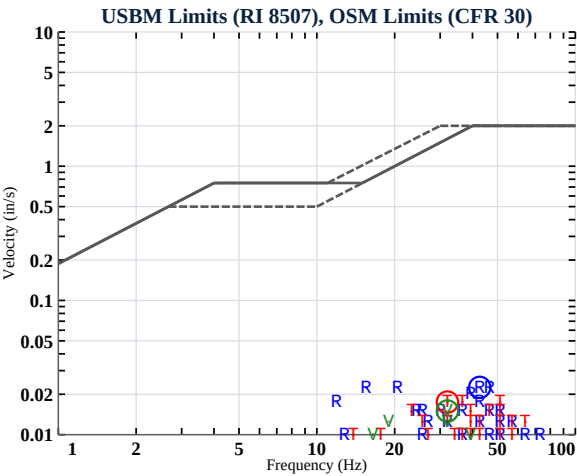
Operator Name	Location of Seis	GPS Location	Seis #	Monitor Log Status	Actual PPV	Actual PPV Freq,	Actual db	Actual Dist. (ft)	Actual K Factor
SAULS SEISMOS	40°15'38.54"N 77° 6'43.03"W 70 SASSAFRAS LN.	40°15'38.54"N 77° 6'43.03"W 70 SASSAFRAS LN.	10959	Triggered	0.055	14.2	120.1	1766	89
SAULS SEISMOS	40°15'24.41"N 77° 6'30.52"W 9 MIMOSA LN.	40°15'24.41"N 77° 6'30.52"W 9 MIMOSA LN.	22532	Triggered	0.022	22.2	116.8	2085	46
SAULS SEISMOS	40°15'48.53"N 77° 6'43.86"W 40 WHEATFIELD DR.	40°15'48.53"N 77° 6'43.86"W 40 WHEATFIELD DR.	10821	Triggered	0.022	43.6	112.8	2555	64

Event #42

Event Date:	6/26/2026 12:30:40 (5 seconds)	Model Number:	MiniSuperGraph v.1.78	Distance to Source:	N
Company:	Maine DB: PAX-1 (Proj Bolt)	Serial Number:	10821	Weight Per Delay:	N
Location:	40 Wheatfield Dr	Calibration Date:	12 May 2026	Calculated Scaled Distance:	N
Operator:	Justin Elkin	GPS Coordinates:	40.263498, -77.112177	Seismic Trigger Level:	0.02 in/s
		Samples Per Second:	1024	Air Overpressure Trigger Level:	120 dBL

Notes:

	Radial	Transverse	Vertical	Air Overpressure
Peak Particle Velocity:	0.0225 in/s	0.0175 in/s	0.0150 in/s	112.8 dB(L) / 0.0012694 psi
Frequency at Peak:	42.6 Hz	36.5 Hz	32.0 Hz	5.0 Hz
Time at Peak:	0.0 ms	265.6 ms	229.5 ms	2576.2 ms
Acceleration at Peak:	0.0156 g	0.0104 g	0.0078 g	
Displacement at Peak:	0.0001 in	0.0001 in	0.0001 in	

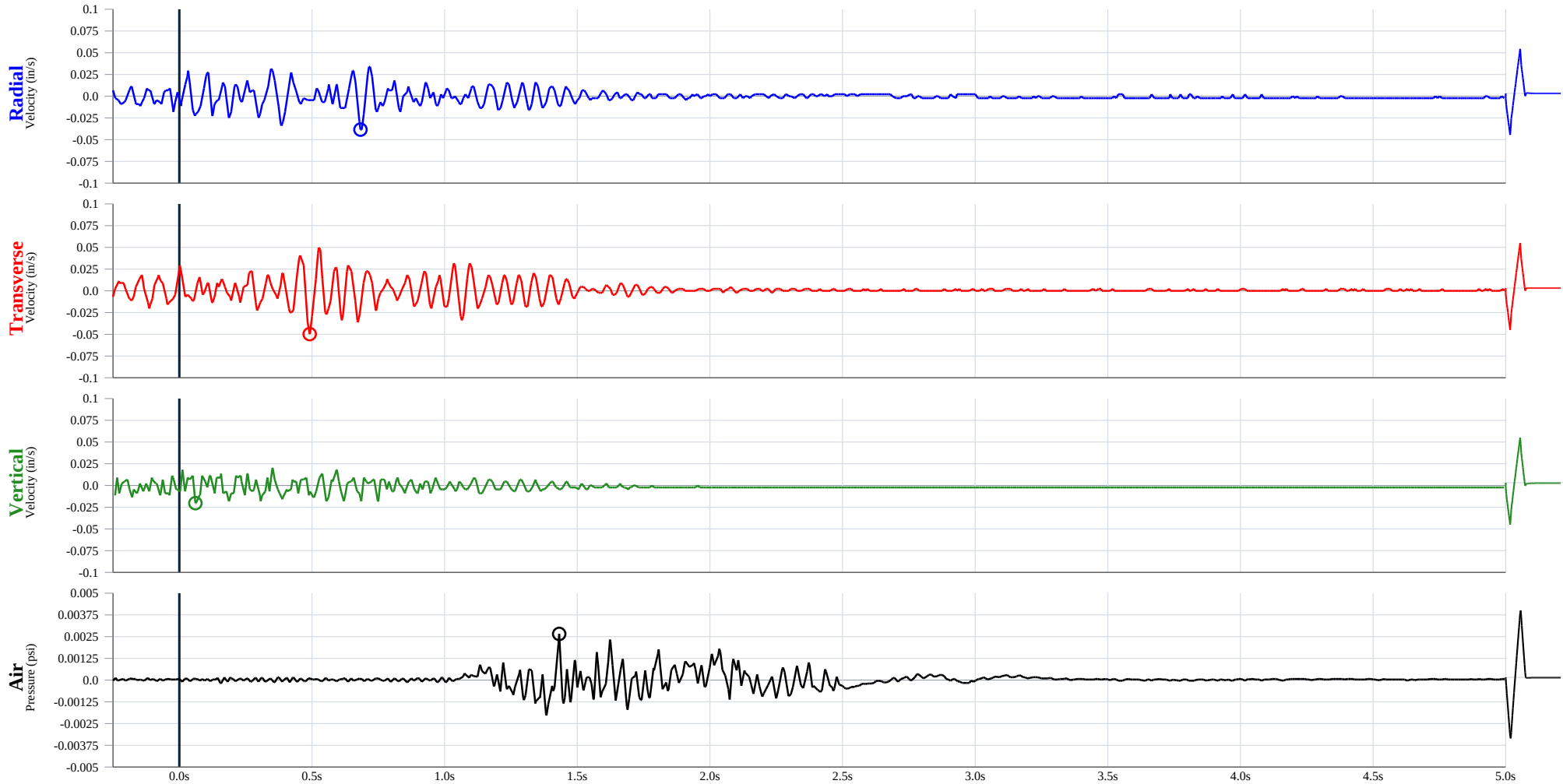
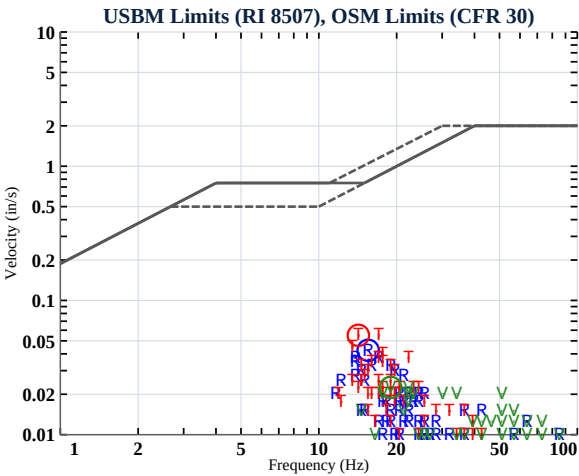


Event #44

Event Date:	6/26/2026 12:30:18 (5 seconds)	Model Number:	MiniSuperGraph v.1.78	Distance to Source:	N
Company:	Maine DB: PAX-1 (Proj Bolt)	Serial Number:	10959	Weight Per Delay:	N
Location:	70 Sassafras Ln	Calibration Date:	19 May 2026	Calculated Scaled Distance:	N
Operator:	Justin Elkin	GPS Coordinates:	40.260527, -77.112173	Seismic Trigger Level:	0.02 in/s
		Samples Per Second:	1024	Air Overpressure Trigger Level:	120 dBL

Notes:

	Radial	Transverse	Vertical	Air Overpressure
Peak Particle Velocity:	0.0425 in/s	0.0550 in/s	0.0225 in/s	120.1 dB(L) / 0.0029378 psi
Frequency at Peak:	15.5 Hz	14.2 Hz	18.9 Hz	30.1 Hz
Time at Peak:	682.6 ms	491.2 ms	60.5 ms	1431.6 ms
Acceleration at Peak:	0.0107 g	0.0127 g	0.0069 g	
Displacement at Peak:	0.0004 in	0.0006 in	0.0002 in	

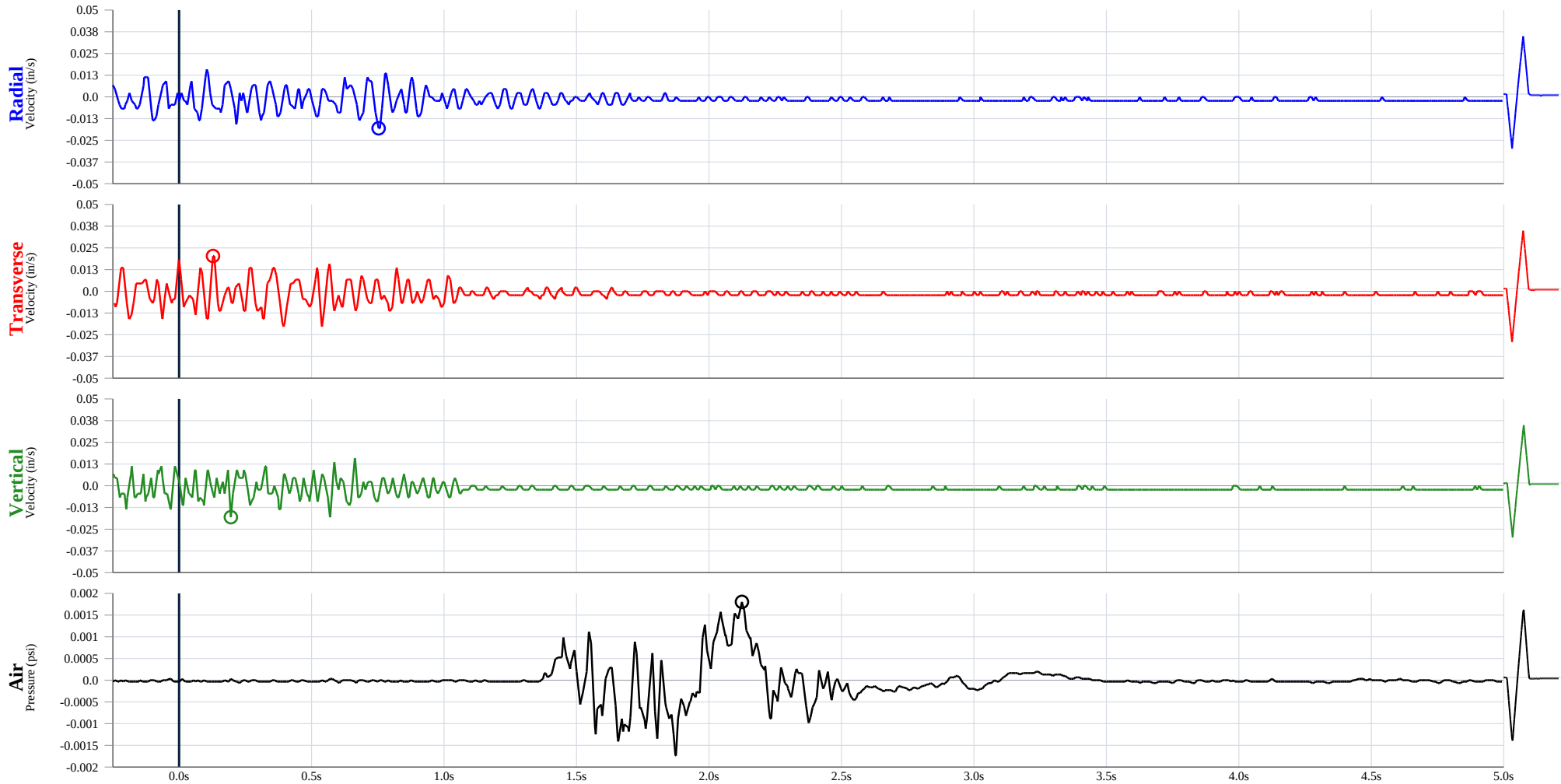
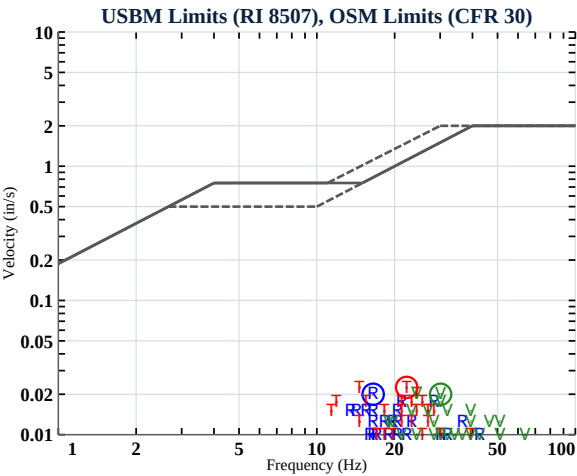


Event #18

Event Date:	6/26/2026 12:30:13 (5 seconds)	Model Number:	MiniSuperGraph v.2.34.B	Distance to Source:	N
Company:	Maine DB: PAX-1 (Proj Bolt)	Serial Number:	22532	Weight Per Delay:	N
Location:	9 Mimosa Ln	Calibration Date:	25 Sep 2025	Calculated Scaled Distance:	N
Operator:	Justin Elkin	GPS Coordinates:	40.256637, -77.108204	Seismic Trigger Level:	0.02 in/s
		Samples Per Second:	1024	Air Overpressure Trigger Level:	120 dBL

Notes:

	Radial	Transverse	Vertical	Air Overpressure
Peak Particle Velocity:	0.0200 in/s	0.0225 in/s	0.0200 in/s	116.7 dB(L) / 0.0019948 psi
Frequency at Peak:	16.5 Hz	22.2 Hz	30.1 Hz	1.9 Hz
Time at Peak:	752.9 ms	127.9 ms	195.3 ms	2124.0 ms
Acceleration at Peak:	0.0054 g	0.0081 g	0.0098 g	
Displacement at Peak:	0.0002 in	0.0002 in	0.0001 in	



Sauls Seismic Inc-Report

Telephone: 205-915-4336

Company: **Maine Drilling & Blasting - Project Bol**

Unit #: 11320

26 Jun 2026 at 12:30

No Trigger Report

Location: **231 N Middlesex Rd**

Seismograph Coordinates:
40.256310, -77.126794

Operator: **Justin Elkin**

Notes:

Distance: 0

Wgt. Per Delay: 0

Scaled Distance: 0

Record Duration: 0.0 sec
Sample Rate: 00/sec
Last Calibration: 12 May 2026

Seismic

Gain: 1

Trigger: 0.020

Channel	Radial	Transverse	Vertical
Velocity (in/s)	< 0.020	< 0.020	< 0.020
Frequency (Hz)	-----	-----	-----
Trigger >>> Peak	-----	-----	-----

Air

Gain: 1

Trigger: 120. dBL

Measurement	Value	Trigger >>> Peak	
psi	.00000		
dBL	< 120.0		
Hz	-----		

Waveform Analysis

Seismic Scale: 0.00 in/s/div.

Air Scale: .00000 psi/div.



Peak particle velocity and air overpressure levels did not reach minimum threshold limits of the recording equipment. Therefore, no event was recorded for this blast.

Sauls Seismic Inc-Report

Telephone: 205-915-4336

Company: **Maine Drilling & Blasting - Project Bol**

Unit #: 10521

26 Jun 2026 at 12:30

No Trigger Report

Location: **257 Country Club Rd**

Seismograph Coordinates:
40.247120, -77.115309

Operator: **Justin Elkin**

Notes:

Distance: 0

Wgt. Per Delay: 0

Scaled Distance: 0

Record Duration: 0.0 sec
Sample Rate: 00/sec
Last Calibration: 21 Oct 2025

Seismic

Gain: 1

Trigger: 0.020

Channel	Radial	Transverse	Vertical
Velocity (in/s)	< 0.020	< 0.020	< 0.020
Frequency (Hz)	-----	-----	-----
Trigger >>> Peak	-----	-----	-----

Air

Gain: 1

Trigger: 120. dBL

Measurement	Value	Trigger >>> Peak	
psi	.00000		
dBL	< 120.0		
Hz	-----		

Waveform Analysis

Seismic Scale: 0.00 in/s/div.

Air Scale: .00000 psi/div.



Peak particle velocity and air overpressure levels did not reach minimum threshold limits of the recording equipment. Therefore, no event was recorded for this blast.

Sauls Seismic Inc-Report

Telephone: 205-915-4336

Company: **Maine Drilling & Blasting - Project Bol**

Unit #: 10114

26 Jun 2026 at 12:30

No Trigger Report

Location: **302 Country Club Rd**

Seismograph Coordinates:
40.247528, -77.111657

Operator: **Justin Elkin**

Notes:

Distance: 0

Wgt. Per Delay: 0

Scaled Distance: 0

Record Duration: 0.0 sec
Sample Rate: 00/sec
Last Calibration: 5 Aug 2025

Seismic

Gain: 1

Trigger: 0.020

Channel	Radial	Transverse	Vertical
Velocity (in/s)	< 0.020	< 0.020	< 0.020
Frequency (Hz)	-----	-----	-----
Trigger >>> Peak	-----	-----	-----

Air

Gain: 1

Trigger: 120. dBL

Measurement	Value	Trigger >>> Peak	
psi	.00000		
dBL	< 120.0		
Hz	-----		

Waveform Analysis

Seismic Scale: 0.00 in/s/div.

Air Scale: .00000 psi/div.



Peak particle velocity and air overpressure levels did not reach minimum threshold limits of the recording equipment. Therefore, no event was recorded for this blast.

Sauls Seismic Inc-Report

Telephone: 205-915-4336

Company: **Maine Drilling & Blasting - Project Bol**

Unit #: 10984

26 Jun 2026 at 12:30

No Trigger Report

Location: **355 Sherwood Dr**

Seismograph Coordinates:
40.267550, -77.115743

Operator: **Justin Elkin**

Notes:

Distance: 0

Wgt. Per Delay: 0

Scaled Distance: 0

Record Duration: 0.0 sec
Sample Rate: 00/sec
Last Calibration: 11 Dec 2025

Seismic

Gain: 1

Trigger: 0.020

Channel	Radial	Transverse	Vertical
Velocity (in/s)	< 0.020	< 0.020	< 0.020
Frequency (Hz)	-----	-----	-----
Trigger >>> Peak	-----	-----	-----

Air

Gain: 1

Trigger: 120. dBL

Measurement	Value	Trigger >>> Peak	
psi	.00000		
dBL	< 120.0		
Hz	-----		

Waveform Analysis

Seismic Scale: 0.00 in/s/div.

Air Scale: .00000 psi/div.



Peak particle velocity and air overpressure levels did not reach minimum threshold limits of the recording equipment. Therefore, no event was recorded for this blast.

Sauls Seismic Inc-Report

Telephone: 205-915-4336

Company: **Maine Drilling & Blasting - Project Bol**

Unit #: 12202

26 Jun 2026 at 12:30

No Trigger Report

Location: **477 Sherwood Dr**

Seismograph Coordinates:
40.265158, -77.121525

Operator: **Justin Elkin**

Notes:

Distance: 0

Wgt. Per Delay: 0

Scaled Distance: 0

Record Duration: 0.0 sec
Sample Rate: 00/sec
Last Calibration: 12 May 2026

Seismic

Gain: 1

Trigger: 0.020

Channel	Radial	Transverse	Vertical
Velocity (in/s)	< 0.020	< 0.020	< 0.020
Frequency (Hz)	-----	-----	-----
Trigger >>> Peak	-----	-----	-----

Air

Gain: 1

Trigger: 120. dBL

Measurement	Value	Trigger >>> Peak	
psi	.00000		
dBL	< 120.0		
Hz	-----		

Waveform Analysis

Seismic Scale: 0.00 in/s/div.

Air Scale: .00000 psi/div.



Peak particle velocity and air overpressure levels did not reach minimum threshold limits of the recording equipment. Therefore, no event was recorded for this blast.

Gerber, et al. v. Board of Supervisors of Middlesex Township
No. 2026-06465 (C.P. Cumberland County) — Land Use Appeal

EXHIBIT C

CCCD Chapter 102 Inspection Report No. 26-01, Permit No. PAC210079 A-3,
inspection of April 8, 2026 (N. Bennese, Conservation Coordinator)



Save as PDF

Clear Report

CHAPTER 102 INSPECTION REPORT

CUMBERLAND CONSERVATION DISTRICT

Permit No.: **PAC210079A-3**

Report No.: **26-01**

GENERAL INFORMATION

Project/Site Name:	PAX-1 - Water Main Relocation	Permit Issuance Date:	12/30/2025
Site Address:	Country Club Road	Permit Expiration Date:	12/7/2029
Site City, State, ZIP:	Carlisle, PA 17015	Permit Type:	PAG-02
RP/Permittee Name:	Carlisle Development Partners LLC	Site Municipality(ies):	Middlesex
RP/Permittee Address:	1660 International Drive STE 500	Site County(ies):	Cumberland
RP/Permittee City, State, ZIP:	McLean, VA 22102	Earth Disturbance:	200.00 acres
RP/Permittee Email:	pottavainen@americanrepartners.com	Site Latitude:	40.25522
Surface Water(s):	UNT to Conodoguinet Creek	Site Longitude:	- 77.11522
Special Protection?	☐ Yes ☒ No	Complaint Inspection?	☐ Yes ☒ No
Construction Stage:	Bulk Earthwork	Activity:	Construction >= 1 ac
Construction Sequence #:	7	Weather:	Sunny
Date Earth Disturbance Commenced:	3/16/2026	Tax Parcel ID(s):	

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

INSPECTION INFORMATION

Inspection Date:	4/8/2026	Inspection Time:	10:00 ☒ AM ☐ PM
Lead Inspector Name:	Noelle Bennese	Inspector Email:	nrbennese@cumberlandcountypa.gov
Inspector Title:	Conservation Coordinator	Inspector Phone:	717-240-5359
Other Attendee(s):	Thomas Swartz	Photographs Attached?	☒ Yes ☐ No
Was a representative of the project or permittee on-site during the inspection?		☒ Yes ☐ No	
Representative Name:	James Armor	Email:	jarmor@liberty.net
Representative Company:	Liberty	Phone:	717-480-1624
Type of Inspection: ☒ Initial ☐ Follow-up (Previous Report #) ☐ Final (NOT)			

Brief description of the site and summary of observations:

Initial inspection of Pennsylvania Digital 1 (PAX-1) - Water Main Relocation site.

- Stone stockpile protected with compost filter sock (Photo 1).
- Active waterline installation and stabilization (Photo 2).
- Active drilling and blasting (Photo 3).
- Existing curbs and utilities being removed (Photo 4).
- Stream crossing area not protected with temporary E&S BMPs. See Additional Comments (Photo 5).
- Stakes on filter sock sediment traps not tied with wire. See Additional Comments (Photo 6).

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:
		Date Latest Annual Report Received: _____
COMPLIANCE ASSISTANCE RECOMMENDATIONS		
Ensure temporary E&S BMPs are installed at all stream crossing areas to protect from sedimentation.		
Ensure all filter sock sediment trap stakes are tied with wire.		
Ensure the steps of the Construction Sequence are followed in sequential order. Refer to Sheet ES302 of the E&S plan drawings.		
Ensure all E&S BMPs are installed per plan.		
Ensure the site is 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.		

ADDITIONAL COMMENTS

The District met with James Armor of Liberty Excavating on-site on 4/8/2026. Mr. Armor noted that the water in the sediment basin will be pumped into a pumped water filter bag over a vegetated area so that maintenance of the baffle can occur. Mr. Armor also noted that temporary E&S controls will be installed at all the stream crossings to protect from sedimentation, and the filter sock sediment trap stakes will be tied with wire within the same day of the inspection.

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: _____

Site Representative Signature

Date


Inspector Signature

4/9/2026
Date

cc:

PHOTOGRAPHS



1. Stone stockpile protected with compost filter sock.



2. Active waterline installation and stabilization.



3. Active drilling and blasting.



4. Existing curbs and utilities being removed.



5. Stream crossing area not protected with temporary E&S BMPs.



6. Stakes on filter sock sediment traps not tied with wire.

Gerber, et al. v. Board of Supervisors of Middlesex Township
No. 2026-06465 (C.P. Cumberland County) — Land Use Appeal

EXHIBIT D

PAG-02 Notice of Intent, NPDES Permit No. PAC210079 Amendment A-4 (approved
May 18, 2026)



PAG-02
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT FOR DISCHARGES OF
STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITIES
NOTICE OF INTENT (NOI)

DEP / CCD USE ONLY	
Date Received: <u>11.26.2025</u>	Permit ID: <u>PAC210079 A-4</u>
☒ Project Eligible ☒ NOI Complete	Date of: ☐ Return ☐ Withdrawal ☐ Denial
Date Resubmission Received: <u>1.07.2026</u>	
Date Determined Complete: <u>2.3.2026</u>	Issuance Date: _____
Coverage Effective Date: _____	Coverage Expiration Date: _____
GENERAL INFORMATION	
1. NOI Type: ☐ New ☒ Major Amendment ☐ Minor Amendment Permit No. PA	
2. Project Type: ☐ Residential ☒ Commercial ☒ Industrial ☐ Agricultural ☒ Utilities	
☐ Roadways ☐ Redevelopment ☐ Site Restoration ☐ Other	
3. Project Site Name: <u>Pennsylvania Digital 1 (PAX-1)</u>	4. Primary NAICS Code: <u>518210</u>
5. Project Description:	Pennsylvania Digital 1 is a 693-acre data center development in Middlesex Township, Cumberland County, PA, along Country Club Road, bordered by the Conodoguinet Creek and I-81. The project is comprised of three campuses, a PPL substation, 3 customer substations, a central water and sewer storage facility, and a new private street with public access road "PA Data Drive" is proposed. This application is focused on phase 1A (PPL Substation) and phase 1B (Campus 1).
6. ☒ Common Plan of Development or Sale No. phases: <u>5</u> (this NOI covers <u>2</u>) No. phases complete: <u>0</u>	
7. Anticipated Earth Disturbance Start Date: <u>Spring, 2026</u> Earth Disturbance End Date: <u>Unknown</u>	
APPLICANT INFORMATION	
1. Applicant Type: a. ☐ Individual b. ☐ Non-Government	
c. ☒ Private Business <i>(Attach to the NOI documentation identifying the names of each current owner, member, etc.)</i>	
Structure: ☒ LLC ☐ SP ☐ Partnership ☐ Corporation ☐ Other: _____	
☐ Registered with PA Department of State File No.: _____	
d. ☐ Government: ☐ Federal ☐ State ☐ County ☐ Municipal ☐ School District	
2. Applicant Name <u>Carlisle Development Partners LLC</u>	3. Contact Name <u>Petri Ottavainen</u>
4. Applicant Mailing Address Line 1 <u>1660 International Drive</u>	5. Applicant Contact Title
Applicant Mailing Address Line 2	6. Applicant Contact Phone No. <u>804-351-7432</u>
7. Applicant Mailing Address City, State, and ZIP <u>McLean, VA 22102</u>	8. Applicant Contact Email <u>pottavainen@americanrepartners.com</u>
9. ☐ There are co-applicants for this NOI <i>(If checked, attach a separate page 1 and certification for each co-applicant)</i>	
CONSULTANT INFORMATION	
1. Consultant Name <u>Catherine A. Prince (Wilsbach)</u>	2. Consultant Firm <u>LIVIC Civil</u>

3. Consultant Mailing Address 1015 Mumma Road, 2 nd Floor	4. Consultant Mailing Address City, State, and ZIP Wormleysburg, PA 17043
5. Consultant Phone No. 888-987-1993 x35	6. Consultant Email cwilsbach@livicco.com

ELIGIBILITY INFORMATION			
1. Stormwater discharges from the project site will not drain to surface waters, including wetlands, that are classified for special protection.	☒ True	☐ False	
2. The applicant is not in violation of any DEP or EPA enforceable document, including any permit, schedule of compliance, consent assessment of civil penalty, or order at the project site or other sites or facilities owned or operated by the applicant in Pennsylvania, and has not shown a lack of ability or intention to comply with laws administered by DEP or EPA as indicated by past or continuing violations.	☒ True	☐ False	
3. The PNDI receipt indicates either 1) "No Impact", or 2) "Conservation Measures", or 3) "Avoidance Measures" that have been agreed to by the applicant, or 4) "Potential Impact" or "Avoidance Measures" not agreed to by the applicant but clearance letters from jurisdictional agencies are attached to the NOI or otherwise will be submitted prior to General Permit coverage.	☒ True	☐ False	
4. Soils in the area of the earth disturbance are not contaminated at levels exceeding residential or non-residential medium-specific concentrations (MSCs) in 25 Pa. Code Chapter 250 at residential or non-residential construction sites, respectively, unless a site-specific standard has been met or evidence is provided that the contamination is naturally occurring or the result of widespread atmospheric deposition.	☒ True	☐ False	
5. Stormwater will not be discharged to MS4s or CSSs or will be discharged to MS4s or CSSs with a decrease or no net change in volume, rate or water quality or will be discharged to MS4s or CSSs with an increase in volume, rate or water quality and written consent of the MS4 or CSS permittee is provided.	☒ True	☐ False	
6. All fill material imported to the project site will be clean fill or will be regulated fill that has been authorized for use on the project site by DEP's Waste Management Program or will be used on an Act 2 site in accordance with standards established by DEP's Land Recycling and Environmental Remediation Standards Program.	☒ True	☐ False	
7. Stormwater discharges will not occur that would contain toxic or hazardous pollutants as defined in sections 307 and 311 of the Clean Water Act (33 U.S.C. §§ 1317 and 1321) or any other substance that – because of its quantity, concentration, or physical, chemical or infectious characteristics – may cause or contribute to an increase in mortality or morbidity in either an individual or the total population, or pose a substantial present or future hazard to human health or the environment when discharged into surface waters.	☒ True	☐ False	
8. Stormwater will not be discharged to impaired waters caused by: siltation; turbidity; Total Suspended Solids (TSS); algae; eutrophication; nutrients; flow regime modification; and/or habitat alterations, or stormwater will be discharged to impaired waters but the applicant will implement non-discharge alternative(s) or ABACT BMPs.	☒ True	☐ False	
9. Stormwater will not be discharged to waters with an EPA-approved or established TMDL for: siltation; turbidity; Total Suspended Solids (TSS); algae; eutrophication; nutrients; flow regime modification; and/or habitat alterations, or will be discharged to TMDL waters (including the Chesapeake Bay) but the applicant will implement non-discharge alternative(s) or ABACT BMPs and any applicable wasteload allocation (WLA) will be achieved.	☒ True	☐ False	
EXISTING PERMITS			
Identify all environmental permits issued by DEP/CCD or EPA or are pending for this facility/project site within the past five (5) years.			
Type of Permit	Permit No.	Date Issued	Issued By
PAG-02	PAC210079A-3	12/30/25	Cumberland CCD
GP-5	GP052103225-003	12/24/25	PADEP
GP-5	GP052103225-002	10/16/25	PADEP
GP-5	GP052103226-001	02/25/26	PADEP
GP-7	GP072103225-004	02/25/26	PADEP

PROJECT SITE AND EARTH DISTURBANCE INFORMATION						
		Project Site		Earth Disturbance		
1. Total Area (acres):	693		300 (200 previously permitted, 100 ac. proposed additional)			
2. Pre-Construction Impervious Area (acres):	9.80		5.60			
3. Post-Construction Impervious Area (acres):	98.12		98.12			
4. Project Site Pre-Construction Land Uses:	5. Project Site Post-Construction Land Uses:					
Land Use	% of Total	Land Use	% of Total			
Agricultural	100	Other	75			
		Rural (undisturbed from pre)	25			
6. Number of proposed lots or parcels comprising the project site:	5					
7. Number of proposed lots or parcels within the project site that are expected to be sold prior to project completion:	n/a					
8. Number of proposed lots or parcels within the project site with PCSM SCMs that are expected to be sold prior to project completion:	n/a					
NOTE – The PAG-02 General Permit requires permittees to: provide a copy of the long-term O&M Plan and record drawings or equivalent to new owners of properties containing PCSM SCMs; complete the New Property Owner Notification form (3800-FM-BCW0271i) and provide it to the new property owner; and submit the New Property Owner Notification form to DEP/CCD within 30 days of the date of transfer of a property.						
9. County Name	Municipality Name	City	Boro	Twp	State	
Cumberland	Middlesex	☐	☐	☒	PA	
10. County Name	Municipality Name	City	Boro	Twp	State	
		☐	☐	☐	PA	
11. Site Location Address						
Country Club Road						
12. Site Location City, State, ZIP						
Carlisle, PA 17015						
13. Report latitude and longitude at the center of the proposed disturbed area (decimal degrees).						
Latitude: 40.255228 Longitude: -77.115227						
14. Horizontal Reference Datum: ☐ NAD of 1927 ☒ NAD of 1983 ☐ WGS of 1984 ☐ Other _____						
15. There will be off-site construction support activities. ☐ Yes ☒ No						
16. If Yes to #15, identify the nature of known off-site support activities whose disturbance is included in #1, above:						
Description of Off-Site Support Activity		Distance from Site	Disturbance Area			
		mi	acres			
		mi	acres			
17. Identify any other off-site support activities whose disturbance is not included in #1, above (see instructions).						
Description of Off-Site Support Activity		Distance from Site	Disturbance Area			
		mi	acres			
		mi	acres			

PROJECT SITE AND EARTH DISTURBANCE INFORMATION	
18. Check the appropriate box concerning fill material (see instructions): ☒ No fill material is expected to be imported to the project site. ☐ It is expected that fill will be needed for this project. The source of fill has not yet been determined but will undergo environmental due diligence when identified. ☐ It is expected that fill will be needed for this project. The applicant has identified the source of the fill and has determined the material to be clean fill. DEP's online Certification of Clean Fill form has been submitted. ☐ It is expected that fill will be needed for this project, which is located on a site that is being remediated to Act 2 standards and will be utilized in accordance with DEP standards under that program. ☐ It is expected that fill will be needed for this project. The applicant has identified the source of the fill and has determined it to be regulated fill. The regulated fill is authorized on the project site under a Waste Management General Permit No. WMGR096 authorization dated: _____. ☐ It is expected that fill will be needed for this project, which is not on an Act 2 site. The applicant has identified the fill and has determined that it does not meet criteria for clean fill. The applicant is seeking authorization to use the regulated fill from DEP's Waste Management Program.	
19. ☐ An Environmental Site Assessment (ESA) has been completed ☐ Soil samples have been analyzed	
20. The site is currently or was previously enrolled in DEP's Act 2 Program. ☐ Yes ☒ No	
21. Act 2 cleanup standards have been met. ☐ Yes ☒ No	
22. Is Act 537 sewage planning approval needed for this project? ☒ Yes ☐ No (Attach approval letter if available)	
23. Is a Chapter 105 permit or authorization required? ☒ Yes ☐ No	
24. If Yes to #23, identify the necessary authorization. ☐ Joint Permit ☒ General Permit ☒ Waiver	
25. If Yes to #23, report the disturbed area not subject to NPDES permit requirements (acres): 0.06	
26. Other DEP/CCD permits, or authorizations are required. ☐ Yes ☒ No	
27. If Yes, identify the necessary authorizations.	
COMPLIANCE HISTORY	
Was/Is the applicant, facility owner or operator in violation of any DEP regulation, permit, order, or schedule of compliance at this or any other facility or project site within the past five (5) years? ☒ Yes ☐ No	
If "Yes," list each permit, order or schedule of compliance and provide current compliance status. Use additional sheets to provide information on all permits.	
Permit Program: Waterways, engineering, and wetlands	Permit No.: GP052103225-002
Brief Description of Non-Compliance: Previous landowner failed to obtain a Ch. 105 GP-5 for a previously installed sewerline along Country Club Road.	
Steps Taken to Achieve Compliance	Date(s) Compliance Achieved
Applied for an ATF permit to PADEP	10/16/25
Current Compliance Status: ☒ In Compliance ☐ In Non-Compliance	

STORMWATER DISCHARGE INFORMATION

1. List all stormwater discharge points (DPs) during construction and provide the information requested below (see instructions). ☒ Chesapeake Bay

DP ID	Latitude	Longitude	Name of Receiving Waters	Ch. 93	Distance to Waters	EP Analysis	Impaired?	TMDL?
001(DP1)	40.249667	-77.110971	Wetland Y	WWF, MF	1500 ft	☒	☒	☒
002(DP2)	40.251794	-77.110280	Wetland Y	WWF, MF	0 ft	☐	☒	☒
003	40.253103	-77.110628	Channel 07	WWF, MF	510 ft	☒	☒	☒
004	40.253516	-77.113441	Channel 06	WWF, MF	65 ft	☒	☒	☒
005	40.255087	-77.113611	Channel 05	WWF, MF	75 ft	☒	☒	☒
006	40.256722	-77.113926	Channel 04	WWF, MF	110 ft	☒	☒	☒
007	40.262835	-77.117111	Wetland S	WWF, MF	265 ft	☒	☒	☒
008	40.256148	-77.120877	Wetland O	WWF, MF	50 ft	☒	☒	☒

2. List all stormwater DPs after construction and stabilization are complete and provide the information requested below.

DP ID	Latitude	Longitude	Name of Receiving Waters	Ch. 93	Distance to Waters	EP Analysis	Impaired?	TMDL?
001(DP1)	40.249667	-77.110971	Wetland Y	WWF, MF	1500 ft	☐	☒	☒
002(DP2)	40.251794	-77.110280	Wetland Y	WWF, MF	0 ft	☐	☒	☒
004	40.253516	-77.113441	Channel 06	WWF, MF	65 ft	☒	☒	☒
005	40.255087	-77.113611	Channel 05	WWF, MF	75 ft	☐	☒	☒
006	40.256722	-77.113926	Channel 04	WWF, MF	110 ft	☐	☒	☒
007	40.262835	-77.117111	Wetland S	WWF, MF	235 ft	☒	☒	☒
008	40.256148	-77.120877	Wetland O	WWF, MF	50 ft	☐	☒	☒
009	40.253653	-77.118845	Wetland P	WWF, MF	65 ft	☐	☒	☒

3. Stormwater will be managed using ☐ non-discharge alternative(s) ☒ ABACT BMPs/SCMs for stormwater discharges during and following construction.

4. Will any of the points identified above discharge to a sewer system? ☐ Yes ☒ No Is the sewer an MS4 or CSS? ☐ Yes ☐ No
Name of storm sewer owner/operator: Will there be an increase in rate, volume or WQ? ☐ Yes ☒ No

5. Identify and describe all non-stormwater discharges that are expected to occur during permit coverage. Describe the frequency and volume of all such discharges.

☒ No non-stormwater discharges are anticipated.

6. Will stormwater flow off the project site through properties owned by others prior to reaching a surface water or storm sewer during or following construction? ☒ Yes ☐ No
If Yes to #6, has an easement been obtained? ☒ Yes ☐ No

NOTE – The applicant is expected to: 1) secure legal authority for discharges on or through property not owned by the applicant; 2) provide for adequate E&S controls and a stable conveyance as necessary to prevent accelerated erosion; and 3) complete an EP Analysis when necessary according to the NOI Instructions.

ADDITIONAL STORMWATER DISCHARGE INFORMATION FOR DISCHARGE POINTS**STORMWATER DISCHARGE INFORMATION**

1. List all stormwater discharge points (DPs) during construction and provide the information requested below (see instructions). ☒ Chesapeake Bay

DP ID	Latitude	Longitude	Name of Receiving Waters	Ch. 93	Distance to Waters	EP Analysis	Impaired?	TMDL?
					ft	☐	☐	☐
011	40.254474	-77.109119	Channel 07	WWF, MF	0 ft	☐	☒	☒
012	40.254973	-77.110694	Wetland W	WWF, MF	0 ft	☐	☒	☒
013	40.255555	-77.111845	Wetland U	WWF, MF	0 ft	☐	☒	☒
014	40.256167	-77.112065	Wetland Z	WWF, MF	0 ft	☐	☒	☒
015	40.257139	-77.112819	Wetland T	WWF, MF	0 ft	☐	☒	☒
016	40.256663	-77.120961	Wetland Z	WWF, MF	0			
017	40.256016	-77.121366	Wetland O	WWF, MF	0 ft	☐	☒	☒
018	40.255280	-77.122011	Wetland N	WWF, MF	0			
019	40.253850	-77.124477	Wetland M	WWF, MF	0 ft	☐	☒	☒
020	40.248924	-77.120227	Channel 01	WWF, MF	340			

2. List all stormwater DPs after construction and stabilization are complete and provide the information requested below.

DP ID	Latitude	Longitude	Name of Receiving Waters	Ch. 93	Distance to Waters	EP Analysis	Impaired?	TMDL?
					ft	☐	☐	☐
011	40.254474	-77.109119	Channel 07	WWF, MF	0 ft	☐	☒	☒
012	40.254973	-77.110694	Wetland W	WWF, MF	0 ft	☐	☒	☒
013	40.255555	-77.111845	Wetland U	WWF, MF	0 ft	☐	☒	☒
014	40.256167	-77.112065	Wetland Z	WWF, MF	0 ft	☐	☒	☒
015	40.257139	-77.112819	Wetland T	WWF, MF	0 ft	☐	☒	☒
016	40.256663	-77.120961	Wetland Z	WWF, MF	0		☒	☒
017	40.256016	-77.121366	Wetland O	WWF, MF	0 ft	☐	☒	☒
018	40.255280	-77.122011	Wetland N	WWF, MF	0		☒	☒
019	40.253850	-77.124477	Wetland M	WWF, MF	0 ft	☐	☒	☒
020	40.248924	-77.120227	Channel 01	WWF, MF	340		☒	☒

3. Stormwater will be managed using ☐ non-discharge alternative(s) ☒ ABACT BMPs/SCMs for stormwater discharges during and following construction.

4. Will any of the points identified above discharge to a sewer system? ☐ Yes ☒ No Is the sewer an MS4 or CSS? ☐ Yes ☐ No

Name of storm sewer owner/operator:

Will there be an increase in rate, volume or WQ? ☐ Yes ☒ No

5. Identify and describe all non-stormwater discharges that are expected to occur during permit coverage. Describe the frequency and volume of all such discharges.

☒ No non-stormwater discharges are anticipated.

ADDITIONAL STORMWATER DISCHARGE INFORMATION FOR DISCHARGE POINTS
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STORMWATER DISCHARGE INFORMATION

1. List all stormwater discharge points (DPs) during construction and provide the information requested below (see instructions). ☒ Chesapeake Bay

DP ID	Latitude	Longitude	Name of Receiving Waters	Ch. 93	Distance to Waters	EP Analysis	Impaired?	TMDL?
009	40.253653	-77.118845	Wetland P	WWF, MF	65 ft	☒	☒	☒
021	40.251357	-77.112222	Wetland Y	WWF, MF	0 ft	☐	☒	☒
022	40.254215	-77.111852	Channel 06	WWF, MF	0 ft	☐	☒	☒
023	40.254774	-77.113506	Channel 05	WWF, MF	170 ft	☒	☒	☒
024	40.257078	-77.114227	Channel 04	WWF, MF	0 ft	☐	☒	☒
025	40.259001	-77.115046	Wetland Z	WWF, MF	365 ft	☐	☒	☒
026	40.259936	-77.115558	Wetland Z	WWF, MF	355 ft	☒	☒	☒
027	40.261160	-77.116053	Wetland Z	WWF, MF	450 ft	☒	☒	☒

2. List all stormwater DPs after construction and stabilization are complete and provide the information requested below.

DP ID	Latitude	Longitude	Name of Receiving Waters	Ch. 93	Distance to Waters	EP Analysis	Impaired?	TMDL?
021	40.251357	-77.112222	Wetland Y	WWF, MF	0 ft	☐	☒	☒
022	40.254215	-77.111852	Channel 06	WWF, MF	0 ft	☐	☒	☒
024	40.257078	-77.114227	Channel 04	WWF, MF	0 ft	☐	☒	☒
025	40.259001	-77.115046	Wetland Z	WWF, MF	365 ft	☐	☒	☒
026	-77.115046	-77.115558	Wetland Z	WWF, MF	355 ft	☒	☒	☒
027	40.261160	-77.116053	Wetland Z	WWF, MF	450 ft	☒	☒	☒
					ft	☐	☐	☐
					ft	☐	☐	☐

3. Stormwater will be managed using ☐ non-discharge alternative(s) ☐ ABACT BMPs/SCMs for stormwater discharges during and following construction.

4. Will any of the points identified above discharge to a sewer system? ☐ Yes ☐ No Is the sewer an MS4 or CSS? ☐ Yes ☐ No
Name of storm sewer owner/operator: Will there be an increase in rate, volume or WQ? ☐ Yes ☐ No

5. Identify and describe all non-stormwater discharges that are expected to occur during permit coverage. Describe the frequency and volume of all such discharges.

☐ No non-stormwater discharges are anticipated.

6. Will stormwater flow off the project site through properties owned by others prior to reaching a surface water or storm sewer during or following construction? ☐ Yes ☐ No

If Yes to #6, has an easement been obtained? ☐ Yes ☐ No

NOTE – The applicant is expected to: 1) secure legal authority for discharges on or through property not owned by the applicant; 2) provide for adequate E&S controls and a stable conveyance as necessary to prevent accelerated erosion; and 3) complete an EP Analysis when necessary according to the NOI Instructions.

ADDITIONAL STORMWATER DISCHARGE INFORMATION FOR DISCHARGE POINTS

STORMWATER DISCHARGE INFORMATION									
1. List all stormwater discharge points (DPs) <u>during construction</u> and provide the information requested below (see instructions).							☒ Chesapeake Bay		
DP ID	Latitude	Longitude	Name of Receiving Waters	Ch. 93	Distance to Waters	EP Analysis	Impaired?	TMDL?	
028	40.263214	-77.116041	Wetland S	WWF, MF	0 ft	☐	☒	☒	
029	40.263423	-77.116365	Wetland S	WWF, MF	0 ft	☐	☒	☒	
030	40.261169	-77.119725	Wetland Z	WWF, MF	0 ft	☐	☒	☒	
031	40.259769	-77.119708	Wetland Z	WWF, MF	0 ft	☐	☒	☒	
032	40.259554	-77.119697	Wetland Z	WWF, MF	0 ft	☐	☒	☒	
033	40.258649	-77.120031	Wetland Z	WWF, MF	0 ft	☐	☒	☒	
034	40.257568	-77.120461	Wetland Z	WWF, MF	0 ft	☐	☒	☒	
035	40.256654	-77.120940	Wetland Z	WWF, MF	0 ft	☐	☒	☒	
2. List all stormwater DPs <u>after construction and stabilization are complete</u> and provide the information requested below.									
DP ID	Latitude	Longitude	Name of Receiving Waters	Ch. 93	Distance to Waters	EP Analysis	Impaired?	TMDL?	
028	40.263214	-77.116041	Wetland S	WWF, MF	0 ft	☐	☒	☒	
029	40.263423	-77.116365	Wetland S	WWF, MF	0 ft	☐	☒	☒	
030	40.261169	-77.119725	Wetland Z	WWF, MF	0 ft	☐	☒	☒	
031	40.259769	-77.119708	Wetland Z	WWF, MF	0 ft	☐	☒	☒	
032	40.259554	-77.119697	Wetland Z	WWF, MF	0 ft	☐	☒	☒	
033	40.258649	-77.120031	Wetland Z	WWF, MF	0 ft	☐	☒	☒	
034	40.257568	-77.120461	Wetland Z	WWF, MF	0 ft	☐	☒	☒	
035	40.256654	-77.120940	Wetland Z	WWF, MF	0 ft	☐	☒	☒	
3. Stormwater will be managed using ☐ non-discharge alternative(s) ☐ ABACT BMPs/SCMs for stormwater discharges during and following construction.									
4. Will any of the points identified above discharge to a sewer system? ☐ Yes ☐ No Is the sewer an MS4 or CSS? ☐ Yes ☐ No Name of storm sewer owner/operator: Will there be an increase in rate, volume or WQ? ☐ Yes ☐ No									
5. Identify and describe all non-stormwater discharges that are expected to occur during permit coverage. Describe the frequency and volume of all such discharges. ☐ No non-stormwater discharges are anticipated.									
6. Will stormwater flow off the project site through properties owned by others prior to reaching a surface water or storm sewer during or following construction? ☐ Yes ☐ No If Yes to #6, has an easement been obtained? ☐ Yes ☐ No NOTE – The applicant is expected to: 1) secure legal authority for discharges on or through property not owned by the applicant; 2) provide for adequate E&S controls and a stable conveyance as necessary to prevent accelerated erosion; and 3) complete an EP Analysis when necessary according to the NOI Instructions.									

ADDITIONAL STORMWATER DISCHARGE INFORMATION FOR DISCHARGE POINTS

STORMWATER DISCHARGE INFORMATION								
1. List all stormwater discharge points (DPs) <u>during construction</u> and provide the information requested below (see instructions).							☒ Chesapeake Bay	
DP ID	Latitude	Longitude	Name of Receiving Waters	Ch. 93	Distance to Waters	EP Analysis	Impaired?	TMDL?
036	40.253469	-77.118297	Wetland P	WWF, MF	220 ft	☒	☒	☒
					ft	☐	☐	☐
					ft	☐	☐	☐
					ft	☐	☐	☐
					ft	☐	☐	☐
					ft	☐	☐	☐
					ft	☐	☐	☐
					ft	☐	☐	☐
					ft	☐	☐	☐
					ft	☐	☐	☐
2. List all stormwater DPs <u>after construction and stabilization are complete</u> and provide the information requested below.								
DP ID	Latitude	Longitude	Name of Receiving Waters	Ch. 93	Distance to Waters	EP Analysis	Impaired?	TMDL?
					ft	☐	☐	☐
					ft	☐	☐	☐
					ft	☐	☐	☐
					ft	☐	☐	☐
					ft	☐	☐	☐
					ft	☐	☐	☐
					ft	☐	☐	☐
					ft	☐	☐	☐
					ft	☐	☐	☐
3. Stormwater will be managed using ☐ non-discharge alternative(s) ☐ ABACT BMPs/SCMs for stormwater discharges during and following construction.								
4. Will any of the points identified above discharge to a sewer system? ☐ Yes ☐ No Is the sewer an MS4 or CSS? ☐ Yes ☐ No								
Name of storm sewer owner/operator:					Will there be an increase in rate, volume or WQ? ☐ Yes ☐ No			
5. Identify and describe all non-stormwater discharges that are expected to occur during permit coverage. Describe the frequency and volume of all such discharges.								
☐ No non-stormwater discharges are anticipated.								
6. Will stormwater flow off the project site through properties owned by others prior to reaching a surface water or storm sewer during or following construction?							☐ Yes ☐ No	
If Yes to #6, has an easement been obtained? ☐ Yes ☐ No								
NOTE – The applicant is expected to: 1) secure legal authority for discharges on or through property not owned by the applicant; 2) provide for adequate E&S controls and a stable conveyance as necessary to prevent accelerated erosion; and 3) complete an EP Analysis when necessary according to the NOI Instructions.								

CERTIFICATION FOR PAG-02 APPLICANTS

I certify under penalty of law that this application and all related attachments were prepared by me or under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my own knowledge and on inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. The responsible official's signature also verifies: that the activity is eligible for coverage under the PAG-02 General Permit; that BMPs, SCMs, E&S Plan, PPC Plan, PCSM Plan, and other controls are being or will be, implemented to ensure that water quality standards and effluent limits are attained; and that I will submit a Notice of Termination (NOT) to DEP/CCD upon final stabilization of the project site if I am the permittee or co-permittee at that time. I grant permission to DEP/CCD and EPA to enter the project site for inspection purposes. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment or both for knowing violations pursuant to Section 309(c)(4) of the Clean Water Act and 18 Pa. C.S.A. § 4904.

For applicants that are individuals or sole proprietors, check the box below and proceed to the signature section.

☐ **Individual / Sole Proprietor**

For all other applicants, select the applicable box after reviewing the certification below.

I hereby certify that I am the signatory pursuant to 25 Pa. Code § 92a.22 and 40 CFR § 122.22 and that I am the person who is responsible for decision-making regarding environmental compliance functions for the entity named below, the manager of one or more manufacturing, production, or operating facilities of the applicant and am authorized to make management decisions which govern the operation of regulated facility including having explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure the applicant's long-term environmental compliance with environmental laws and regulations, and I am responsible for ensuring that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements.

☐ **Corporation/Company:** I am the ☐ Responsible Corporate Officer ☐ President ☐ Vice President
☐ Secretary ☐ Treasurer ☐ Other: _____ for **(Entity Name)** _____

☒ **LLC:** I am a person either holding a position designated or individually listed on a "Certificate of Limited Liability Company Authority" filed with the Pennsylvania Department of State as a position/person with the authority to bind the company OR the person listed in the LLC's most current and active operating agreement as having the authority to bind the company. **Attach the applicable "Certificate of Limited Liability Company Authority" or operating agreement.** If the operating agreement is attached, identify the page and paragraph containing the applicable information.

☐ **Partnership:** I am a general partner of **(Entity Name)** _____
☐ Partnership ☐ LP ☐ LLP

☐ **Government:** I am the principal executive officer or ranking elected official of
(Entity Name) _____
☐ Federal ☐ State ☐ Municipal ☐ Other

☐ **Power of Attorney / delegation of contractual authority** (documentation supporting delegation of contracting authority must be provided) for **(Entity Name)** _____

Igal J. Feibush

Name (type or print legibly)

Authorized Signatory

Title

By: *Igal Feibush*

Signature

11/24/25

Date Signed

Gerber, et al. v. Board of Supervisors of Middlesex Township
No. 2026-06465 (C.P. Cumberland County) — Land Use Appeal

EXHIBIT E

Minutes dated June 15, 2026, prepared by LIVIC Civil, of the May 27, 2026
meeting with DEP and CCCD (with transmittal email of Justin H. Ross, P.E.)

Electronic mail message (rendered from native Outlook .msg file)

From: Matthew Leiby ■ <mleiby@livicco.com ■>

Date: Tue, 16 Jun 2026 12:18:00 +0000

To: Bebenek, Maria; Williamson, Scott; Blosser, Andrea; Thomas Swartz; vmccollum@ccpa.net; Lubinsky, Mike W.; Bennese, Noelle R.; Kim, Jin Su; Zimmerman, Cory; Schlauderaff, Brian; Conrad, Troy; Digilarmo, Robert; mstoner@jhacompanies.com; Petri Ottavainen ■

Cc: David Hanes; Nick Long; Justin Ross; Jefferson Byler ■

Subject: [External] RE: 05.27.26 PAX-1 Force Main & NPDES Post Meeting Follow-Up Items ■

Attachments: image001.png ■, image002.png ■, image003.png ■, image004.png ■, 2025.06.15_PAX 105 Mater Impact & Mitigation Tabulation.pdf ■, 2026.06.15 PADEP Ch. 105 Approach Concurrence Request PAX-1.pdf ■, 2026.06.15 PAX-1 102_105 Permits 5.27 Meeting Minutes.pdf ■, 2026.06.15 EXB-1_105 Impact Exhibit.pdf ■

Project Number/Name:	1258-03 PAX-1
Meeting Date/Time:	05/27/26
Attendees:	Andrea Blosser (PA DEP), Brian Schlauderaff (PA DEP), David Hanes (LIVIC), Jefferson Byler (LIVIC), Justin Ross (LIVIC), Jin Su Kim (PA DEP), Maria Bebenek (PA DEP), Max Stoner (JHA), Mike Lubinsky (CCCD), Nick Long (LIVIC), Noelle Bennese (CCCD), Petri Ottavainen (AREP), Robert Digilarmo (PA DEP), Scott Williamson (PA DEP), Troy Conrad (OTO), Vince McCollum (CCCD)

Officially Documented Meeting Minutes:

- **Project History & Current Status (General NPDES Chapter 102)**
 - Permitting History
 - An NPDES permit was in place for a residential development ("Cumberland Knoll") when the property was acquired.
 - The NPDES permit boundary was expanded to the full 700-acre property limit.
 - 1st Amendment (PPL Laydown): Covered the construction trailer laydown area.
 - 2nd Amendment (Blasting & Water Main): Approved by the Conservation District for early drilling, blasting, and water main relocation.
 - Recent Approval (Phase 1A/1B): The most recent amendment covers Campus 1 data centers, infrastructure, and access roads. This work is currently under construction.
- **Upcoming General NPDES Chapter 102 Permit Submissions & Project Phasing**
 - Phase 1C (Construction Laydown), 2 (Campus 2), & Improvements Along Country Club Road
 - The land development plan has been under review with Middlesex Township since fall 2025 (July 1, 2026 anticipated board approval). The permit package for CCCD is being prepared and is expected to be submitted 7/13/2026
 - Phase 3 (Campus 3)
 - The land development plan has been under review with was submitted to Middlesex Township since fall 2025 and recently resubmitted with final layout. (August 5, 2026 anticipated board approval).
 - Design Work on this phase is underway with CCCD NPDES submission anticipated 8/31/2026
 - LIVIC stated the goal is to keep both 102 permits above under the existing General Permit (PAG-02).
- **New Off-Site Project Needs**
 - Industrial Wastewater Force Main (South) – *Designed and moving forward to permitting.*
 - LIVIC described a proposed 6-inch industrial wastewater forcemain from the project site to SR 11 along Country Club Road. Installation method (trenched vs. drilled) is TBD.
 - LIVIC noted that if only utility installation, a restoration NPDES permit would be pursued.
 - Fiber Optic Lines – *Research phase, no off-site permits pending*
 - South along Country Club Road
 - LIVIC outlined early planning considerations for new fiber lines being discussed by end user along Country Club Road, from Bernheisel Bridge to Route 11
 - This is an open item, simply DEP awareness, as the development team has not agreed to permit and construct the lines and is unsure of the impact on timelines.
 - North across Conodoguinet Creek Crossing

- LIVIC explained a redundant fiber line may be needed running north from the site to Sherwood Drive, crossing Wetland Z (10 acres) and the Conodoguinet Creek. This could be directionally drilled or open cut.
 - DEP advised that a geotechnical study would be needed evaluate drilling fluid in this location and consider open-cutting as a potential construction option.
- Roadway Improvements (South – Optional) -*Research phase, no off-site permits pending*
 - LIVIC noted that minor improvements to expand lanes for a right-turn lane on Route 11 is required. The developer is considering shoulder widening of Country Club Road as a benefit and safety improvement for the community. It is agreed that this would trigger an Individual NPDES permit if pursued based on the watershed.
- **Chapter 102 (NPDES/Stormwater) Permitting Strategy**
 - General vs. Individual Permit
 - The project currently has a PAG-02 General Permit. Some of the new offsite work extends into the Letort Spring Run watershed, which is designated High-Quality (HQ).
 - Justin Ross asked how the permit strategy may change if utilities are permitted under the utility's name vs. the developer's, and what are the implications of the HQ watershed.
 - Scott Williamson stated that the offsite sewer and/or fiber lines are part of the common plan of development and must be included under the project's permit. Since this work extends into the HQ watershed, it will result in a shift of the project from being permitted under the PAG-02 to an individual construction stormwater permit.
 - Justin Ross confirmed their internal assessment reached the same conclusion. The goal is now to work through the best strategy for overall timing.
 - Since this would be in the Letort Springs Watershed, it would need to be an Individual permit. DEP confirmed that this would need to be submitted as an individual Major Mod and the other General Permits issued and approved for the project prior to this individual permit being issued would remain as permitted but those permits would then become part of the Individual Permit.
 - Process for Transitioning to an Individual Permit
 - An individual permit application would be submitted for the new work, but the permit boundary would cover the entire project.
 - Once the individual permit is approved by DEP, the existing PAG-02 general permit would be revoked.
 - Crucially, the developer is permitted to conduct earth disturbance the whole way through, while the individual permit application is under review.
- **Chapter 105 (Water & Wetland) Permitting Updates and Strategy**
 - Campus 3 Updates
 - At the direction of the department since our last planning call, LIVIC redesigned the site and western stormwater basin eliminating impact to a one-acre wetland.
 - With the reduction, the current proposed impact for Campus 3 inclusive of prior GP permitted impacts across the remainder of the project is anticipated to be just over 0.3 acres of DEP jurisdictional wetland.
 - Watercourse 1 (Piped Stream) Daylighting & Crossing:
 - The team proposes to daylight (remove the pipe and create a natural channel) Watercourse 1 for environmental benefit.
 - LIVIC asked what Chapter 105 permit is needed to then cross this newly daylighted stream with a utility.
 - Scott Williamson answered:
 - The new channel design must be reviewed to ensure it conveys a 100-year storm.

- A crossing would be a waived activity (Waiver 2), as the drainage area is less than 100 acres (confirmed as 50 acres by Dave Hanes) and no wetlands are impacted by the crossing itself.
- Campus 3 Impacts (Wetland E & Channel 2)
 - The primary impact is ~9,000 sq. ft. to Wetland E. The piped stream (Channel 2) will be relocated and routed around the Campus 3 improvements. LIVIC asked if mitigation is required for relocating a piped stream. The team's understanding was no since it is currently in a pipe and will remain in a pipe. Scott Williamson needs to confirm with his full team.
- Country Club Road Crossings (Force Main, Fiber Culvert)
 - Justin Ross asked if crossings of an existing culvert connecting two wetlands would be eligible for General Permits or waivers.
 - Scott Williamson answered that no waiver applies because it is functionally a wetland crossing, evaluated based on the natural condition. Both activities (utilities, culvert extension) are GP eligible if remaining below total cumulative impact limits. Dave Hanes sought clarification on GP11, and Scott Williamson confirmed it is limited to 12 additional feet on each side.
- Northern Fiber Line (Conodoguinet Creek Crossing)
 - LIVIC assumes crossing Wetland Z (> 10 acres) means it must be in a joint permit.
 - Scott Williamson confirmed and added a high-priority constraint. A Submerged Lands License Agreement is required for crossing the Conodoguinet Creek because it is a navigable state waterway.
- **Fiber Line Ownership & 105 Permitting Strategy**
 - The ownership of the northern fiber line emerged as a critical factor.
 - Scott Williamson flagged it as a medium risk. If the project team permits the line under their main joint permit, but a different entity will own it, transferring that permit part later is complex.
 - Petri Ottavainen explained the fiber line is an outside utility being built for a provider to service the site. Ownership will lie with the utility provider, not the project or end user.
 - Scott Williamson recommended the best path forward is for the fiber optic provider to secure a separate joint permit in their own name.
- **Total Estimated Project Impact & Mitigation Approach**
 - Stream Impacts: ~100 ft temporary and 265 ft permanent (inclusive of waivers/approvals).
 - Wetland Impacts: Totaling ~0.35-0.36 acres.
 - Mitigation Strategy Update: The team previously planned for Permittee-Responsible Mitigation (PRM) but has now confirmed that RES, a local mitigation bank, has sufficient wetland and stream credits available. The team is in final contract review with RES to satisfy mitigation via credit purchase.
- **Permitting Extras**
 - SHPO Adverse Impact
 - Scott Williamson stated that The State Historic Preservation Office has issued an adverse impact determination on the project's viewshed. This shed is a mandatory and important item discussed for the individual permit process. LIVIC confirmed that the team is actively pursuing this resolution.

- **Action Items**

- Scott Williamson: Confirm with the full DEP team that no mitigation is required for relocating the piped stream (Channel 2).
- Petri Ottavainen & Justin Ross: Verify the final ownership and operational relationship for the northern fiber line with the end user and utility provider.
- LIVIC: Prepare & submit the permit amendment package for Campus 2 and Campus 1C to Cumberland County Conservation District mid-June 2026 (*revised to mid-July 2026 after this call*).
- LIVIC: Send DEP & CCCD a list of permits and submission dates for review and concurrence. (*See summary enclosed below*)
- LIVIC: Prepare and share a preliminary 105 package (exhibits, impact tables, roadmap) with regulatory contacts. DEP to confirm mitigation ratios and general agreement of impacts and mitigation prior to JPA Submission end of July. (*See attached*)
- LIVIC: Coordinate with ACOE to have AJD completed and concurrence on final strategy, impacts and mitigation which align with federal requirements. (*On-going*)

102 Permitting Next Steps – (For Dept Review)

Attn: Scott Williamson

Supplemental to the above coordination call, we offer the following outline of remaining 102 permits anticipated for this project. Please review/confirm with Dept & CCCD, that the upcoming phases of the project may follow this timeline?

102 Permitting Phases Proposed:

1. NPDES Major Mod Phase 2 & 1C (Includes expanded permit area over Country Club Road to East)
 - a. Submission Date: 7/13/2026
 - b. Estimated Approval Date: 10/15/2026
2. NPDES Major Mod Phase 3
 - a. Submission Date: 8/31/2026
 - b. Estimated Approval Date: 11/15/2026
3. Restoration Individual NPDES (CCR Forcemain) (Confirm that this permit can be submitted and review conducted parallel to the Phase 2 & 1C and Phase 3 Major Mods)
 - a. Submission Date: 9/14/2026
 - b. Estimated Approval Date: 3/15/2027
4. On-site Fiber
 - a. To be reviewed with CCCD and added to NPDES Major Mod Phase 2 and 1C above.
5. Off-site Fiber
 - a. To Be Determined – Developer is currently not responsible for these utilities and continues reviewing with utility provider. Required permits would be obtained in the future depending on who takes the lead once final routes are established.
6. Off-site Road Improvements (SR11)
 - a. To Be Determined – Applicable permit will be submitted once roadway improvements and scope of work is determined in the future.

Gerber, et al. v. Board of Supervisors of Middlesex Township
No. 2026-06465 (C.P. Cumberland County) — Land Use Appeal

EXHIBIT F

PA DEP Bureau of Mining Programs Blasting Activity Permits: Nos. 21264103,
21264108, 21264109 and 21264110



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF MINING AND RECLAMATION

Blasting Activity Permit

21264103

Project

Name/Description:

COMMERCIAL DEVELOPMENT

Purpose for Blasting:

Commercial Development

If Other, please describe:

Applicant

MAINE DRILLING & BLASTING INC (Client 76967)

PO BOX 1140

GARDINER, ME 04345-1140

ATF License No.:

8-PA-107-20-4B-02325

Type of Business:

OTHER OTHER (NON-GOVERNMENT)

Contact Information

Contact Name:

JON NEITHERCOAT

Title:

DIVISION MANAGER

Telephone:

717-571-7746

Email:

JNEITHERCOAT@MDANDB.COM

Blasting Contractor Information

Is the Applicant the Blasting Contractor? YES

Duration and Times of Blasting

Blasting Activity End Date:

02/04/2027

Anticipated days of the week and times when blasting may occur

Days:

MON thru FRI

Time:

SUNRISE AM thru SUNSET PM

Location of Blasting Activity

Primary County:

CUMBERLAND COUNTY

Primary Municipality:

MIDDLESEX TWP

Second County:

Second Municipality:

Third County:

Third Municipality:

Latitude:

40° 15' 3.18"

Longitude:

77° 6' 52.85"

Dwellings, Structures and Utilities

Indicate distance and direction (in degrees) to the nearest building, neither owned nor leased by the permittee, from the area where blasting will occur.

Distance (in feet):

250

Direction (in degrees):

180

Indicate the method that will be employed to satisfy the monitoring requirements of Chapter 211 Subchapter G (relating to monitoring requirements).

Monitoring Method:

Seismograph

Will blasting be conducted within 200' of a buried or underground utility line or utility line making contact with the surface of the ground?

Within 200' of Utility Line:

YES

Will blasting be conducted within 800' of any public road?

Within 800' of Public Road:

Precautions taken to protect the public:

YES

TRAFFIC WILL BE CLEAR ON COUNTRY CLUB ROAD WHEN WITHIN 400FT. FROM 400-800FT, SHOTS WILL BE ORIENTED AWAY FROM THE ROADWAY AND OVERBURDEN WILL BE LEFT IN PLACE ON TOP OF THE ROCK.

Blast Loading Plan 1 (§§211.124(a)(15),(c)(6))

	Hole DIA.	MAX # HOLES	MAX # ROWS	BURDEN		SPACING		HOLE DEPTH		STEMMING	
				MIN.	MAX.	MIN.	MAX.	MIN.	MAX.	MIN.	TYPE
A	3.5	500	30	5	10	5	14	9	40	5	CLEAN CRUSHED STONE
B	4	500	30	7	12	7	15	9	40	6	CLEAN CRUSHED STONE
C	4.5	500	30	8	12	8	18	11	40	6	CLEAN CRUSHED STONE
D	3.5	500	10	4	10	4	12	9	30	5	CLEAN CRUSHED STONE
E	4	400	10	4	10	7	14	9	30	6	CLEAN CRUSHED STONE
F	4.5	400	10	5	10	8	16	11	30	6	CLEAN CRUSHED STONE

Maximum explosives weight per delay (less than 8ms): 1000

Minimum Scaled Distance:

20

Method of blast initiation:

Electric ☐ Non-Electric ☒ Other ☐

Explain other:

Comments	
A	Mass blasting. powder factor not to exceed 1.5lb/cy
B	Mass blasting. powder factor not to exceed 1.5lb/cy
C	Mass blasting. powder factor not to exceed 1.5lb/cy
D	Trench blasting. powder factor not to exceed 4lb/cy
E	Trench blasting. powder factor not to exceed 4lb/cy
F	Trench blasting. powder factor not to exceed 4lb/cy

Permit(s) to Purchase Explosives

Purchase Permit 1:

10526

Purchase Permit 2:

10539

Permit(s) to Store Explosives

Will explosives be stored within the proposed blasting activity area? NO

Comments

File Attachments

Insurance Certificate

COI 2026.pdf

[View](#)

Location Map

Project Map.jpg

[View](#)

Other (ATF license)

ATF License.pdf

[View](#)

Prepared By

Licensed Blaster Name:

Blaster License Number:

Submitted Date:

Jon Neithercoat

BL-9093

02/04/2026

Inspector Review

Reviewed By:

Alt. Max. Allow. Peak Particle Velocity:

Alt. Max. Allow. Airblast:

Comments:

MICHAEL DUKE

I was on site 2/10/26. The Operator/Blaster in Charge/Permittee shall take all necessary actions to protect the health and safety of individuals from noxious gases generated by the blast as per 25 Pa. Code 211.152. Such actions may include, but are not limited to; monitoring for the presence of carbon monoxide in the vicinity of the blast, directing the site excavator to immediately excavate the blast area, excavating a break to the depth of the blast to allow venting of gases, trenching, and/or other measures; as may be appropriate to protect health and safety.

Management Action

Manager:

Final Action:

Final Action Date:

DANIEL COLLINS

Issued

02/10/2026



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/24/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Willis Towers Watson Insurance Services West, Inc. c/o 26 Century Blvd P.O. Box 305191 Nashville, TN 372305191 USA	CONTACT NAME: WTW Certificate Center	
	PHONE (A/C No. Ext): 1-877-945-7378	FAX (A/C No.): 1-888-467-2378
INSURED Maine Drilling & Blasting, Inc. P.O. Box 1140 Gardiner, ME 04345	E-MAIL ADDRESS: certificates@wtwco.com	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Starr Indemnity & Liability Company	
	INSURER B:	
	INSURER C:	
	INSURER D:	
INSURER E:		
INSURER F:		
NAIC # 38318		

COVERAGES

CERTIFICATE NUMBER: W43151952

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY			1000090514251	12/31/2025	12/31/2026	EACH OCCURRENCE \$ 1,000,000
	☐ CLAIMS-MADE ☒ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 250,000
							MED EXP (Any one person) \$ 10,000
							PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE \$ 2,000,000
	☐ POLICY ☒ PRO-JECT ☒ LOC						PRODUCTS - COMP/OP AGG \$ 2,000,000
	OTHER:						\$
A	AUTOMOBILE LIABILITY			1000198812251	12/31/2025	12/31/2026	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000
	☒ ANY AUTO						BODILY INJURY (Per person) \$
	☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS						BODILY INJURY (Per accident) \$
	☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident) \$
							\$
A	UMBRELLA LIAB ☒ OCCUR			1000095558251	12/31/2025	12/31/2026	EACH OCCURRENCE \$ 10,000,000
	☒ EXCESS LIAB ☐ CLAIMS-MADE						AGGREGATE \$ 10,000,000
	DED ☐ RETENTION \$						\$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			1000003303	12/31/2025	12/31/2026	☒ PER STATUTE ☐ OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y / N					E.L. EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below	No	N / A				E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
							E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Worker Compensation & Employers Liability - MA			1000003305	12/31/2025	12/31/2026	EL Each Accident \$1,000,000
	Per Statute						EL Disease - Pol Limit \$1,000,000
							EL Dis. - Ea Employee \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

SEE ATTACHED

CERTIFICATE HOLDER

CANCELLATION

PENNDOT Central Permit Office 400 North Street Harrisburg, PA 17120	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

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AGENCY CUSTOMER ID: _____

LOC #: _____

**ADDITIONAL REMARKS SCHEDULE**Page 2 of 2

AGENCY Willis Towers Watson Insurance Services West, Inc.		NAMED INSURED Maine Drilling & Blasting, Inc. P.O. Box 1140 Gardiner, ME 04345	
POLICY NUMBER See Page 1		EFFECTIVE DATE: See Page 1	
CARRIER See Page 1	NAIC CODE See Page 1		

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: 25 FORM TITLE: Certificate of Liability InsuranceINSURER AFFORDING COVERAGE: Starr Indemnity & Liability CompanyNAIC#: 38318POLICY NUMBER: 1000198815251 EFF DATE: 12/31/2025 EXP DATE: 12/31/2026

TYPE OF INSURANCE:	LIMIT DESCRIPTION:	LIMIT AMOUNT:
Auto Liability - MA	Combine Single Limit	\$2,000,000
Any Auto	Each Accident	



In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in the activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 555.53.** See "WARNINGS" and "NOTICES" on reverse.

Direct ATF ATF - Chief, FELC
Correspondence To 244 Needy Road
 Martinsburg, WV 25405-9431

License/Permit
Number

8-PA-107-20-7B-02325

Chief, Federal Explosives Licensing Center (FELC)

Expiration
Date

February 1, 2027

Name
MAINE DRILLING & BLASTING INC

Premises Address (Changes? Notify the FELC at least 10 days before the move.)

**2700 WEST CENTER STREET
TREMONT, PA 17981-**

Type of License or Permit

20-MANUFACTURER OF EXPLOSIVES

Purchasing Certification Statement

The licensee or permittee named above shall use a copy of this license or permit to assist a transferor of explosives to verify the identity and the licensed status of the licensee or permittee as provided by 27 CFR Part 555. The signature on each copy must be an original signature. A faxed, scanned or e-mailed copy of the license or permit with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Explosives Licensee (FEL) or a responsible person of the FEL. I certify that this is a true copy of a license or permit issued to the licensee or permittee named above to engage in the business or operations specified above under "Type of License or Permit."

Mailing Address (Changes? Notify the FELC of any changes.)

**MAINE DRILLING & BLASTING INC
88 GOLD LEDGE AVENUE
AUBURN, NH 03032-**

Shane La Gray
Licensee/Permittee Responsible Person Signature

Regional VP
Position/Title

Shane La Gray
Printed Name

02/20/2024
Date

Previous Edition is Obsolete

MAINE DRILLING & BLASTING INC-2700 WEST CENTER STREET-17981-8-PA-107-20-7B-02325-February 1, 2027-20-MANUFACTURER OF EXPLOSIVES

ATF Form 5400.14/5400.15 Part 1
Revised September 2011

Federal Explosives License (FEL) Customer Service Information

Federal Explosives Licensing Center (FELC)
244 Needy Road
Martinsburg, WV 25405-9431

Toll-free Telephone Number: (877) 283-3352
Fax Number: (304) 616-4401
E-mail: FELC@atf.gov

ATF Homepage: www.atf.gov

Change of Address (27 CFR 555.54(a)(1)). Licensees or permittees may during the term of their current license or permit remove their business or operations to a new location at which they intend regularly to carry on such business or operations. The licensee or permittee is required to give notification of the new location of the business or operations not less than 10 days prior to such removal with the Chief, Federal Explosives Licensing Center. The license or permit will be valid for the remainder of the term of the original license or permit. **(The Chief, FELC, shall, if the licensee or permittee is not qualified, refer the request for amended license or permit to the Director of Industry Operations for denial in accordance with § 555.54.)**

Right of Succession (27 CFR 555.59). (a) Certain persons other than the licensee or permittee may secure the right to carry on the same explosive materials business or operations at the same address shown on, and for the remainder of the term of, a current license or permit. Such persons are: (1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee or permittee; and (2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business or operations shall furnish the license or permit for for that business or operations for endorsement of such succession to the Chief, FELC, within 30 days from the date on which the successor begins to carry on the business or operations.

(Continued on reverse side)

Cut Here ✂

Federal Explosives License/Permit (FEL) Information Card

License/Permit Name: **MAINE DRILLING & BLASTING INC**

Business Name:

License/Permit Number: **8-PA-107-20-7B-02325**

License/Permit Type: **20-MANUFACTURER OF EXPLOSIVES**

Expiration: **February 1, 2027**

Please Note: Not Valid for the Sale or Other Disposition of Explosives.

MAINE DRILLING & BLASTING
making it happen

**Maine Drilling
& Blasting**

Explosives potentially in use on project:

Dynamite
Blastex
Anfo
Emulsion
Boosters
Non-El Blasting Caps
Pre-Split Powder

Maine Drilling & Blasting, Inc.
P.O. Box 214
Myerstown, PA 17067
717.866.8981
717.866.8982 FAX

Divisional Offices
Connecticut 860.242.7419
Maine 207.582.2338
Massachusetts/RI 508.478.0273
New Hampshire 603.647.0299
New York 518.632.9170
Pennsylvania 717.866.8981
Vermont 802.479.3341

Setting Earth-Shattering Standards Since 1966 • An Equal Opportunity Employer



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF MINING AND RECLAMATION

Blasting Activity Permit

21264108

Project

Name/Description:

COMMERCIAL DEVELOPMENT REVISED

Purpose for Blasting:

Commercial Development

If Other, please describe:

Applicant

MAINE DRILLING & BLASTING INC (Client 76967)

PO BOX 1140

GARDINER, ME 04345-1140

ATF License No.:

8-PA-107-20-4B-02325

Type of Business:

OTHER OTHER (NON-GOVERNMENT)

Contact Information

Contact Name:

JON NEITHERCOAT

Title:

DIVISION MANAGER

Telephone:

717-571-7746

Email:

JNEITHERCOAT@MDANDB.COM

Blasting Contractor Information

Is the Applicant the Blasting Contractor? YES

Duration and Times of Blasting

Blasting Activity End Date:

04/02/2027

Anticipated days of the week and times when blasting may occur

Days:

MON thru FRI

Time:

SUNRISE AM thru SUNSET PM

Location of Blasting Activity

Primary County:

CUMBERLAND COUNTY

Primary Municipality:

MIDDLESEX TWP

Second County:

Second Municipality:

Third County:

Third Municipality:

Latitude:

40° 15' 3.18"

Longitude:

77° 6' 52.85"

Dwellings, Structures and Utilities

Indicate distance and direction (in degrees) to the nearest building, neither owned nor leased by the permittee, from the area where blasting will occur.

Distance (in feet):

250

Direction (in degrees):

180

Indicate the method that will be employed to satisfy the monitoring requirements of Chapter 211 Subchapter G (relating to monitoring requirements).

Monitoring Method:

Seismograph

Will blasting be conducted within 200' of a buried or underground utility line or utility line making contact with the surface of the ground?

Within 200' of Utility Line:

YES

Will blasting be conducted within 800' of any public road?

Within 800' of Public Road:

Precautions taken to protect the public:

YES

TRAFFIC WILL BE CLEAR ON COUNTRY CLUB ROAD WHEN WITHIN 400FT. FROM 400-800FT, SHOTS WILL BE ORIENTED AWAY FROM THE ROADWAY AND OVERBURDEN WILL BE LEFT IN PLACE ON TOP OF THE ROCK.

Blast Loading Plan 1 (§§211.124(a)(15),(c)(6))

	Hole DIA.	MAX # HOLES	MAX # ROWS	BURDEN		SPACING		HOLE DEPTH		STEMMING	
				MIN.	MAX.	MIN.	MAX.	MIN.	MAX.	MIN.	TYPE
A	3.5	500	30	5	10	5	14	9	40	5	CLEAN CRUSHED STONE
B	4	500	30	7	12	7	15	9	40	6	CLEAN CRUSHED STONE
C	4.5	500	30	8	12	8	18	11	40	6	CLEAN CRUSHED STONE
D	5	500	30	8	12	8	24	12	40	6	CLEAN CRUSHED STONE
E	3.5	500	10	4	10	4	12	9	30	5	CLEAN CRUSHED STONE
F	4	400	10	4	10	7	14	9	30	6	CLEAN CRUSHED STONE
G	4.5	400	10	5	10	8	16	11	30	6	CLEAN CRUSHED STONE

Maximum explosives weight per delay (less than 8ms): 1000

Minimum Scaled Distance:

20

Method of blast initiation:

Electric ☐ Non-Electric ☒ Other ☐

Explain other:

Comments	
A	Mass blasting. powder factor not to exceed 1.5lb/cy
B	Mass blasting. powder factor not to exceed 1.5lb/cy
C	Mass blasting. powder factor not to exceed 1.5lb/cy
D	Mass blasting. powder factor not to exceed 1.5lb/cy
E	Trench blasting. powder factor not to exceed 4lb/cy
F	Trench blasting. powder factor not to exceed 4lb/cy
G	Trench blasting. powder factor not to exceed 4lb/cy

Permit(s) to Purchase Explosives

Purchase Permit 1:

10526

Purchase Permit 2:

10539

Permit(s) to Store Explosives

Will explosives be stored within the proposed blasting activity area? NO

Comments

THIS PERMIT IS AN UPDATED VERSION AND TAKES THE PLACE OF BAP #21264103

File Attachments

Insurance Certificate
Location Map
Other (ATF LICENSE)
Other (TYPES OF EXPLOSIVES)

COI 2026.pdf
Bolt 1A 1B Preblast Drawing.pdf
ATF License.pdf
MDB Types of Explosives.docx

[View](#)
[View](#)
[View](#)
[View](#)

Prepared By

Licensed Blaster Name:
Blaster License Number:
Submitted Date:

Jon Neithercoat
BL-9093
04/02/2026

Inspector Review

Reviewed By:
Alt. Max. Allow. Peak Particle Velocity:
Alt. Max. Allow. Airblast:
Comments:

MICHAEL DUKE

The Operator/Blaster in Charge/Permittee shall take all necessary actions to protect the health and safety of individuals from noxious gases generated by the blast as per 25 Pa. Code 211.152. Such actions may include, but are not limited to; monitoring for the presence of carbon monoxide in the vicinity of the blast, directing the site excavator to immediately excavate the blast area, excavating a break to the depth of the blast to allow venting of gases, trenching, and/or other measures; as may be appropriate to protect health and safety.

Management Action

Manager:
Final Action:
Final Action Date:

CORY SEESE
Issued
04/03/2026



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/24/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Willis Towers Watson Insurance Services West, Inc. c/o 26 Century Blvd P.O. Box 305191 Nashville, TN 372305191 USA	CONTACT NAME: WTW Certificate Center	
	PHONE (A/C No. Ext): 1-877-945-7378	FAX (A/C No.): 1-888-467-2378
INSURED Maine Drilling & Blasting, Inc. P.O. Box 1140 Gardiner, ME 04345	E-MAIL ADDRESS: certificates@wtwco.com	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Starr Indemnity & Liability Company	
	NAIC # 38318	
	INSURER B:	
	INSURER C:	
INSURER D:		
INSURER E:		
INSURER F:		

COVERAGES

CERTIFICATE NUMBER: W43151952

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY			1000090514251	12/31/2025	12/31/2026	EACH OCCURRENCE \$ 1,000,000
	☐ CLAIMS-MADE ☒ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 250,000
							MED EXP (Any one person) \$ 10,000
							PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE \$ 2,000,000
	☐ POLICY ☒ PRO-JECT ☒ LOC						PRODUCTS - COMP/OP AGG \$ 2,000,000
	OTHER:						\$
A	AUTOMOBILE LIABILITY			1000198812251	12/31/2025	12/31/2026	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000
	☒ ANY AUTO						BODILY INJURY (Per person) \$
	☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS						BODILY INJURY (Per accident) \$
	☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident) \$
							\$
A	UMBRELLA LIAB ☒ OCCUR			1000095558251	12/31/2025	12/31/2026	EACH OCCURRENCE \$ 10,000,000
	☒ EXCESS LIAB ☐ CLAIMS-MADE						AGGREGATE \$ 10,000,000
	DED ☐ RETENTION \$						\$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			1000003303	12/31/2025	12/31/2026	☒ PER STATUTE ☐ OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y / N ☐ No	N / A				E.L. EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
							E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Worker Compensation & Employers Liability - MA			1000003305	12/31/2025	12/31/2026	EL Each Accident \$1,000,000
	Per Statute						EL Disease - Pol Limit \$1,000,000
							EL Dis. - Ea Employee \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

SEE ATTACHED

CERTIFICATE HOLDER

CANCELLATION

PENNDOT Central Permit Office 400 North Street Harrisburg, PA 17120	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

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ACORD 25 (2016/03)

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SR ID: 29090661

BATCH: 4254759

AGENCY CUSTOMER ID: _____

LOC #: _____

**ADDITIONAL REMARKS SCHEDULE**Page 2 of 2

AGENCY Willis Towers Watson Insurance Services West, Inc.		NAMED INSURED Maine Drilling & Blasting, Inc. P.O. Box 1140 Gardiner, ME 04345	
POLICY NUMBER See Page 1		EFFECTIVE DATE: See Page 1	
CARRIER See Page 1	NAIC CODE See Page 1		

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: 25 FORM TITLE: Certificate of Liability InsuranceINSURER AFFORDING COVERAGE: Starr Indemnity & Liability CompanyNAIC#: 38318POLICY NUMBER: 1000198815251 EFF DATE: 12/31/2025 EXP DATE: 12/31/2026TYPE OF INSURANCE:
Auto Liability - MA
Any AutoLIMIT DESCRIPTION:
Combine Single Limit
Each AccidentLIMIT AMOUNT:
\$2,000,000



Phase 1A & 1B Preblast
Survey Drawing

Project Bolt

Country Club Rd
Carlisle

DRAWN: ACS

DATE: 2/26/20

SCALE: 1" = 330'



In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in the activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 555.53.** See "WARNINGS" and "NOTICES" on reverse.

Direct ATF
Correspondence To
ATF - Chief, FELC
244 Needy Road
Martinsburg, WV 25405-9431

License/Permit
Number

8-PA-107-20-7B-02325

Chief, Federal Explosives Licensing Center (FELC)

Expiration
Date

February 1, 2027

Name
MAINE DRILLING & BLASTING INC

Premises Address (Changes? Notify the FELC at least 10 days before the move.)

2700 WEST CENTER STREET
TREMONT, PA 17981-

Type of License or Permit

20-MANUFACTURER OF EXPLOSIVES

Purchasing Certification Statement

The licensee or permittee named above shall use a copy of this license or permit to assist a transferor of explosives to verify the identity and the licensed status of the licensee or permittee as provided by 27 CFR Part 555. The signature on each copy must be an original signature. A faxed, scanned or e-mailed copy of the license or permit with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Explosives Licensee (FEL) or a responsible person of the FEL. I certify that this is a true copy of a license or permit issued to the licensee or permittee named above to engage in the business or operations specified above under "Type of License or Permit."

Mailing Address (Changes? Notify the FELC of any changes.)

MAINE DRILLING & BLASTING INC
88 GOLD LEDGE AVENUE
AUBURN, NH 03032-

Licensee/Permittee Responsible Person Signature
Shane La Gray

Regional VP
Position/Title

Shane La Gray
Printed Name

02/20/2024
Date

Previous Edition is Obsolete

MAINE DRILLING & BLASTING INC-2700 WEST CENTER STREET-17981-8-PA-107-20-7B-02325-February 1, 2027-20-MANUFACTURER OF EXPLOSIVES

ATF Form 5400.14/5400.15 Part 1
Revised September 2011

Federal Explosives License (FEL) Customer Service Information

Federal Explosives Licensing Center (FELC)
244 Needy Road
Martinsburg, WV 25405-9431

Toll-free Telephone Number: (877) 283-3352
Fax Number: (304) 616-4401
E-mail: FELC@atf.gov

ATF Homepage: www.atf.gov

Change of Address (27 CFR 555.54(a)(1)). Licensees or permittees may during the term of their current license or permit remove their business or operations to a new location at which they intend regularly to carry on such business or operations. The licensee or permittee is required to give notification of the new location of the business or operations not less than 10 days prior to such removal with the Chief, Federal Explosives Licensing Center. The license or permit will be valid for the remainder of the term of the original license or permit. **(The Chief, FELC, shall, if the licensee or permittee is not qualified, refer the request for amended license or permit to the Director of Industry Operations for denial in accordance with § 555.54.)**

Right of Succession (27 CFR 555.59). (a) Certain persons other than the licensee or permittee may secure the right to carry on the same explosive materials business or operations at the same address shown on, and for the remainder of the term of, a current license or permit. Such persons are: (1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee or permittee; and (2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business or operations shall furnish the license or permit for that business or operations for endorsement of such succession to the Chief, FELC, within 30 days from the date on which the successor begins to carry on the business or operations.

(Continued on reverse side)

Cut Here ✂

Federal Explosives License/Permit (FEL) Information Card

License/Permit Name: MAINE DRILLING & BLASTING INC

Business Name:

License/Permit Number: 8-PA-107-20-7B-02325

License/Permit Type: 20-MANUFACTURER OF EXPLOSIVES

Expiration: February 1, 2027

Please Note: Not Valid for the Sale or Other Disposition of Explosives.

MAINE DRILLING & BLASTING
making it happen

**Maine Drilling
& Blasting**

Explosives potentially in use on project:

Dynamite
Blastex
Anfo
Emulsion
Boosters
Non-El Blasting Caps
Pre-Split Powder

Maine Drilling & Blasting, Inc.
P.O. Box 214
Myerstown, PA 17067
717.866.8981
717.866.8982 FAX

Divisional Offices
Connecticut 860.242.7419
Maine 207.582.2338
Massachusetts/RI 508.478.0273
New Hampshire 603.647.0299
New York 518.632.9170
Pennsylvania 717.866.8981
Vermont 802.479.3341

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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF MINING AND RECLAMATION

Blasting Activity Permit

21264109

Project

Name/Description:

COMMERCIAL DEVELOPMENT REVISION 2

Purpose for Blasting:

Commercial Development

If Other, please describe:

Applicant

MAINE DRILLING & BLASTING INC (Client 76967)

PO BOX 1140

GARDINER, ME 04345-1140

ATF License No.:

8-PA-107-20-4B-02325

Type of Business:

OTHER OTHER (NON-GOVERNMENT)

Contact Information

Contact Name:

JON NEITHERCOAT

Title:

DIVISION MANAGER

Telephone:

717-571-7746

Email:

JNEITHERCOAT@MDANDB.COM

Blasting Contractor Information

Is the Applicant the Blasting Contractor? YES

Duration and Times of Blasting

Blasting Activity End Date:

04/02/2027

Anticipated days of the week and times when blasting may occur

Days:

MON thru FRI

Time:

SUNRISE AM thru SUNSET PM

Location of Blasting Activity

Primary County:

CUMBERLAND COUNTY

Primary Municipality:

MIDDLESEX TWP

Second County:

Second Municipality:

Third County:

Third Municipality:

Latitude:

40° 15' 3.18"

Longitude:

77° 6' 52.85"

Dwellings, Structures and Utilities

Indicate distance and direction (in degrees) to the nearest building, neither owned nor leased by the permittee, from the area where blasting will occur.

Distance (in feet):

250

Direction (in degrees):

180

Indicate the method that will be employed to satisfy the monitoring requirements of Chapter 211 Subchapter G (relating to monitoring requirements).

Monitoring Method:

Scaled Distance

Will blasting be conducted within 200' of a buried or underground utility line or utility line making contact with the surface of the ground?

Within 200' of Utility Line:

YES

Will blasting be conducted within 800' of any public road?

Within 800' of Public Road:

Precautions taken to protect the public:

YES

TRAFFIC WILL BE CLEAR ON COUNTRY CLUB ROAD WHEN WITHIN 400FT. FROM 400-800FT, SHOTS WILL BE ORIENTED AWAY FROM THE ROADWAY AND OVERBURDEN WILL BE LEFT IN PLACE ON TOP OF THE ROCK.

Blast Loading Plan 1 (§§211.124(a)(15),(c)(6))

	Hole DIA.	MAX # HOLES	MAX # ROWS	BURDEN		SPACING		HOLE DEPTH		STEMMING	
				MIN.	MAX.	MIN.	MAX.	MIN.	MAX.	MIN.	TYPE
A	3.5	500	30	5	10	5	14	9	40	5	CLEAN CRUSHED STONE
B	4	500	30	7	12	7	15	9	40	6	CLEAN CRUSHED STONE
C	4.5	500	30	8	13	8	20	11	40	6	CLEAN CRUSHED STONE
D	5	500	30	8	13	8	28	12	40	6	CLEAN CRUSHED STONE
E	3.5	500	10	4	10	4	12	9	30	5	CLEAN CRUSHED STONE
F	4	400	10	4	10	7	14	9	30	6	CLEAN CRUSHED STONE
G	4.5	400	10	5	10	8	16	11	30	6	CLEAN CRUSHED STONE

Maximum explosives weight per delay (less than 8ms): 1200

Minimum Scaled Distance:

20

Method of blast initiation:

Electric ☐ Non-Electric ☒ Other ☐

Explain other:

Comments	
A	Mass blasting. powder factor not to exceed 1.5lb/cy
B	Mass blasting. powder factor not to exceed 1.5lb/cy
C	Mass blasting. powder factor not to exceed 1.5lb/cy
D	Mass blasting. powder factor not to exceed 1.5lb/cy
E	Trench blasting. powder factor not to exceed 4lb/cy
F	Trench blasting. powder factor not to exceed 4lb/cy
G	Trench blasting. powder factor not to exceed 4lb/cy

Permit(s) to Purchase Explosives

Purchase Permit 1:

10526

Purchase Permit 2:

10539

Permit(s) to Store Explosives

Will explosives be stored within the proposed blasting activity area? NO

Comments

THIS PERMIT IS AN UPDATED VERSION AND TAKES THE PLACE OF BAP #21264108

File Attachments

Insurance Certificate
Location Map
Other (ATF LICENSE)
Other (TYPES OF EXPLOSIVES)

COI 2026.pdf
Bolt 1A 1B Preblast Drawing.pdf
ATF License.pdf
MDB Types of Explosives.docx

[View](#)
[View](#)
[View](#)
[View](#)

Prepared By

Licensed Blaster Name:
Blaster License Number:
Submitted Date:

Jon Neithercoat
BL-9093
04/14/2026

Inspector Review

Reviewed By:
Alt. Max. Allow. Peak Particle Velocity:
Alt. Max. Allow. Airblast:
Comments:

MICHAEL DUKE

I was on site 4/13/26. The Operator/Blaster in Charge/Permittee shall take all necessary actions to protect the health and safety of individuals from noxious gases generated by the blast as per 25 Pa. Code 211.152. Such actions may include, but are not limited to; monitoring for the presence of carbon monoxide in the vicinity of the blast, directing the site excavator to immediately excavate the blast area, excavating a break to the depth of the blast to allow venting of gases, trenching, and/or other measures; as may be appropriate to protect health and safety.

Management Action

Manager:
Final Action:
Final Action Date:

CORY SEESE
Issued
04/14/2026



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/24/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION** IS **WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Willis Towers Watson Insurance Services West, Inc. c/o 26 Century Blvd P.O. Box 305191 Nashville, TN 372305191 USA	CONTACT NAME: WTW Certificate Center		
	PHONE (A/C No. Ext): 1-877-945-7378	FAX (A/C No.): 1-888-467-2378	
	E-MAIL ADDRESS: certificates@wtwco.com		
INSURED Maine Drilling & Blasting, Inc. P.O. Box 1140 Gardiner, ME 04345	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: Starr Indemnity & Liability Company		38318
	INSURER B:		
	INSURER C:		
	INSURER D:		
	INSURER E:		
INSURER F:			

COVERAGES

CERTIFICATE NUMBER: W43151952

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY			1000090514251	12/31/2025	12/31/2026	EACH OCCURRENCE \$ 1,000,000
	☐ CLAIMS-MADE ☒ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 250,000
							MED EXP (Any one person) \$ 10,000
							PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE \$ 2,000,000
	☐ POLICY ☒ PRO-JECT ☒ LOC						PRODUCTS - COMP/OP AGG \$ 2,000,000
	OTHER:						\$
A	AUTOMOBILE LIABILITY			1000198812251	12/31/2025	12/31/2026	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000
	☒ ANY AUTO						BODILY INJURY (Per person) \$
	☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS NON-OWNED AUTOS ONLY						BODILY INJURY (Per accident) \$
	☐ HIRED AUTOS ONLY						PROPERTY DAMAGE (Per accident) \$
							\$
A	UMBRELLA LIAB ☒ OCCUR			1000095558251	12/31/2025	12/31/2026	EACH OCCURRENCE \$ 10,000,000
	☒ EXCESS LIAB ☐ CLAIMS-MADE						AGGREGATE \$ 10,000,000
	DED ☐ RETENTION \$ ☐						\$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			1000003303	12/31/2025	12/31/2026	☒ PER STATUTE ☐ OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y / N ☐ No	N / A				E.L. EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
							E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Worker Compensation & Employers Liability - MA			1000003305	12/31/2025	12/31/2026	EL Each Accident \$1,000,000
	Per Statute						EL Disease - Pol Limit \$1,000,000
							EL Dis. - Ea Employee \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

SEE ATTACHED

CERTIFICATE HOLDER

CANCELLATION

PENNDOT Central Permit Office 400 North Street Harrisburg, PA 17120	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

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AGENCY CUSTOMER ID: _____

LOC #: _____

**ADDITIONAL REMARKS SCHEDULE**Page 2 of 2

AGENCY Willis Towers Watson Insurance Services West, Inc.		NAMED INSURED Maine Drilling & Blasting, Inc. P.O. Box 1140 Gardiner, ME 04345	
POLICY NUMBER See Page 1		EFFECTIVE DATE: See Page 1	
CARRIER See Page 1	NAIC CODE See Page 1		

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: 25 FORM TITLE: Certificate of Liability Insurance

INSURER AFFORDING COVERAGE: Starr Indemnity & Liability Company

NAIC#: 38318

POLICY NUMBER: 1000198815251

EFF DATE: 12/31/2025

EXP DATE: 12/31/2026

TYPE OF INSURANCE:

Auto Liability - MA

Any Auto

LIMIT DESCRIPTION:

Combine Single Limit

Each Accident

LIMIT AMOUNT:

\$2,000,000



Phase 1A & 1B Preblast
Survey Drawing

Project Bolt

Country Club Rd
Carlisle

DRAWN: ACS

DATE: 2/26/20

SCALE: 1" = 330'



In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in the activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 555.53.** See "WARNINGS" and "NOTICES" on reverse.

Direct ATF ATF - Chief, FELC
Correspondence To 244 Needy Road
 Martinsburg, WV 25405-9431

License/Permit
Number

8-PA-107-20-7B-02325

Chief, Federal Explosives Licensing Center (FELC)

Expiration
Date

February 1, 2027

Name
MAINE DRILLING & BLASTING INC

Premises Address (Changes? Notify the FELC at least 10 days before the move.)

**2700 WEST CENTER STREET
TREMONT, PA 17981-**

Type of License or Permit

20-MANUFACTURER OF EXPLOSIVES

Purchasing Certification Statement

The licensee or permittee named above shall use a copy of this license or permit to assist a transferor of explosives to verify the identity and the licensed status of the licensee or permittee as provided by 27 CFR Part 555. The signature on each copy must be an original signature. A faxed, scanned or e-mailed copy of the license or permit with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Explosives Licensee (FEL) or a responsible person of the FEL. I certify that this is a true copy of a license or permit issued to the licensee or permittee named above to engage in the business or operations specified above under "Type of License or Permit."

Mailing Address (Changes? Notify the FELC of any changes.)

**MAINE DRILLING & BLASTING INC
88 GOLD LEDGE AVENUE
AUBURN, NH 03032-**

Shane La Gray
Licensee/Permittee Responsible Person Signature

Regional VP
Position/Title

Shane La Gray
Printed Name

02/20/2024
Date

Previous Edition is Obsolete MAINE DRILLING & BLASTING INC-2700 WEST CENTER STREET-17981-8-PA-107-20-7B-02325-February 1, 2027-20-MANUFACTURER OF EXPLOSIVES

ATF Form 5400.14/5400.15 Part 1
Revised September 2011

Federal Explosives License (FEL) Customer Service Information

Federal Explosives Licensing Center (FELC)
244 Needy Road
Martinsburg, WV 25405-9431

Toll-free Telephone Number: (877) 283-3352
Fax Number: (304) 616-4401
E-mail: FELC@atf.gov

ATF Homepage: www.atf.gov

Change of Address (27 CFR 555.54(a)(1)). Licensees or permittees may during the term of their current license or permit remove their business or operations to a new location at which they intend regularly to carry on such business or operations. The licensee or permittee is required to give notification of the new location of the business or operations not less than 10 days prior to such removal with the Chief, Federal Explosives Licensing Center. The license or permit will be valid for the remainder of the term of the original license or permit. **(The Chief, FELC, shall, if the licensee or permittee is not qualified, refer the request for amended license or permit to the Director of Industry Operations for denial in accordance with § 555.54.)**

Right of Succession (27 CFR 555.59). (a) Certain persons other than the licensee or permittee may secure the right to carry on the same explosive materials business or operations at the same address shown on, and for the remainder of the term of, a current license or permit. Such persons are: (1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee or permittee; and (2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business or operations shall furnish the license or permit for that business or operations for endorsement of such succession to the Chief, FELC, within 30 days from the date on which the successor begins to carry on the business or operations.

(Continued on reverse side)

Cut Here ✂

Federal Explosives License/Permit (FEL) Information Card

License/Permit Name: **MAINE DRILLING & BLASTING INC**

Business Name:

License/Permit Number: **8-PA-107-20-7B-02325**

License/Permit Type: **20-MANUFACTURER OF EXPLOSIVES**

Expiration: **February 1, 2027**

Please Note: Not Valid for the Sale or Other Disposition of Explosives.

MAINE DRILLING & BLASTING
making it happen

**Maine Drilling
& Blasting**

Explosives potentially in use on project:

Dynamite
Blastex
Anfo
Emulsion
Boosters
Non-El Blasting Caps
Pre-Split Powder

Maine Drilling & Blasting, Inc.
P.O. Box 214
Myerstown, PA 17067
717.866.8981
717.866.8982 FAX

Divisional Offices
Connecticut 860.242.7419
Maine 207.582.2338
Massachusetts/RI 508.478.0273
New Hampshire 603.647.0299
New York 518.632.9170
Pennsylvania 717.866.8981
Vermont 802.479.3341

Setting Earth-Shattering Standards Since 1966 • An Equal Opportunity Employer



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF MINING AND RECLAMATION

Blasting Activity Permit

21264110

Project

Name/Description:

BOLT SITE

Purpose for Blasting:

Commercial Development

If Other, please describe:

Applicant

MAINE DRILLING & BLASTING INC (Client 76967)

PO BOX 1140

GARDINER, ME 04345-1140

ATF License No.:

8-PA-107-20-4B-02325

Type of Business:

OTHER OTHER (NON-GOVERNMENT)

Contact Information

Contact Name:

JON NEITHERCOAT

Title:

DIVISION MANAGER

Telephone:

717-571-7746

Email:

JNEITHERCOAT@MDANDB.COM

Blasting Contractor Information

Is the Applicant the Blasting Contractor? YES

Duration and Times of Blasting

Blasting Activity End Date:

04/21/2027

Anticipated days of the week and times when blasting may occur

Days:

MON thru FRI

Time:

SUNRISE AM thru SUNSET PM

Location of Blasting Activity

Primary County:

CUMBERLAND COUNTY

Primary Municipality:

MIDDLESEX TWP

Second County:

Second Municipality:

Third County:

Third Municipality:

Latitude:

40° 15' 25.11"

Longitude:

77° 6' 54.79"

Dwellings, Structures and Utilities

Indicate distance and direction (in degrees) to the nearest building, neither owned nor leased by the permittee, from the area where blasting will occur.

Distance (in feet):

250

Direction (in degrees):

180

Indicate the method that will be employed to satisfy the monitoring requirements of Chapter 211 Subchapter G (relating to monitoring requirements).

Monitoring Method:

Seismograph

Will blasting be conducted within 200' of a buried or underground utility line or utility line making contact with the surface of the ground?

Within 200' of Utility Line:

YES

Will blasting be conducted within 800' of any public road?

Within 800' of Public Road:

YES

Precautions taken to protect the public:

TRAFFIC WILL BE CLEAR ON COUNTRY CLUB ROAD WHEN WITHIN 400FT. FROM 400-800FT, SHOTS WILL BE ORIENTED AWAY FROM THE ROADWAY AND OVERBURDEN WILL BE LEFT IN PLACE ON TOP OF THE ROCK.

Blast Loading Plan 1 (§§211.124(a)(15),(c)(6))

	Hole DIA.	MAX # HOLES	MAX # ROWS	BURDEN		SPACING		HOLE DEPTH		STEMMING	
				MIN.	MAX.	MIN.	MAX.	MIN.	MAX.	MIN.	TYPE
A	3.5	500	30	5	10	5	14	9	40	5	CLEAN CRUSHED STONE
B	4	500	30	7	12	7	15	9	60	6	CLEAN CRUSHED STONE
C	4.5	500	30	8	13	8	20	11	60	6	CLEAN CRUSHED STONE
D	5	500	30	8	13	8	28	12	60	6	CLEAN CRUSHED STONE
E	3.5	500	10	4	10	4	12	9	40	5	CLEAN CRUSHED STONE
F	4	400	10	4	10	7	14	9	40	6	CLEAN CRUSHED STONE
G	4.5	400	10	5	10	8	16	11	40	6	CLEAN CRUSHED STONE

Maximum explosives weight per delay (less than 8ms): 1200

Minimum Scaled Distance:

20

Method of blast initiation:

Electric ☐ Non-Electric ☒ Other ☐

Explain other:

Comments	
A	Mass blasting. powder factor not to exceed 1.5lb/cy
B	Mass blasting. powder factor not to exceed 1.5lb/cy
C	Mass blasting. powder factor not to exceed 1.5lb/cy
D	Mass blasting. powder factor not to exceed 1.5lb/cy
E	Trench blasting. powder factor not to exceed 4lb/cy
F	Trench blasting. powder factor not to exceed 4lb/cy
G	Trench blasting. powder factor not to exceed 4lb/cy

Permit(s) to Purchase Explosives

Purchase Permit 1:

10526

Purchase Permit 2:

10539

Permit(s) to Store Explosives

Will explosives be stored within the proposed blasting activity area? NO

Comments

File Attachments

Insurance Certificate
Location Map
Other (ATF LICENSE)
Other (TYPES OF EXPLOSIVES)

COI 2026.pdf
Bolt 1A 1B Preblast Drawing.pdf
ATF License.pdf
MDB Types of Explosives.docx

[View](#)
[View](#)
[View](#)
[View](#)

Prepared By

Licensed Blaster Name:
Blaster License Number:
Submitted Date:

Jon Neithercoat
BL-9093
04/21/2026

Inspector Review

Reviewed By:
Alt. Max. Allow. Peak Particle Velocity:
Alt. Max. Allow. Airblast:
Comments:

MICHAEL DUKE

This permit replaces BAP#21264109. The Operator/Blaster in Charge/Permittee shall take all necessary actions to protect the health and safety of individuals from noxious gases generated by the blast as per 25 Pa. Code 211.152. Such actions may include, but are not limited to; monitoring for the presence of carbon monoxide in the vicinity of the blast, directing the site excavator to immediately excavate the blast area, excavating a break to the depth of the blast to allow venting of gases, trenching, and/or other measures; as may be appropriate to protect health and safety.

Management Action

Manager:
Final Action:
Final Action Date:

CORY SEESE
Issued
04/23/2026



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/24/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Willis Towers Watson Insurance Services West, Inc. c/o 26 Century Blvd P.O. Box 305191 Nashville, TN 372305191 USA	CONTACT NAME: WTW Certificate Center		
	PHONE (A/C No. Ext): 1-877-945-7378	FAX (A/C No): 1-888-467-2378	
	E-MAIL ADDRESS: certificates@wtwco.com		
INSURED Maine Drilling & Blasting, Inc. P.O. Box 1140 Gardiner, ME 04345	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: Starr Indemnity & Liability Company		38318
	INSURER B:		
	INSURER C:		
	INSURER D:		
	INSURER E:		
INSURER F:			

COVERAGES

CERTIFICATE NUMBER: W43151952

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY			1000090514251	12/31/2025	12/31/2026	EACH OCCURRENCE \$ 1,000,000
	☐ CLAIMS-MADE ☒ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 250,000
							MED EXP (Any one person) \$ 10,000
							PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE \$ 2,000,000
	☐ POLICY ☒ PRO-JECT ☒ LOC						PRODUCTS - COMP/OP AGG \$ 2,000,000
	OTHER:						\$
A	AUTOMOBILE LIABILITY			1000198812251	12/31/2025	12/31/2026	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000
	☒ ANY AUTO						BODILY INJURY (Per person) \$
	☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS						BODILY INJURY (Per accident) \$
	☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident) \$
							\$
A	UMBRELLA LIAB ☒ OCCUR			1000095558251	12/31/2025	12/31/2026	EACH OCCURRENCE \$ 10,000,000
	☒ EXCESS LIAB ☐ CLAIMS-MADE						AGGREGATE \$ 10,000,000
	DED ☐ RETENTION \$						\$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			1000003303	12/31/2025	12/31/2026	☒ PER STATUTE ☐ OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y / N					E.L. EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below	No	N / A				E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
							E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Worker Compensation & Employers Liability - MA			1000003305	12/31/2025	12/31/2026	EL Each Accident \$1,000,000
	Per Statute						EL Disease - Pol Limit \$1,000,000
							EL Dis. - Ea Employee \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

SEE ATTACHED

CERTIFICATE HOLDER

CANCELLATION

PENNDOT Central Permit Office 400 North Street Harrisburg, PA 17120	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

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AGENCY CUSTOMER ID: _____

LOC #: _____

**ADDITIONAL REMARKS SCHEDULE**Page 2 of 2

AGENCY Willis Towers Watson Insurance Services West, Inc.		NAMED INSURED Maine Drilling & Blasting, Inc. P.O. Box 1140 Gardiner, ME 04345	
POLICY NUMBER See Page 1		EFFECTIVE DATE: See Page 1	
CARRIER See Page 1	NAIC CODE See Page 1		

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: 25 FORM TITLE: Certificate of Liability InsuranceINSURER AFFORDING COVERAGE: Starr Indemnity & Liability CompanyNAIC#: 38318POLICY NUMBER: 1000198815251 EFF DATE: 12/31/2025 EXP DATE: 12/31/2026TYPE OF INSURANCE:
Auto Liability - MA
Any AutoLIMIT DESCRIPTION:
Combine Single Limit
Each AccidentLIMIT AMOUNT:
\$2,000,000



Phase 1A & 1B Preblast
Survey Drawing

Project Bolt

Country Club Rd
Carlisle

DRAWN: ACS

DATE: 2/26/20

SCALE: 1" = 330'



In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in the activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 555.53.** See "WARNINGS" and "NOTICES" on reverse.

Direct ATF
Correspondence To
ATF - Chief, FELC
244 Needy Road
Martinsburg, WV 25405-9431

License/Permit
Number

8-PA-107-20-7B-02325

Chief, Federal Explosives Licensing Center (FELC)

Expiration
Date

February 1, 2027

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MAINE DRILLING & BLASTING INC
88 GOLD LEDGE AVENUE
AUBURN, NH 03032-

Shane La Gray
Licensee/Permittee Responsible Person Signature

Regional VP
Position/Title

Shane La Gray
Printed Name

02/20/2024
Date

Previous Edition is Obsolete

MAINE DRILLING & BLASTING INC-2700 WEST CENTER STREET-17981-8-PA-107-20-7B-02325-February 1, 2027-20-MANUFACTURER OF EXPLOSIVES

ATF Form 5400.14/5400.15 Part 1
Revised September 2011

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ATF Homepage: www.atf.gov

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(Continued on reverse side)

Cut Here ✂

Federal Explosives License/Permit (FEL) Information Card

License/Permit Name: MAINE DRILLING & BLASTING INC

Business Name:

License/Permit Number: 8-PA-107-20-7B-02325

License/Permit Type: 20-MANUFACTURER OF EXPLOSIVES

Expiration: February 1, 2027

Please Note: Not Valid for the Sale or Other Disposition of Explosives.

MAINE DRILLING & BLASTING
making it happen

**Maine Drilling
& Blasting**

Explosives potentially in use on project:

Dynamite
Blastex
Anfo
Emulsion
Boosters
Non-El Blasting Caps
Pre-Split Powder

Maine Drilling & Blasting, Inc.
P.O. Box 214
Myerstown, PA 17067
717.866.8981
717.866.8982 FAX

Divisional Offices
Connecticut 860.242.7419
Maine 207.582.2338
Massachusetts/RI 508.478.0273
New Hampshire 603.647.0299
New York 518.632.9170
Pennsylvania 717.866.8981
Vermont 802.479.3341

Setting Earth-Shattering Standards Since 1966 • An Equal Opportunity Employer

Gerber, et al. v. Board of Supervisors of Middlesex Township
No. 2026-06465 (C.P. Cumberland County) — Land Use Appeal

EXHIBIT G

Emails of Justin Ross, P.E., LIVIC Civil, March 2, 2026 (composite): “Work Items and Permits Required” (4:00 p.m.) and the 10:55 p.m. email acknowledging the plan “was intentionally discrete” (thread “RE: PAX — Phase 1A Meeting Follow Up”)

Electronic mail message (rendered from native Outlook .msg file)

From: Justin Ross <JRoss@livicco.com>

Date: Mon, 2 Mar 2026 21:00:45 +0000

To: Hess, Michael; Petri Ottavainen; Bud Grove; Alex Solomon; David Hanes■

Cc: Mark Carpenter; Nick Long; Andrew Stotler; Vardahn Chaudhry; Tom Gavin; Pete McGrath; Luke Kipfer■

Subject: RE: PAX - Phase 1A Meeting Follow Up

Attachments: image001.png, image002.png, image003.png, image004.png, image005.png, image006.png, image007.png, image008.png, image009.png

@David Hanes <mailto:dhanes@livicco.com> – can you share the approved Major Mod NPDES for Blasting/Watermain/Stockpile with Mike. Thanks

Justin Ross, P.E.

Principal/Co■Founder

61 Duke Street, Suite 100

Northumberland, PA, 17857

(888) 987■1993 x11

570■560■1275

www.liviccivil.com <https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.liviccivil.com&c=E,1,CK-85y-87xfSwmHU5jfE8x_zoIFyyBnBlnABsluIwdWhLEiteWCf5uKsOa880myKMC2sCvHYEGSZTMLadonGUCt5PCsBI1RVDjlm0ymBJ1e-mh_M&typo=1&ancr_add=1>

From: Hess, Michael <mhess@hrg-inc.com>

Sent: Monday, March 2, 2026 3:50 PM

To: Justin Ross <JRoss@livicco.com>; Petri Ottavainen <pottavainen@americanrepartners.com>; Bud Grove <bgrove@middlesextwp.com>; Alex Solomon <asolomon@americanrepartners.com>

Cc: Mark Carpenter <mcarpenter@middlesextwp.com>; Nick Long <nlong@livicco.com>; Andrew Stotler <astotler@livicco.com>; Vardahn Chaudhry <vchaudhry@americanrepartners.com>; Tom Gavin <tgavin@americanrepartners.com>; Pete McGrath <pmcgrath@americanrepartners.com>; Luke Kipfer <lkipfer@americanrepartners.com>
Subject: RE: PAX - Phase 1A Meeting Follow Up

Justin –

I can't seem to find in our record anything to document that the Conservation district approved blasting with the watermain/stockpile plan. Can you provide any documentation on that point?

Michael Hess, PE

Team Leader | Municipal & Water Resources

Herbert, Rowland & Grubic, Inc.

369 East Park Drive, Harrisburg, PA 17111

717.564.1121 (o) | 717.215.8959 (m)

<<https://www.linkedin.com/company/herbert-rowland-&-grubic-inc->>
<<https://www.facebook.com/Herbert-Rowland-Grubic-Inc-HRG-636186183071798>> <https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.hrg-inc.com%2f&c=E,1,vrsxFwt-AfzV7OhCwpdcfTrm6tqo2X2OuJ9gsr9ohM-5m8gBeEiNr_hXUUKaKOeuE7wQBBGgYm6yaBJ8n470e4rSe2BpZUSPz2hpgotITzSj6sirb-Fpp9iaA,,&ty po=1>

From: Justin Ross <JRoss@livicco.com <mailto:JRoss@livicco.com> >
Sent: Monday, March 2, 2026 1:49 PM
To: Petri Ottavainen <pottavainen@americanrepartners.com <mailto:pottavainen@americanrepartners.com> >; Bud Grove <bgrove@middlesextwp.com <mailto:bgrove@middlesextwp.com> >; Alex Solomon <asolomon@americanrepartners.com <mailto:asolomon@americanrepartners.com> >
Cc: Hess, Michael <mhess@hrg-inc.com <mailto:mhess@hrg-inc.com> >; Mark Carpenter <mcarpenter@middlesextwp.com <mailto:mcarpenter@middlesextwp.com> >; Nick Long <nlong@livicco.com <mailto:nlong@livicco.com> >; Andrew Stotler <astotler@livicco.com <mailto:astotler@livicco.com> >; Vardahn Chaudhry <vchaudhry@americanrepartners.com <mailto:vchaudhry@americanrepartners.com> >; Tom Gavin <tgavin@americanrepartners.com <mailto:tgavin@americanrepartners.com> >; Pete McGrath <pmcgrath@americanrepartners.com <mailto:pmcgrath@americanrepartners.com> >; Luke Kipfer

<lkipfer@americanrepartners.com <mailto:lkipfer@americanrepartners.com> >
Subject: RE: PAX - Phase 1A Meeting Follow Up

Adding clarity on the 2 options noted below...

Work Items and Permits Required:

1. Blasting (Drilling and Shooting PPL Pad) + Watermain Trench and Install + Stone Stockpile
 - a. Blasting/Watermain/Stockpile NPDES Approval Received from CCCD
 - b. PLDP Phase 1A
2. Bulk Earthwork/Stripping (Any stripping/moving of soil material) <--Work cannot begin until NPDES Permit received
 - a. NPDES Phase 1A/1B Major Mod (Pending)
 - b. PLDP Phase 1A

Justin Ross, P.E.

Principal/Co-Founder

61 Duke Street, Suite 100

Northumberland, PA, 17857

(888) 987-1993 x11

570-560-1275

www.liviccivil.com <https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.liviccivil.com&c=E,1,JjBAwCFxYHqemAj6jCfrq6DwgMPan-Z4hhgV_vIn1Q78jP-6m2Nch-JoqZgSTUzKj8tH5l2rGs3O54jXbBEJ3URdE8KTfekrY4qX8Z5fbJse3WaKA,,&typo=1>

From: Petri Ottavainen <pottavainen@americanrepartners.com <mailto:pottavainen@americanrepartners.com> >
Sent: Monday, March 2, 2026 1:14 PM
To: Bud Grove <bgrove@middlesextwp.com <mailto:bgrove@middlesextwp.com> >; Justin Ross <JRoss@livicco.com <mailto:JRoss@livicco.com> >; Alex Solomon <asolomon@americanrepartners.com <mailto:asolomon@americanrepartners.com> >
Cc: Hess, Michael <mhess@hrg-inc.com <mailto:mhess@hrg-inc.com> >; Mark Carpenter <mcarpenter@middlesextwp.com <mailto:mcarpenter@middlesextwp.com> >; Nick Long <nlong@livicco.com <mailto:nlong@livicco.com> >; Andrew Stotler <astotler@livicco.com <mailto:astotler@livicco.com> >; Vardahn Chaudhry <vchaudhry@americanrepartners.com <mailto:vchaudhry@americanrepartners.com> >; Tom Gavin <tgavin@americanrepartners.com <mailto:tgavin@americanrepartners.com> >; Pete McGrath <pmcgrath@americanrepartners.com <mailto:pmcgrath@americanrepartners.com> >; Luke Kipfer <lkipfer@americanrepartners.com <mailto:lkipfer@americanrepartners.com> >
Subject: RE: PAX - Phase 1A Meeting Follow Up

Thanks for the quick return.

We do not anticipate doing any blasting for waterline.

For the waterline, we understood that were good to move forward, post PLDP approval, with the current approval – PAC210079A-3 Auth Letter, PCS (attached).

What we'd like to do is start drilling/blasting on the main pad itself soonest.

I know we have looked at this in two ways.

- * one, blasting was not considered earthworks but needed PLDP approval
- * and two, blasting was considered earthworks and needed not only PLDP approval but also the PH1A major mod (mass grading) to start.

Would you be able to clarify which?

Petri Ottavainen

1660 International Drive, Suite 500

,

McLean

,

VA

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22102

cell 804-351-7432 <tel:804-351-7432>

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From: Bud Grove <bgrove@middlesextwp.com> <<mailto:bgrove@middlesextwp.com>> >

Sent: 02 March 2026 13:03

To: Petri Ottavainen <pottavainen@americanrepartners.com> <<mailto:pottavainen@americanrepartners.com>> >; Justin Ross <JRoss@livicco.com> <<mailto:JRoss@livicco.com>> >; Alex Solomon <asolomon@americanrepartners.com> <<mailto:asolomon@americanrepartners.com>> >

Cc: Hess, Michael <mhess@hrg-inc.com> <<mailto:mhess@hrg-inc.com>> >; Mark Carpenter <mcarpenter@middlesextwp.com> <<mailto:mcarpenter@middlesextwp.com>> >; Nick Long <nlong@livicco.com> <<mailto:nlong@livicco.com>> >; Andrew Stotler <astotler@livicco.com> <<mailto:astotler@livicco.com>> >;

Vardahn Chaudhry <vchaudhry@americanrepartners.com <mailto:vchaudhry@americanrepartners.com> >; Tom Gavin <tgavin@americanrepartners.com <mailto:tgavin@americanrepartners.com> >; Pete McGrath <pmcgrath@americanrepartners.com <mailto:pmcgrath@americanrepartners.com> >; Luke Kipfer <lkipfer@americanrepartners.com <mailto:lkipfer@americanrepartners.com> >
Subject: RE: PAX - Phase 1A Meeting Follow Up

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Petri,

Thanks for bringing up this subject. I want to discuss this with Mark and Mike Hess as I am not too clear on where we collectively stand on the blasting portion of the Waterline relocation NPDES permit.

Gerald "Bud" Grove, P.E.,P.L.S.

Middlesex Township Engineer

bgrove@middlesextwp.com <mailto:bgrove@middlesextwp.com>

Office 717-249-4409, Ext.139; Mobile 717-241-8478

From: Petri Ottavainen <pottavainen@americanrepartners.com <mailto:pottavainen@americanrepartners.com> >
Sent: Monday, March 2, 2026 12:00 PM
To: Justin Ross <JRoss@livicco.com <mailto:JRoss@livicco.com> >; Bud Grove <bgrove@middlesextwp.com <mailto:bgrove@middlesextwp.com> >; Alex Solomon <asolomon@americanrepartners.com <mailto:asolomon@americanrepartners.com> >
Cc: Hess, Michael <mhess@hrg-inc.com <mailto:mhess@hrg-inc.com> >; Mark Carpenter <mcarpenter@middlesextwp.com <mailto:mcarpenter@middlesextwp.com> >; Nick Long <nlong@livicco.com <mailto:nlong@livicco.com> >; Andrew Stotler <astotler@livicco.com <mailto:astotler@livicco.com> >; Vardahn Chaudhry <vchaudhry@americanrepartners.com <mailto:vchaudhry@americanrepartners.com> >; Tom Gavin <tgavin@americanrepartners.com <mailto:tgavin@americanrepartners.com> >; Pete McGrath <pmcgrath@americanrepartners.com <mailto:pmcgrath@americanrepartners.com> >; Luke Kipfer <lkipfer@americanrepartners.com <mailto:lkipfer@americanrepartners.com> >
Subject: RE: PAX - Phase 1A Meeting Follow Up

Good Morning Bud,

Wanted to touch base on this as we need your help to verify, as you know are working on starting works in earnest on PH1A pending the approval of the PLDP hopefully on Wed.

The pre-emptive steps to gain some traction on the phase will be the start of drilling and blasting. As we finalize mobilization plans and prep to get on site with drill rigs, could you confirm where we landed on the right to start work based on the current state of permitting from CCCD?

I believe you called out in a previous email that in addition to the pending approval, we would also have to have in place the PH1A disturbance permit.

We know that watermain relocation is good to go on PLDP approval.

We could really use your help to clarify on the drill/blast scope, is it still tied to the lot 1 disturbance or is it considered non-disturbance as a drill only and blast scope?

Cheers,

Petri

Petri Ottavainen

1660 International Drive, Suite 500

,

McLean

,

VA

,

22102

cell 804-351-7432 <tel:804-351-7432>

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From: Justin Ross <JRoss@livicco.com <mailto:JRoss@livicco.com> >

Sent: 26 February 2026 12:36

To: Bud Grove <bgrove@middlesextwp.com <mailto:bgrove@middlesextwp.com> >; Petri Ottavainen <pottavainen@americanrepartners.com <mailto:pottavainen@americanrepartners.com> >; Alex Solomon <asolomon@americanrepartners.com <mailto:asolomon@americanrepartners.com> >

Cc: Hess, Michael <mhess@hrg-inc.com <mailto:mhess@hrg-inc.com> >; Mark Carpenter <mcarpenter@middlesextwp.com <mailto:mcarpenter@middlesextwp.com> >; Nick Long <nlong@livicco.com <mailto:nlong@livicco.com> >; Andrew Stotler <astotler@livicco.com <mailto:astotler@livicco.com> >; Vardahn Chaudhry <vchaudhry@americanrepartners.com <mailto:vchaudhry@americanrepartners.com> >

Subject: RE: PAX - Phase 1A Meeting Follow Up

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Bud, circling back on my response here. I believe we are on the same page related to ability to begin Stone Stockpile, Drilling & Shooting of Rock (Only) and Watermain installation per approved NPDES for those specific items and upon Conditional Phase 1A LD approval once supervisors take that action, bond and agreement. For the greater team's benefit, would you be willing to double confirm this? I know we have discussed this at length now in meetings but including powerhouse team on this for transparency and reassurance so they are clear when they can restart these initial work items.

Thank you!

Justin Ross, P.E.

Principal/Co-Founder

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From: Justin Ross

Sent: Wednesday, February 18, 2026 10:43 AM

To: Bud Grove <bgrove@middlesextwp.com> >; Petri Ottavainen <pottavainen@americanrepartners.com> >; Alex Solomon <asolomon@americanrepartners.com> >

Cc: Hess, Michael <mhess@hrg-inc.com> >; Mark Carpenter <mcarpenter@middlesextwp.com> >; Nick Long <nlong@livicco.com> >; Andrew Stotler <astotler@livicco.com> >;

Vardahn Chaudhry <vchaudhry@americanrepartners.com> >

Subject: RE: PAX - Phase 1A Meeting Follow Up

Bud you are correct for "Full earth disturbance" of 1A. I should have clarified. We have the Blasting, Stockpile and Waterline – NPDES permit. This is the construction activity that would be able to begin immediately and then the greater bulk earthwork and construction of 1A could then proceed once the next NPDES is approved. Our construction sequence is driven by getting the blasting, stockpile and watermain activities going, leaving a couple

extra weeks for CCCD to finalize the greater NPDES permit.

Thanks for clarifying!

Justin Ross, P.E.

Principal/Co-Founder

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From: Bud Grove <bgrove@middlesextwp.com <<mailto:bgrove@middlesextwp.com>> >
Sent: Wednesday, February 18, 2026 10:32 AM
To: Justin Ross <JRoss@livicco.com <<mailto:JRoss@livicco.com>> >; Petri Ottavainen <pottavainen@americanrepartners.com <<mailto:pottavainen@americanrepartners.com>> >; Alex Solomon <asolomon@americanrepartners.com <<mailto:asolomon@americanrepartners.com>> >
Cc: Hess, Michael <mhess@hrg-inc.com <<mailto:mhess@hrg-inc.com>> >; Mark Carpenter <mcarpenter@middlesextwp.com <<mailto:mcarpenter@middlesextwp.com>> >; Nick Long <nlong@livicco.com <<mailto:nlong@livicco.com>> >; Andrew Stotler <astotler@livicco.com <<mailto:astotler@livicco.com>> >; Vardahn Chaudhry <vchaudhry@americanrepartners.com <<mailto:vchaudhry@americanrepartners.com>> >
Subject: RE: PAX - Phase 1A Meeting Follow Up
Importance: High

Justin,

At these mornings meeting I said that I thought you had an NPDES Permit for the disturbance proposed by the land development plan for Lot 1A. However, the only thing CCCD approved so far is the Completeness of your application (ref. Feb.3,2026 letter from CCCD).

I have a copy of the Watermain Relocation Permit, but I don't have a copy of a any correspondence from CCCD stating that a permit has been issued for the proposed Lot 1A disturbance.

I believe when Mike and I met with them a few weeks ago, they said that they have the application and E&S Plans for a combined Phase 1A and 1B but they, at that time, had not started their technical review.

If I am wrong about this, please provide evidence of their approval.

Gerald "Bud" Grove, P.E.,P.L.S.

Middlesex Township Engineer

bgrove@middlesextwp.com <mailto:bgrove@middlesextwp.com>

Office 717-249-4409, Ext.139; Mobile 717-241-8478

From: Justin Ross <JRoss@livicco.com <mailto:JRoss@livicco.com> >
Sent: Wednesday, February 18, 2026 10:06 AM
To: Petri Ottavainen <pottavainen@americanrepartners.com <mailto:pottavainen@americanrepartners.com> >; Alex Solomon <asolomon@americanrepartners.com <mailto:asolomon@americanrepartners.com> >
Cc: Bud Grove <bgrove@middlesextwp.com <mailto:bgrove@middlesextwp.com> >; Hess, Michael <mhess@hrg-inc.com <mailto:mhess@hrg-inc.com> >; Mark Carpenter <mcarpenter@middlesextwp.com <mailto:mcarpenter@middlesextwp.com> >; Nick Long <nlong@livicco.com <mailto:nlong@livicco.com> >; Andrew Stotler <astotler@livicco.com <mailto:astotler@livicco.com> >; Vardahn Chaudhry <vchaudhry@americanrepartners.com <mailto:vchaudhry@americanrepartners.com> >
Subject: PAX - Phase 1A Meeting Follow Up

Petri, I believe you had to drop before we got to the topic of construction ready for Phase 1A. The group confirmed that Phase 1A construction start is contingent upon these 3 remaining items since an NPDES covering

that area is already approved.

1. Conditional Prelim LD Phase 1A Approval. Anticipate on agenda for consideration with Planning 2/23 and Supervisors 3/4
2. Fully Executed Development Agreement
3. Financial Security/Bond Received by Twp (For 1A Improvements and all off-site roadway items)

a. @Alex Solomon <mailto:asolomon@americanrepartners.com> - HRG is reviewing and will attempt to get this number confirmed as soon as they can understanding that the bonding agencies need time to process and that will likely be the long lead item to get into place for everyone.

Best,

Justin Ross, P.E.

Principal/Co-Founder

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570-560-1275

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Electronic mail message (rendered from native Outlook .msg file)

From: Justin Ross <JRoss@livicco.com>

Date: Mon, 2 Mar 2026 22:55:26 +0000

To: Michael Hess■

Cc: Nick Long; Ottavainen Petri; Bud Grove; Alex Solomon; David Hanes; Mark Carpenter; Andrew Stotler; Vardahn Chaudhry; Tom Gavin; Pete McGrath; Luke Kipfer■

Subject: Re: PAX - Phase 1A Meeting Follow Up

Attachments: image001.png, image002.png, image003.png, image004.png, image005.png, image006.png, image007.png, image008.png, image009.png, image926240.png, image166434.png, image569551.png, image517028.png, image887079.png, image926240.png, image166434.png, image569551.png, image517028.png, image887079.png, image001.png, image002.png, image003.png, image004.png, image005.png, image006.png, image007.png, image008.png, image009.png, image684864.png, image652160.png, image889687.png, image939165.png, image454851.png

And ES sock locations were places accordingly to reduce any heave or low spots and concentrated flow. We met with CCCD to confirm what activities could be done by way of blasting without moving earth. The plan was intentionally discrete as we were concerned about public doing right to know and making it a bigger issue back then when we submitted in the fall. We did review this all with CCCD prior to submitting to them.

Justin Ross, P.E.

Principal/Co■Founder

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On Mar 2, 2026, at 5:22 PM, Justin Ross <JRoss@livicco.com> wrote:

■

Construction sequence.

Justin Ross, P.E.

Principal/Co■Founder

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GWeZlpHU5XaQEwMg_w,,&typo=1&ancr_add=1>

On Mar 2, 2026, at 4:38 PM, Hess, Michael <mhess@hrg-inc.com> wrote:

■

Hi guys – I have a copy of these in our directory from the 1/09 submission, but I’m having trouble finding where they refer to blasting. I’d like to verify that what the Conservation District approved does include the blasting activity. Can you advise where this information appears?

Michael Hess, PE

Team Leader | Municipal & Water Resources

Herbert, Rowland & Grubic, Inc.

369 East Park Drive, Harrisburg, PA 17111

717.564.1121 (o) | 717.215.8959 (m)

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From: Nick Long <nlong@livicco.com>

Sent: Monday, March 2, 2026 4:31 PM

To: Justin Ross <JRoss@livicco.com>; Hess, Michael <mhess@hrg-inc.com>; Petri Ottavainen <pottavainen@americanrepartners.com>; Bud Grove <bgrove@middlesextwp.com>; Alex Solomon <asolomon@americanrepartners.com>; David Hanes <dhanes@livicco.com>

Cc: Mark Carpenter <mcarpenter@middlesextwp.com>; Andrew Stotler <astotler@livicco.com>; Vardahn Chaudhry <vchaudhry@americanrepartners.com>; Tom Gavin <tgavin@americanrepartners.com>; Pete McGrath <pmcgrath@americanrepartners.com>; Luke Kipfer <lkipfer@americanrepartners.com>

Subject: RE: PAX - Phase 1A Meeting Follow Up

Mike,

Here is link to approved Major Mod plans we have provided with 01/09/2026 Prelim Phase 1A submission that included watermain and blasting.

[https://liviccivil.egnyte.com/fl/xw4hQ7WMCHTb/Link_to_Township_ <https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fliviccivil.egnyte.com%2ffl%2fxw4hQ7WMCHTb%2fLink_to_Township_&c=E,1,BPQxFWSc39nsw8AdHB4AsY051qf1tofOqIN_J2yEVf7OBQi9iAqIDr1DHQE6ZDac_THIxMO-qPitGWs_fDmRQcGANXNuxS5cWQO32CecjCbS52DeOLzSYEAvg,,&typo=1>](https://liviccivil.egnyte.com/fl/xw4hQ7WMCHTb/Link_to_Township_<https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fliviccivil.egnyte.com%2ffl%2fxw4hQ7WMCHTb%2fLink_to_Township_&c=E,1,BPQxFWSc39nsw8AdHB4AsY051qf1tofOqIN_J2yEVf7OBQi9iAqIDr1DHQE6ZDac_THIxMO-qPitGWs_fDmRQcGANXNuxS5cWQO32CecjCbS52DeOLzSYEAvg,,&typo=1>)

Plans are in the Permit Approval subfolder.

There were also 6 paper copies submitted to the township with this submission.

Nick Long

Sr. Project Manager, CEA Market Lead

1015 Mumma Road, 2nd floor

Wormleysburg, PA, 17043

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<image007.png>

717-525-0926

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From: Justin Ross <JRoss@livicco.com <mailto:JRoss@livicco.com> >
Sent: Monday, March 2, 2026 4:01 PM
To: Hess, Michael <mhess@hrg-inc.com <mailto:mhess@hrg-inc.com> >; Petri Ottavainen <pottavainen@americanrepartners.com <mailto:pottavainen@americanrepartners.com> >; Bud Grove <bgrove@middlesextwp.com <mailto:bgrove@middlesextwp.com> >; Alex Solomon <asolomon@americanrepartners.com <mailto:asolomon@americanrepartners.com> >; David Hanes <dhanes@livicco.com <mailto:dhanes@livicco.com> >
Cc: Mark Carpenter <mcarpenter@middlesextwp.com <mailto:mcarpenter@middlesextwp.com> >; Nick Long <nlong@livicco.com <mailto:nlong@livicco.com> >; Andrew Stotler <astotler@livicco.com <mailto:astotler@livicco.com> >; Vardahn Chaudhry <vchaudhry@americanrepartners.com <mailto:vchaudhry@americanrepartners.com> >; Tom Gavin <tgavin@americanrepartners.com <mailto:tgavin@americanrepartners.com> >; Pete McGrath <pmcgrath@americanrepartners.com <mailto:pmcgrath@americanrepartners.com> >; Luke Kipfer <lkipfer@americanrepartners.com <mailto:lkipfer@americanrepartners.com> >
Subject: RE: PAX - Phase 1A Meeting Follow Up

@David Hanes <mailto:dhanes@livicco.com> – can you share the approved Major Mod NPDES for Blasting/Watermain/Stockpile with Mike. Thanks

<image005.png>

Justin Ross, P.E.

Principal/Co-Founder

<image006.png>

61 Duke Street, Suite 100

Northumberland, PA, 17857

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570-560-1275

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www.liviccivil.com <https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.liviccivil.com&c=E,1,Gqmo5WjHLC6Gb2lu_GgZf51xNa6kItozpKVcrVT5s_-YLWS8CiH7jAAAOZT4iUysZJigSz0OAE8MppHIKLjDRpnW2RfQH7CrE7FmReoENcq_h_pKCEJdc&typo=1>

From: Hess, Michael <mhess@hrg-inc.com <mailto:mhess@hrg-inc.com> >
Sent: Monday, March 2, 2026 3:50 PM
To: Justin Ross <JRoss@livicco.com <mailto:JRoss@livicco.com> >; Petri Ottavainen <pottavainen@americanrepartners.com <mailto:pottavainen@americanrepartners.com> >; Bud Grove <bgrove@middlesextwp.com <mailto:bgrove@middlesextwp.com> >; Alex Solomon <asolomon@americanrepartners.com <mailto:asolomon@americanrepartners.com> >
Cc: Mark Carpenter <mcarpenter@middlesextwp.com <mailto:mcarpenter@middlesextwp.com> >; Nick Long <nlong@livicco.com <mailto:nlong@livicco.com> >; Andrew Stotler <astotler@livicco.com <mailto:astotler@livicco.com> >; Vardahn Chaudhry <vchaudhry@americanrepartners.com <mailto:vchaudhry@americanrepartners.com> >; Tom Gavin <tgavin@americanrepartners.com <mailto:tgavin@americanrepartners.com> >; Pete McGrath <pmcgrath@americanrepartners.com <mailto:pmcgrath@americanrepartners.com> >; Luke Kipfer <lkipfer@americanrepartners.com <mailto:lkipfer@americanrepartners.com> >
Subject: RE: PAX - Phase 1A Meeting Follow Up

Justin –

I can't seem to find in our record anything to document that the Conservation district approved blasting with the watermain/stockpile plan. Can you provide any documentation on that point?

Michael Hess, PE

Team Leader | Municipal & Water Resources

Herbert, Rowland & Grubic, Inc.

369 East Park Drive, Harrisburg, PA 17111

717.564.1121 (o) | 717.215.8959 (m)

<image001.png>

<<https://www.linkedin.com/company/herbert-rowland-&-grubic-inc->>

<image002.png>

<<https://www.facebook.com/Herbert-Rowland-Grubic-Inc-HRG-636186183071798>>

<image003.png>

<https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.hrg-inc.com%2f&c=E,1,-ixjhMjRptfEinjqCzW-sK0zjzFjlQaL8PKhGt0mdCQRgAs_pRh2Defr7kzmmFAwJh1BlnsGI2NntURkDhVSQIeRtnYPMNo3565nrMvtoDZ7AYcgE-i3FK9o&typo=1>

<image004.png>

From: Justin Ross <JRoss@livicco.com <<mailto:JRoss@livicco.com>> >

Sent: Monday, March 2, 2026 1:49 PM

To: Petri Ottavainen <pottavainen@americanrepartners.com <<mailto:pottavainen@americanrepartners.com>> >;

Bud Grove <bgrove@middlesextwp.com <<mailto:bgrove@middlesextwp.com>> >; Alex Solomon

<asolomon@americanrepartners.com <<mailto:asolomon@americanrepartners.com>> >

Cc: Hess, Michael <mhess@hrg-inc.com <<mailto:mhess@hrg-inc.com>> >; Mark Carpenter

<mcarpenter@middlesextwp.com <<mailto:mcarpenter@middlesextwp.com>> >; Nick Long <nlong@livicco.com

<<mailto:nlong@livicco.com>> >; Andrew Stotler <astotler@livicco.com <<mailto:astotler@livicco.com>> >;

Vardahn Chaudhry <vchaudhry@americanrepartners.com <<mailto:vchaudhry@americanrepartners.com>> >; Tom

Gavin <tgavin@americanrepartners.com <<mailto:tgavin@americanrepartners.com>> >; Pete McGrath

<pmcgrath@americanrepartners.com <<mailto:pmcgrath@americanrepartners.com>> >; Luke Kipfer

<lkipfer@americanrepartners.com <<mailto:lkipfer@americanrepartners.com>> >

Subject: RE: PAX - Phase 1A Meeting Follow Up

Adding clarity on the 2 options noted below...

Work Items and Permits Required:

1. Blasting (Drilling and Shooting PPL Pad) + Watermain Trench and Install + Stone Stockpile

a. Blasting/Watermain/Stockpile NPDES Approval Received from CCCD

b. PLDP Phase 1A

2. Bulk Earthwork/Stripping (Any stripping/moving of soil material) <--Work cannot begin until NPDES Permit received

a. NPDES Phase 1A/1B Major Mod (Pending)

b. PLDP Phase 1A

<image005.png>

Justin Ross, P.E.

Principal/Co-Founder

<image006.png>

61 Duke Street, Suite 100

Northumberland, PA, 17857

<image007.png>

(888) 987-1993 x11

<image007.png>

570-560-1275

<image008.png>

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From: Petri Ottavainen <pottavainen@americanrepartners.com <mailto:pottavainen@americanrepartners.com> >

Sent: Monday, March 2, 2026 1:14 PM

To: Bud Grove <bgrove@middlesextwp.com <mailto:bgrove@middlesextwp.com> >; Justin Ross <JRoss@livicco.com <mailto:JRoss@livicco.com> >; Alex Solomon <asolomon@americanrepartners.com <mailto:asolomon@americanrepartners.com> >

Cc: Hess, Michael <mhess@hrg-inc.com <mailto:mhess@hrg-inc.com> >; Mark Carpenter <mcarpenter@middlesextwp.com <mailto:mcarpenter@middlesextwp.com> >; Nick Long <nlong@livicco.com <mailto:nlong@livicco.com> >; Andrew Stotler <astotler@livicco.com <mailto:astotler@livicco.com> >; Vardahn Chaudhry <vchaudhry@americanrepartners.com <mailto:vchaudhry@americanrepartners.com> >; Tom Gavin <tgavin@americanrepartners.com <mailto:tgavin@americanrepartners.com> >; Pete McGrath <pmcgrath@americanrepartners.com <mailto:pmcgrath@americanrepartners.com> >; Luke Kipfer <lkipfer@americanrepartners.com <mailto:lkipfer@americanrepartners.com> >

Subject: RE: PAX - Phase 1A Meeting Follow Up

Thanks for the quick return.

We do not anticipate doing any blasting for waterline.

For the waterline, we understood that were good to move forward, post PLDP approval, with the current approval – PAC210079A-3 Auth Letter, PCS (attached).

What we'd like to do is start drilling/blasting on the main pad itself soonest.

I know we have looked at this in two ways.

* one, blasting was not considered earthworks but needed PLDP approval

* and two, blasting was considered earthworks and needed not only PLDP approval but also the PH1A major mod (mass grading) to start.

Would you be able to clarify which?

Petri Ottavainen

1660 International Drive, Suite 500

,

McLean

,

VA

,

22102

cell 804-351-7432 <tel:804-351-7432>

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From: Bud Grove <bgrove@middlesextwp.com> <<mailto:bgrove@middlesextwp.com>> >
Sent: 02 March 2026 13:03
To: Petri Ottavainen <pottavainen@americanrepartners.com> <<mailto:pottavainen@americanrepartners.com>> >; Justin Ross <JRoss@livicco.com> <<mailto:JRoss@livicco.com>> >; Alex Solomon <asolomon@americanrepartners.com> <<mailto:asolomon@americanrepartners.com>> >
Cc: Hess, Michael <mhess@hrg-inc.com> <<mailto:mhess@hrg-inc.com>> >; Mark Carpenter <mcarpenter@middlesextwp.com> <<mailto:mcarpenter@middlesextwp.com>> >; Nick Long <nlong@livicco.com> <<mailto:nlong@livicco.com>> >; Andrew Stotler <astotler@livicco.com> <<mailto:astotler@livicco.com>> >; Vardahn Chaudhry <vchaudhry@americanrepartners.com> <<mailto:vchaudhry@americanrepartners.com>> >; Tom Gavin <tgavin@americanrepartners.com> <<mailto:tgavin@americanrepartners.com>> >; Pete McGrath <pmcgrath@americanrepartners.com> <<mailto:pmcgrath@americanrepartners.com>> >; Luke Kipfer <kipfer@americanrepartners.com> <<mailto:kipfer@americanrepartners.com>> >
Subject: RE: PAX - Phase 1A Meeting Follow Up

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Petri,

Thanks for bringing up this subject. I want to discuss this with Mark and Mike Hess as I am not too clear on where we collectively stand on the blasting portion of the Waterline relocation NPDES permit.

Gerald "Bud" Grove, P.E., P.L.S.

Middlesex Township Engineer

bgrove@middlesextwp.com <<mailto:bgrove@middlesextwp.com>>

Office 717-249-4409, Ext.139; Mobile 717-241-8478

From: Petri Ottavainen <pottavainen@americanrepartners.com <mailto:pottavainen@americanrepartners.com> >
Sent: Monday, March 2, 2026 12:00 PM
To: Justin Ross <JRoss@livicco.com <mailto:JRoss@livicco.com> >; Bud Grove <bgrove@middlesextwp.com <mailto:bgrove@middlesextwp.com> >; Alex Solomon <asolomon@americanrepartners.com <mailto:asolomon@americanrepartners.com> >
Cc: Hess, Michael <mhess@hrg-inc.com <mailto:mhess@hrg-inc.com> >; Mark Carpenter <mcarpenter@middlesextwp.com <mailto:mcarpenter@middlesextwp.com> >; Nick Long <nlong@livicco.com <mailto:nlong@livicco.com> >; Andrew Stotler <astotler@livicco.com <mailto:astotler@livicco.com> >; Vardahn Chaudhry <vchaudhry@americanrepartners.com <mailto:vchaudhry@americanrepartners.com> >; Tom Gavin <tgavin@americanrepartners.com <mailto:tgavin@americanrepartners.com> >; Pete McGrath <pmcgrath@americanrepartners.com <mailto:pmcgrath@americanrepartners.com> >; Luke Kipfer <lkipfer@americanrepartners.com <mailto:lkipfer@americanrepartners.com> >
Subject: RE: PAX - Phase 1A Meeting Follow Up

Good Morning Bud,

Wanted to touch base on this as we need your help to verify, as you know are working on starting works in earnest on PH1A pending the approval of the PLDP hopefully on Wed.

The pre-emptive steps to gain some traction on the phase will be the start of drilling and blasting. As we finalize mobilization plans and prep to get on site with drill rigs, could you confirm where we landed on the right to start work based on the current state of permitting from CCCD?

I believe you called out in a previous email that in addition to the pending approval, we would also have to have in place the PH1A disturbance permit.

We know that watermain relocation is good to go on PLDP approval.

We could really use your help to clarify on the drill/blast scope, is it still tied to the lot 1 disturbance or is it considered non-disturbance as a drill only and blast scope?

Cheers,

Petri

Petri Ottavainen

<image009.png>

1660 International Drive, Suite 500

,

McLean

,

VA

,

22102

cell 804-351-7432 <tel:804-351-7432>

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From: Justin Ross <JRoss@livicco.com> <<mailto:JRoss@livicco.com>> >

Sent: 26 February 2026 12:36

To: Bud Grove <bgrove@middlesextwp.com <mailto:bgrove@middlesextwp.com> >; Petri Ottavainen <pottavainen@americanrepartners.com <mailto:pottavainen@americanrepartners.com> >; Alex Solomon <asolomon@americanrepartners.com <mailto:asolomon@americanrepartners.com> >
Cc: Hess, Michael <mhess@hrg-inc.com <mailto:mhess@hrg-inc.com> >; Mark Carpenter <mcarpenter@middlesextwp.com <mailto:mcarpenter@middlesextwp.com> >; Nick Long <nlong@livicco.com <mailto:nlong@livicco.com> >; Andrew Stotler <astotler@livicco.com <mailto:astotler@livicco.com> >; Vardahn Chaudhry <vchaudhry@americanrepartners.com <mailto:vchaudhry@americanrepartners.com> >
Subject: RE: PAX - Phase 1A Meeting Follow Up

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Bud, circling back on my response here. I believe we are on the same page related to ability to begin Stone Stockpile, Drilling & Shooting of Rock (Only) and Watermain installation per approved NPDES for those specific items and upon Conditional Phase 1A LD approval once supervisors take that action, bond and agreement. For the greater team's benefit, would you be willing to double confirm this? I know we have discussed this at length now in meetings but including powerhouse team on this for transparency and reassurance so they are clear when they can restart these initial work items.

Thank you!

<image005.png>

Justin Ross, P.E.

Principal/Co-Founder

<image006.png>

61 Duke Street, Suite 100

Northumberland, PA, 17857

<image007.png>

(888) 987-1993 x11

<image007.png>

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From: Justin Ross

Sent: Wednesday, February 18, 2026 10:43 AM

To: Bud Grove <bgrove@middlesextwp.com> <<mailto:bgrove@middlesextwp.com>> >; Petri Ottavainen <pottavainen@americanrepartners.com> <<mailto:pottavainen@americanrepartners.com>> >; Alex Solomon <asolomon@americanrepartners.com> <<mailto:asolomon@americanrepartners.com>> >

Cc: Hess, Michael <mhess@hrg-inc.com> <<mailto:mhess@hrg-inc.com>> >; Mark Carpenter <mcarpenter@middlesextwp.com> <<mailto:mcarpenter@middlesextwp.com>> >; Nick Long <nlong@livicco.com> <<mailto:nlong@livicco.com>> >; Andrew Stotler <astotler@livicco.com> <<mailto:astotler@livicco.com>> >; Vardahn Chaudhry <vchaudhry@americanrepartners.com> <<mailto:vchaudhry@americanrepartners.com>> >
Subject: RE: PAX - Phase 1A Meeting Follow Up

Bud you are correct for "Full earth disturbance" of 1A. I should have clarified. We have the Blasting, Stockpile and Waterline – NPDES permit. This is the construction activity that would be able to begin immediately and then the greater bulk earthwork and construction of 1A could then proceed once the next NPDES is approved. Our construction sequence is driven by getting the blasting, stockpile and watermain activities going, leaving a couple extra weeks for CCCD to finalize the greater NPDES permit.

Thanks for clarifying!

<image005.png>

Justin Ross, P.E.

Principal/Co-Founder

<image006.png>

61 Duke Street, Suite 100

Northumberland, PA, 17857

<image007.png>

(888) 987■1993 x11

<image007.png>

570■560■1275

<image008.png>

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From: Bud Grove <bgrove@middlesextwp.com <mailto:bgrove@middlesextwp.com> >
Sent: Wednesday, February 18, 2026 10:32 AM
To: Justin Ross <JRoss@livicco.com <mailto:JRoss@livicco.com> >; Petri Ottavainen <pottavainen@americanrepartners.com <mailto:pottavainen@americanrepartners.com> >; Alex Solomon <asolomon@americanrepartners.com <mailto:asolomon@americanrepartners.com> >
Cc: Hess, Michael <mhess@hrg-inc.com <mailto:mhess@hrg-inc.com> >; Mark Carpenter <mcarpenter@middlesextwp.com <mailto:mcarpenter@middlesextwp.com> >; Nick Long <nlong@livicco.com <mailto:nlong@livicco.com> >; Andrew Stotler <astotler@livicco.com <mailto:astotler@livicco.com> >; Vardahn Chaudhry <vchaudhry@americanrepartners.com <mailto:vchaudhry@americanrepartners.com> >
Subject: RE: PAX - Phase 1A Meeting Follow Up
Importance: High

Justin,

At these mornings meeting I said that I thought you had an NPDES Permit for the disturbance proposed by the land development plan for Lot 1A. However, the only thing CCCD approved so far is the Completeness of your application (ref. Feb.3,2026 letter from CCCD).

I have a copy of the Watermain Relocation Permit, but I don't have a copy of a any correspondence from CCCD stating that a permit has been issued for the proposed Lot 1A disturbance.

I believe when Mike and I met with them a few weeks ago, they said that they have the application and E&S Plans for a combined Phase 1A and 1B but they, at that time, had not started their technical review.

If I am wrong about this, please provide evidence of their approval.

Gerald "Bud" Grove, P.E.,P.L.S.

Middlesex Township Engineer

bgrove@middlesextwp.com <mailto:bgrove@middlesextwp.com>

Office 717-249-4409, Ext.139; Mobile 717-241-8478

From: Justin Ross <JRoss@livicco.com <mailto:JRoss@livicco.com> >
Sent: Wednesday, February 18, 2026 10:06 AM
To: Petri Ottavainen <pottavainen@americanrepartners.com <mailto:pottavainen@americanrepartners.com> >; Alex Solomon <asolomon@americanrepartners.com <mailto:asolomon@americanrepartners.com> >
Cc: Bud Grove <bgrove@middlesextwp.com <mailto:bgrove@middlesextwp.com> >; Hess, Michael <mhess@hrg-inc.com <mailto:mhess@hrg-inc.com> >; Mark Carpenter <mcarpenter@middlesextwp.com <mailto:mcarpenter@middlesextwp.com> >; Nick Long <nlong@livicco.com <mailto:nlong@livicco.com> >; Andrew Stotler <astotler@livicco.com <mailto:astotler@livicco.com> >; Vardahn Chaudhry <vchaudhry@americanrepartners.com <mailto:vchaudhry@americanrepartners.com> >
Subject: PAX - Phase 1A Meeting Follow Up

Petri, I believe you had to drop before we got to the topic of construction ready for Phase 1A. The group confirmed that Phase 1A construction start is contingent upon these 3 remaining items since an NPDES covering that area is already approved.

1. Conditional Prelim LD Phase 1A Approval. Anticipate on agenda for consideration with Planning 2/23 and Supervisors 3/4
2. Fully Executed Development Agreement
3. Financial Security/Bond Received by Twp (For 1A Improvements and all off-site roadway items)

a. @Alex Solomon <mailto:asolomon@americanrepartners.com> - HRG is reviewing and will attempt to get this number confirmed as soon as they can understanding that the bonding agencies need time to process and that will likely be the long lead item to get into place for everyone.

Best,

<image005.png>

Justin Ross, P.E.

Principal/Co-Founder

<image006.png>

61 Duke Street, Suite 100

Northumberland, PA, 17857

<image007.png>

(888) 987-1993 x11

<image007.png>

570-560-1275

<image008.png>

www.liviccivil.com <https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.liviccivil.com&c=E,1,YH4aOht9wTpmV5KNf4EAC6CATAduoUa9kKl0ZsHFBa5Sn8cfj34Ta4ztxw9WrU8s_KexsjQpVCaoqHM8hPmPaJpUA0qxxVOrxPWcCgn&typo=1&ancr_add=1>

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Gerber, et al. v. Board of Supervisors of Middlesex Township
No. 2026-06465 (C.P. Cumberland County) — Land Use Appeal

EXHIBIT H

Middlesex Township Board of Supervisors Meeting Minutes, June 3, 2026

**MIDDLESEX TOWNSHIP
SUPERVISOR MEETING
June 3, 2026
6:00 PM**

OFFICIALS PRESENT:	SUPERVISORS:	Chairman Donald S. Geistwhite, Jr. Vice Chairman Phil Neiderer William H. Goodhart
	SOLICITOR:	Keith O. Brenneman
	ENGINEER:	Gerald "Bud" Grove
	PUBLIC SAFETY DIRECTOR:	Chief Andrew Bassler
	FIRE / EMC:	Chief Edwin Beam
	ZONING OFFICER:	Mark D. Carpenter
	ASST. CODES ENFORCEMENT/ MS4 COORDINATOR:	Gerald Steigleman
	MANAGER/ ROADMASTER:	Zachary L. Zook
	SECRETARY/ TREASURER:	Eileen M. Gault
	DEPUTY FIRE CHIEF:	Robert Horning, Jr.

CALL TO ORDER AND PLEDGE TO THE FLAG: Chairman Geistwhite called the meeting to order at 6:00 p.m. at the Middlesex Township Municipal Building, followed by the Pledge of Allegiance led by Deputy Fire Chief Horning, Jr.

PUBLIC COMMENT:

Chairman Geistwhite reminded attendees of the public comment rules, stating that each speaker would be allotted three minutes to speak and that individuals could not transfer or donate their speaking time to another person. He emphasized that the allotted time is specific to each speaker.

Mr. Earl Beam of Country Club Road stated that he had submitted a letter to the Township Supervisors the previous month and noted that one of his questions had not been addressed. He asked why a residential advisory committee agreement could not be established and referenced the agenda item regarding community benefits. Vice Chairman Neiderer responded that the topic would be discussed later during the scheduled community benefits agenda item. Mr. Beam clarified that he was specifically inquiring whether any discussion would include a residential advisory committee in addition to community benefits.

Ms. Kelly Brickey of Elizabeth Way informed attendees of an upcoming data center town hall hosted by the Stewards of Cumberland County at the Carlisle Theatre on June 11, 7-9 p.m. She stated that the event would feature a panel of experts discussing topics including water resources, power generation and usage, municipal government and zoning, and Pennsylvania data center legislation. Ms. Brickey encouraged residents to attend, ask questions, and learn more about the potential local impacts of data center development.

Ms. Hilda Vazquez of Buckeye Lane raised concerns regarding conditions in the Country Manor West community. She requested clarification on zoning and grandfathering protections for the mobile home park following the rezoning associated with the PAX-1 project and inquired about

the status of an agreement between the park owner and the Middlesex Township Municipal Authority (MTMA). Ms. Vazquez expressed concerns regarding resident rights, municipal oversight, and the condition of community infrastructure, including roads, lighting, and water quality. She also alleged selective enforcement of park rules and expressed concerns about potential retaliation against residents who seek improvements. She urged the municipality to enforce ordinances and laws consistently and fairly.

Mr. Kyle Gerber of Bernheisel Bridge Road requested that the Township consider establishing an online file-sharing system to provide residents with access to data center-related documents as they are submitted. He stated that such access could reduce Right-to-Know requests and improve public understanding of the project. Vice Chairman Neiderer responded that many submitted plans contain copyrighted information that may limit public distribution. Mr. Gerber noted that other project-related documents, such as permits, may still be suitable for public access. Vice Chairman Neiderer stated that if residents provide a list of specific documents of interest, the Township would review whether those materials could be made available to the public.

MS4 / STORMWATER PUBLIC COMMENT & UPDATES: Mr. Steigleman reported that the stream restoration project is substantially complete, with all punch list items addressed. Final inspection will occur once recently installed plantings and grass seeding have been established.

Mr. Steigleman also reported that, following inquiries from residents relayed through Representative Gleim's office regarding water concerns in Country Manor, he contacted the park manager. He stated that low water pressure was attributed to two breaks in private water lines. Repairs were completed over the weekend following required PA One Call notifications. He further reported that the mobile home park is working with the Pennsylvania Department of Environmental Protection (DEP) and the Department of Health by submitting water quality and pressure samples for testing over a two-week period. It was noted that the water system within the park is privately owned and maintained, with the municipal authority supplying water only to the meter.

Additionally, Mr. Steigleman reported that an investigation into water surfacing beneath a mobile home on Aspen Drive determined that the issue stemmed from groundwater entering an abandoned sewer line and resurfacing downhill. The park is evaluating options to either remove or cap the pipe to resolve the issue. Chairman Geistwhite requested continued updates on these matters.

APPROVAL OF MINUTES: On a motion by Chairman Geistwhite, seconded by Supervisor Goodhart, the minutes of the May 6, 2026, meeting were unanimously approved.

AUTHORIZE PAYMENT OF BILLS: On a motion by Chairman Geistwhite, seconded by Vice Chairman Neiderer, the Board unanimously authorized payment of the June 2026 bills.

REPORT:

Solicitor – No report submitted.

Engineer – No report submitted.

Police – Chief Bassler submitted the monthly Police Report, which was entered into the record. Chairman Geistwhite inquired about a recent situation at the Emporium. Chief Bassler confirmed that the matter had been managed. Vice Chairman Neiderer asked whether any information could

be shared to address potential public safety concerns. Chief Bassler stated that there were no safety concerns for the public but noted that the matter remains an active investigation.

Fire / EMC - Chief Beam submitted the monthly Fire/EMC Report, which was entered into record.

Zoning – Mr. Carpenter submitted the monthly Zoning Report, which was entered into record.

Codes Enforcement – Mr. Steigleman submitted the monthly Codes Enforcement Report, which was entered into record. Mr. Steigleman provided an update on the Diamond of Carlisle property, reporting that demolition activities cannot proceed until hazardous materials and asbestos surveys are completed by an environmental consultant. He stated that the property owner has contracted Patriot Wrecking LLC of Mechanicsburg to board first-floor windows and doors within ten feet of ground level, remove debris from the front and rear of the property, maintain the grass, and await complete utility shut off. Chairman Geistwhite remarked that the new ownership appears to be trying to address the property's condition, which Mr. Steigleman affirmed.

Municipal Authority – Chairman Geistwhite representative to the Municipal Authority reported that operations are proceeding as planned and that work on the second well project is progressing well. No additional updates were provided.

Roadmaster/ Manager – Mr. Zook reported that favorable weather in May allowed the highway crew to make progress on seasonal work, including line painting of stop bars and crosswalks. Roadside mowing operations were also conducted, with an initial pass completed before Memorial Day weekend followed by more extensive mowing activities. He stated that the splash pad opened the previous day after staff spent time preparing the facility throughout May. Minor issues remain and are being addressed.

On the administrative side, Mr. Zook reported that executive sessions were held on May 21 regarding potential litigation and on May 29 regarding personnel matters, with related agenda items scheduled for later in the meeting. Mr. Zook also reported that the Township is exploring contracting with an outside company to prepare Planning Commission meeting minutes and is evaluating outsourcing payroll services to help manage staff workload. Additionally, he noted that the Township is entering the final year of its trash collection contract and has begun the process of reviewing service options and preparing a request for proposals (RFP). He stated that it is too early to identify potential respondents.

Secretary/Treasurer – Ms. Gault reported that the Treasurer's Report included in the Supervisors' packet reflects all Township funds and balances for the period from May 1 through the meeting date. She noted that some payroll expenses were not yet reflected in the report because processing had not been completed.

Discussion followed regarding Local Services Tax (LST) payments from construction workers at the data center site. It was noted that LST is generally paid to the municipality where an individual works. Ms. Gault stated that she would investigate the matter, including consulting with the Cumberland County Tax Bureau, to determine whether the Township is receiving applicable LST revenues from workers at the site. Ms. Gault also noted that the packet included reports for May earned income tax and Local Services Tax collections.

Recreation – Mrs. Jumper submitted the monthly Recreation Report, which was entered into record. Ms. Gault reported that the summer playground program is scheduled to begin the

following week and noted that planning is underway for the Fall Festival in September. She also referenced the recent opening of the splash pad. Additionally, discussion was held regarding National Night Out, which is scheduled for August. It was noted that Township staff would work collaboratively on the event, although it is not specifically a Parks and Recreation program.

UNFINISHED BUSINESS:

Discussion and Possible motion on extension of review time for Preliminary Final Land Development Plan for Ahold Delhaize Solar Development until 09/17/2026: Mr. Grove reported that the applicant requested an extension to allow additional time to address items identified in his most recent review memorandum. Chairman Geistwhite made a motion, seconded by Supervisor Goodhart, to grant an extension of the review period for the Ahold Delhaize Solar Development Unit Preliminary/Final Land Development Plan through September 17, 2026. The motion carried unanimously.

Discussion and possible action on the release of maintenance security for Jack Williams Tire Land Development Plan: Mr. Grove reviewed his June 2, 2026, memorandum regarding the second request for release of financial security. He reported that, while most outstanding items had been satisfactorily addressed, concerns remain regarding work in the parking lot islands, including issues with rocks and boulders being displaced by vehicles. Based on the remaining deficiencies, he recommended denial of the second request for release of security at this time. Chairman Geistwhite made a motion, seconded by Supervisor Goodhart, to deny the applicant's request for release of security at this time. The motion carried unanimously.

Mr. Stew Beattie of Shady Lane, speaking on behalf of his family and Country Aire Kennels regarding the Ahold Delhaize Solar Development, stated that while they do not oppose the solar project itself, they have concerns regarding recorded deed restrictions and access rights associated with the property. He noted that his family has owned property in the area for more than 40 years and was not consulted during the project's development until recently, when they were approached regarding removal of the deed restrictions. Mr. Beatty expressed concern that the restrictions had been terminated without his family's consent and stated that his family has incurred legal expenses to protect its interests.

Mr. Beattie also raised concerns regarding the use of a private road for construction or emergency access, stating that permission had not been granted for such use. He expressed disappointment with the process and indicated that earlier communication with affected property owners could have helped avoid the current dispute. Mr. Grove explained that deed restrictions had been identified during plan review and that the applicant subsequently submitted documentation indicating the restrictions had been addressed.

Mr. Brenneman clarified that the Township does not have legal authority to enforce private deed restrictions and cannot base land development decisions on such restrictions. He explained that enforcement of private deed restrictions is a matter between private parties and that any challenge to the termination of those restrictions would need to be pursued through private legal channels. Mr. Beattie acknowledged the explanation and stated that his family would continue to evaluate its options with legal counsel.

NEW BUSINESS:

Presentation of a Community Benefits Agreement for Middlesex Township on behalf of Carlisle Development Partners and PAX-1: Vice Chairman Neiderer provided an informational presentation regarding a proposed community benefits agreement between Carlisle Development Partners, PAX-1, and Middlesex Township related to the proposed data center project. No action was taken, and no question-and-answer session was held.

Vice Chairman Neiderer acknowledged community concerns surrounding the project and noted the pending appeal before the Zoning Hearing Board regarding the township's zoning ordinances. He stated that the township will continue to review plans submitted by the developer while respecting the legal process and any future appeals.

He emphasized that township staff, consultants, county agencies, the Pennsylvania DEP, and the SRBC have collectively devoted considerable time to reviewing the project, with resident concerns shaping many of the township's discussions with the developer.

Vice Chairman Neiderer explained that a community benefits agreement differs from a developer's agreement. He described the community benefits agreement as a voluntary contribution by the developer to acknowledge the project's impact on the township and residents, while a developer's agreement addresses required land development items such as stormwater, roads, landscaping, lighting, noise, and generator operations.

He reported that discussions with the developer have been ongoing for approximately five months and that no formal written agreement currently exists. The proposed framework includes:

- A **\$2.5 million Land Preservation Fund** to support farmland and open space preservation in partnership with Cumberland County programs.
- A **\$1 million Public Safety Fund** for a potential police substation along the Route 11 corridor.
- A **\$4 million Parks and Recreation Fund** for future recreational improvements, potentially including an indoor recreation facility, park improvements, or additional parks.
- A **\$5 million Taxpayer Relief Fund**, consisting of \$1 million annually for five years beginning in 2027, intended to reduce township real estate taxes by approximately 50% during the construction period. He noted that the developer would participate in a payment-in-lieu-of-taxes program to offset reduced tax revenues.

Vice Chairman Neiderer also outlined additional requests made to the developer that remain under discussion, including:

- An annual \$300,000 contribution to fire protection services to enhance funding for neighboring fire companies while reducing the township fire tax.
- Public access to Conodoguinet Creek for recreational purposes such as kayak launches.
- An increase in the proposed fee-in-lieu-of-recreation payment from \$400,000 to \$600,000.
- Consideration of compensation or property acquisition options for the twelve homeowners along Country Club Road most directly impacted by construction activities.

He stated that the proposed community benefits package currently totals approximately \$12.5 million, with the potential to exceed \$15 million if additional requests are included. He noted that

these contributions are separate from future real estate tax revenues generated by the project, which remain undetermined and would depend on county assessment values and project buildout.

Vice Chairman Neiderer concluded by reiterating that the proposal remains a work in progress and invited residents to provide comments and suggestions regarding additional community benefits.

Mr. Earl Beam of Country Club Road thanked the Township for its updates and ongoing efforts regarding the project. Speaking as a resident living across from the site, he expressed concerns about persistent pounding and vibrations from construction activities and their impacts on nearby residents. He stated that he intends to pursue private legal action regarding alleged property value depreciation.

Mr. Beam also referenced a letter he previously submitted proposing the creation of a resident advisory committee composed of Township residents to meet regularly with Township officials and staff. He stated that the purpose of the committee would be to discuss resident concerns in a professional, factual, and respectful manner. He requested that the Township consider the proposal and provide a response at a future meeting. Additionally, Mr. Beam expressed appreciation for recent discussion regarding a potential community benefits agreement and encouraged further consideration of such an arrangement.

Mr. John Manta of Wolf Bridge Road expressed concern regarding references to voluntary plans being coordinated with the developer, stating that such proposals lack enforceable commitments and do not provide assurance that the measures described will be implemented. He noted that, in his view, the proposals were not binding and could be discontinued at any time. Vice Chairman Neiderer responded that the referenced items are voluntary measures proposed as part of the project and are not mandatory requirements. He acknowledged the comment and confirmed that participation in such programs is voluntary on the part of the developer.

Ms. Viola Byerly of County Club Road expressed appreciation for ongoing Township efforts but stated that many resident concerns remain unanswered and that proposed measures are not enforceable. She noted that while recent steps were a move in a positive direction, they do not provide binding protection for nearby residents.

Ms. Byerly raised concerns regarding anticipated long-term construction activity, noise impacts, and potential operational impacts once the facility is completed. She stated that construction activity is already occurring early in the morning, including weekends, and expressed frustration regarding the lack of restrictions or enforceable commitments to address these impacts.

She further raised concerns about potential impacts to private wells, radon, and other environmental issues, stating that residents currently lack a clear point of contact or protective measures if problems arise. Ms. Byerly urged the Township to seek enforceable protections for existing residents and emphasized that voluntary or temporary measures do not adequately address long-term concerns.

Ms. Monica Kurtz of Teaberry Drive stated that her residence is among the closest to a proposed Phase 1 building (approximately 1,500 feet) and expressed strong opposition to the project. She voiced concerns that nearby residents are being unduly influenced by incentives offered by the developer and stated that such measures do not adequately address anticipated impacts. Ms. Kurtz raised concerns regarding existing water quality issues and expressed opposition to the

development of a data center in the area, citing concerns about construction duration, long-term noise, pollution, and environmental impacts. Ms. Kurtz also questioned the reliability of information supporting data center benefits and encouraged the Township to seek information from independent sources.

Discussion and Possible motion on appointing a consultant for the Middlesex Township Comprehensive Plan update: The Board discussed proposals for appointment of a consultant to complete the Middlesex Township Comprehensive Plan update. Mr. Zook reported that three firms submitted proposals: Michael Baker (\$91,654), HRG (\$73,270), and Wallace Montgomery (\$60,000). All proposals were for fixed-fee, not-to-exceed contracts with similar 12-month timelines for completion of a draft comprehensive plan. It was noted that differences in pricing reflected varying levels of allocated staff hours, with Wallace Montgomery proposing the fewest hours, HRG in the middle, and Michael Baker the most.

The Supervisors and a Planning Commission member interviewed each firm. Discussion included prior township experience with Michael Baker and HRG, as well as Wallace Montgomery's limited local experience. Mr. Grove raised concerns regarding comparability of proposals and emphasized familiarity with the township as a key factor. Vice Chairman Neiderer expressed concern about the level of resident engagement during interviews and favored HRG based on its interactive approach and responsiveness to community input.

Mr. John Manta of Wolf Bridge Road asked whether HRG currently serves as a consultant for the data center project. Staff clarified that HRG is engaged as the consultant for Middlesex Township, not for the data center developer.

Ms. Kelly Brickey inquired whether any of the consulting firms considered were female-owned (FBE) or minority-owned (MBE). It was noted that HRG is not female-owned and Michael Baker is not female-owned. HRG was identified as an employee-owned firm based in Harrisburg and described as a smaller regional company.

Following discussion, Vice Chairman Neiderer moved to appoint HRG as consultant for the Middlesex Township Comprehensive Plan update, seconded by Chairman Geistwhite. The motion passed unanimously.

Discussion and Possible motion to hire Nicholas P. Lokitis as a full-time police officer effective July 1, 2026, with the following conditions: 1) Successful completion of requirements of Act 120, 2) Successfully pass all MPOETC certification exams, and 3) serve and complete one-year probationary period with starting salary based on current Collective Bargaining Agreement: Vice Chairman Neiderer moved, seconded by Chairman Geistwhite, to hire Nicholas P. Lokitis as a full-time police officer effective July 1, 2026, contingent upon successful completion of Act 120 requirements, MPOETC certification examinations, and a one-year probationary period, with salary in accordance with the current Collective Bargaining Agreement. The motion passed unanimously.

Ms. Kelly Brickey asked a question regarding police department staffing, which was clarified that the proposed hires are intended to fill two existing vacancies and an upcoming retirement. No additional police positions are being added; all hires are replacements for current staffing needs.

Discussion and Possible motion to hire Tyler A. Thomas as a full-time police officer effective July 2, 2026, with the following conditions: 1) Successful completion of requirements of Act 120, 2) Successfully pass all MPOETC certification exams, and 3) serve and complete one-year probationary period with starting salary based on current Collective Bargaining Agreement: Vice Chairman Neiderer moved, seconded by Chairman Geistwhite, to hire Tyler A. Thomas as a full-time police officer effective July 2, 2026, contingent upon successful completion of Act 120 requirements, MPOETC certification examinations, and a one-year probationary period, with salary in accordance with the current Collective Bargaining Agreement. The motion passed unanimously.

Discussion and Possible motion to hire Fredrick J. Lewis as a full-time police officer effective July 3, 2026, with the following conditions: 1) Successful completion of requirements of Act 120, 2) Successfully pass all MPOETC certification exams, and 3) serve and complete one-year probationary period with starting salary based on current Collective Bargaining Agreement: Vice Chairman Neiderer moved, seconded by Chairman Geistwhite, to hire Frederick J. Lewis as a full-time police officer effective July 3, 2026, contingent upon successful completion of Act 120 requirements, MPOETC certification examinations, and a one-year probationary period, with salary in accordance with the current Collective Bargaining Agreement. The motion passed unanimously.

Discussion and Possible motion to accept the resignation of Detective Jeffrey Franks as a full-time police officer to a part time police officer of Middlesex Township Police Department effective July 3, 2026: Chairman Geistwhite moved, seconded by Supervisor Goodhart, to accept the resignation of Detective Jeffrey Franks from his full-time position and approve his transition to a part-time police officer position with the Middlesex Township Police Department effective July 3, 2026. The motion passed unanimously.

Discussion and Possible motion on behalf of Cumberland County Facilities Management for a waiver of Stormwater Ordinance No. 6-2011 for a proposed walking rail on county property along Claremont Rd: The Board considered a request from Cumberland County Facilities Management for a waiver of Stormwater Ordinance No. 6-2011 for a proposed gravel walking trail on county property along Claremont Road. Township staff reviewed the proposal and reported that the trail would have minimal stormwater impact due to its limited width, gravel surface, and location throughout a largely grassed 25-acre site, and recommended approval of the waiver. Vice Chairman Neiderer recused himself from discussion and voting due to a conflict of interest. On a motion by Chairman Geistwhite, seconded by Supervisor Goodhart, the Board unanimously approved the waiver.

Discussion and Possible motion to approve the engagement letter of Stevens & Lee as special counsel to the Board of Supervisors with respect to the pending zoning appeal: Mr. Brenneman reported that an appeal has been filed with the Zoning Hearing Board challenging the validity of the Township's 2021 and 2025 zoning ordinance amendment and the subsequently adopted zoning ordinance. He explained that, due to a conflict of interest arising from his role as County Solicitor and the involvement of the Zoning Hearing Board Solicitor as Assistant County Solicitor, he is unable to represent the Township in the matter. Mr. Brenneman presented an engagement letter from Stevens & Lee to serve as special counsel for the pending appeal.

Vice Chairman Neiderer moved, seconded by Chairman Geistwhite, to approve the engagement of Stevens & Lee as special counsel to the Board of Supervisors with respect to the pending zoning appeal. The motion passed unanimously.

Discussion and Possible motion to accept the resignation of Dr. William E. Harner from the Letort Regional Authority Board effective immediately: Mr. Zook reported that Dr. Harner resigned after approximately three years of service on the Letort Regional Authority Board, creating two vacancies and leaving Middlesex Township without a current representative. The Township will advertise the openings and seek applicants for the Authority Board and other vacant boards. Mr. Zook explained that the Letort Regional Authority Board consists of representatives from multiple municipalities and works to protect the Letort Creek watershed, support improvement projects, and coordinate watershed-related initiatives. Mr. Carpenter noted that the board reviews development plans within the watershed and provides recommendations for project consideration. He added that Middlesex Township has two representatives due to its extensive frontage along the Letort Spring Run and that the time commitment is generally one meeting per month.

Chairman Geistwhite moved, seconded by Supervisor Goodhart, to accept the resignation of Dr. William E. Harner from the LeTort Regional Authority Board, effective immediately. The motion passed unanimously.

Ms. Viola Byerly inquired about the Township's upcoming garbage collection contract process and asked when public comment would be appropriate. Mr. Zook responded that the request for proposals (RFP) process is just beginning and that the Township has approximately one year before a new contract is in place, expected around March. Ms. Byerly expressed concern about the cost of the current garbage service, particularly for senior residents on fixed incomes who use the service infrequently. She suggested reconsidering a "bag/tag" system or other lower-cost options for low-volume users. Mr. Zook acknowledged the feedback and noted that options such as smaller toters and low-volume service models may be considered as part of the upcoming contract review process.

SUPERVISOR / STAFF COMMENTS:
Residents Q/A:

Mr. Zook reported that blasting activities for the data center project have resumed and are ongoing, with additional blasts expected over approximately 70 days. He noted that remaining blasting work in Phase 1A will be completed before transitioning to Phase 1B, located on the north side of the site near Country Manor.

Mr. Carpenter stated that the developer is implementing dust control measures, including the use of water trucks and roadway sweeping on Country Club Road, though some residents have reported these measures as insufficient.

In response to questions from Ms. Byerly, Mr. Carpenter explained that water used for dust control is being purchased from the Middlesex Township Municipal Authority via metered fire hydrants. Vice Chairman Neiderer confirmed the water usage is metered and billed appropriately.

Ms. Byerly expressed concerns regarding dust impacts on nearby properties, including effects on her solar panels and overall quality of life. She stated that dust accumulation has reduced solar panel efficiency and requested additional mitigation measures.

Discussion also addressed construction schedule concerns. Ms. Byerly questioned whether construction could be limited to five days per week. Township officials responded that existing

approvals and agreements permit construction Monday through Saturday, generally between 6:00 a.m. and 7:00 p.m., and stated that the Township lacks authority to retroactively amend or restrict the approved construction schedule.

Mr. Earl Beam of Country Club Road reported concerns regarding potential impacts from blasting activities on nearby residential water wells. He stated that, over approximately 35 years, he had not previously experienced sediment in his water but recently observed increased sediment accumulation in his household water filter, which he believes may be related to blasting activity. He requested that the Township revisit prior discussions regarding well water testing and asked whether additional testing or monitoring could be implemented given current concerns.

Vice Chairman Neiderer responded that the issue had been previously discussed and that the developer had indicated they would address well testing and potential mitigation if impacts were confirmed. He encouraged Mr. Beam to raise the issue at an upcoming meeting with the blasting contractor and noted that the Township would follow up with the developer regarding the status of the promised well-testing plan.

Mr. Zook stated he would contact the blasting company and relevant parties to relay concerns and obtain additional information, including identification of affected properties.

Ms. Viola Byerly of Country Club Road reported that some nearby residents did not receive notice of an upcoming community meeting and expressed concern about communication and outreach. She also noted increased frequency of water filter changes and appliance maintenance in her household, which she attributed to possible environmental impacts.

Mr. Beam additionally reported a separate concern regarding construction trucks traveling on incorrect routes and stated that he had contacted Township staff, who indicated the matter would be investigated.

Ms. Hilda Vazques of Buckeye Lane requested clarification regarding Phase 1 of the current project, stating she was confused by references to earlier mapping documents she believed dated to approximately 1996. She questioned whether Phase 1 of the current development corresponded to earlier planned development in the area and whether the project had been in planning for an extended period.

Vice Chairman Neiderer clarified that the map referenced by Ms. Vazques likely related to a prior, unrelated residential development plan in the area and not the current project.

Mr. Carpenter explained that many developments include phased plans and confirmed that the current project was introduced more recently, noting that the existing proposal is divided into Phase 1A and Phase 1B.

Officials further clarified that earlier mapping reflected prior development concepts for the property and is not related to the current data center project.

There being no further business, the meeting was adjourned by Chairman Geistwhite at 7:35 p.m.

Gerber, et al. v. Board of Supervisors of Middlesex Township
No. 2026-06465 (C.P. Cumberland County) — Land Use Appeal

EXHIBIT I

Middlesex Township Board of Supervisors Meeting Minutes, June 26, 2026

**MIDDLESEX TOWNSHIP
WORKSHOP MEETING AGENDA
June 26, 2026
7:30 AM**

OFFICIALS PRESENT:	SUPERVISORS:	Chairman Donald S. Geistwhite, Jr. Vice-Chairman Phil Neiderer William H. Goodhart Keith O. Brenneman
	SOLICITOR:	
	PUBLIC SAFETY	
	DIRECTOR:	Chief Andrew Bassler
	ZONING OFFICER:	Mark D. Carpenter
	ASST. CODES ENFORCEMENT/	
	MS4 COORDINATOR:	Gerald Steigleman
	ENGINEER:	Gerald "Bud" Grove
	MANAGER/	
	ROADMASTER:	Zachary L. Zook
	SECRETARY/	
	TREASURER:	Eileen Gault
	FIRE/EMC:	Chief Edwin Beam

CALL TO ORDER: Chairman Geistwhite called the meeting to order at 7:30 a.m., at the Middlesex Township Municipal Building, followed by the Pledge of Allegiance.

Public Comment:

Mr. Jim Gehr of Spring Road thanked the Board of Supervisors and Township Staff for recent improvements to Township communications, including the expanded Middlesex Connections Summer 2026 newsletter and additional information posted on the Township website, stating that the enhancements have been appreciated by residents. Mr. Gehr also identified opportunities to improve the Planning Commission process. He expressed concern that Planning Commission agendas and supporting documentation are often distributed on the Friday before Monday meetings, leaving PC members insufficient time to review materials. He noted that meetings have also been canceled on short notice, making it difficult for residents to stay informed and participate. Mr. Gehr recommended that Planning Commission agendas be published by the Monday preceding each meeting, supporting materials be distributed earlier, and draft Planning Commission meeting minutes be shared and posted within 48 hours following each meeting.

Ms. Hilda Vazquez of Buckeye Lane questioned the basis for the rezoning of the Country Manor West property. She stated that, based on information she had obtained, the Township did not have a formal application, supporting documentation, conceptual plan, technical justification, or other records related to the rezoning. Ms. Vazquez asked what documentation had been used to support the rezoning decision and expressed concern that the rezoning may have occurred without the necessary supporting materials.

Discussion and possible motion to authorize the solicitor to obtain an advisory from the State Ethics Commission on a potential conflict of interest: Mr. Keith Brenneman requested Board authorization to seek an advisory opinion from the Pennsylvania State Ethics Commission regarding a potential conflict of interest involving Vice-Chairman Phil Neiderer in connection

with a future Cumberland County solar energy system proposal. Mr. Brenneman explained that, because Vice-Chairman Neiderer is related to a Cumberland County Commissioner and the County may submit a formal request to the Township, he wanted to obtain guidance to ensure compliance with ethics requirements. On the motion of Chairman Geistwhite, seconded by Supervisor Goodhart, it was unanimously agreed to authorize the request for an advisory opinion. Vice-Chairman Neiderer abstained from voting at Mr. Brenneman's request.

Discussion and possible motion on Principal Solar Energy Systems for Cumberland County on Army Heritage Dr: Mr. Kirk Stoner, Cumberland County Director of Planning, accompanied by County staff and representatives from GreenWorks Development and MSR Solar, presented an overview of the County's proposed solar energy project. He explained that the project would be located on approximately 21 acres of County-owned property off Army Heritage Drive, with about 15 acres developed as a solar array. The proposed 4.85-megawatt, net-metered facility is projected to generate approximately 98% of the electricity used by County-owned buildings within a two-mile radius and provide an estimated \$19 million in savings over a 30-year term. Mr. Stoner stated that the project site was selected due to its proximity to Interstate 81, existing natural screening, and compatibility with surrounding land uses.

Mr. Stoner explained that during the Township's recent zoning ordinance update, provisions permitting principal solar energy systems as a conditional use in the Institutional District were removed from the final adopted ordinance. He stated that the County had not been made aware of the change during the ordinance review process and requested guidance from the Board on whether the omission should be addressed as an administrative correction by the Township or through a formal zoning ordinance amendment initiated by the County.

No formal action was taken. The Board indicated that discussion would be deferred until an advisory opinion was received from the Pennsylvania State Ethics Commission regarding a potential conflict of interest involving the Vice Chairman. Mr. Stoner acknowledged the Board's position and stated it would await further direction.

Discussion and possible motion on Preliminary/Final Land Development Plan for Ahold Delhaize Solar Development: Mr. Garrett Varner, of Morris Knowles Associates and applicant Mr. Justin Nieves presented the preliminary/final land development plan for a proposed 2.3 MW solar field on the Ahold Delhaize property along Shady Lane. Mr. Varner explained that the applicant is leasing the property under a 20- to 30-year agreement, after which the solar facility would be removed. He noted that the plan complies with ordinance requirements, includes landscaping and screening along Shady Lane, provides access from Shady Lane, and that review comments have been addressed.

Mr. Varner discussed the original proposal for a temporary bridge to accommodate construction traffic due to the existing Shady Lane bridge weight restriction. He reported that, following the Planning Commission meeting, the applicant began discussions with the neighboring Beattie family regarding use of an existing private access road from Stambaugh Lane. If an agreement is finalized, the temporary bridge would no longer be needed, and construction traffic would instead utilize the private access road.

Mr. Nieves stated that discussions with the Beattie family are progressing, with a formal agreement expected after additional family discussions. He also committed to working toward reinstating previously removed deed restrictions on the property, upgrading the private access

road as necessary for emergency vehicle access, and repairing any construction-related road damage.

Township Engineer Bud Grove stated that the plan satisfies the technical requirements of the Subdivision and Land Development Ordinance. He explained that the remaining issues involve Environmental Impact Assessment (EIA) mitigation measures and construction and emergency access, both of which are policy matters for the Board's consideration rather than ordinance compliance issues. Additional discussion confirmed that the proposed solar field is located outside the floodplain and meets required setbacks from high-quality watershed areas.

Planning Commission member Jim Gehr stated that the Commission's recommendation was to delay approval until a permanent emergency access solution is secured. He noted that the Commission's goal was to improve emergency access and expressed appreciation that negotiations with the Beattie family had progressed since the Planning Commission meeting.

The Board discussed the limitations of the existing Township-owned bridge, including its posted weight restriction, and questioned how emergency vehicles would respond to a fire on the property under current conditions.

Chief Beam explained that, without alternate access, fire apparatus would be required to stop before the bridge, hand-carry large-diameter hose approximately 600 feet from the nearest hydrant and manually transport additional equipment across the bridge. He stated that this process would significantly delay firefighting efforts and complicate deployment of tankers and other apparatus needed for a major fire response. He indicated that the proposed private access road would substantially improve emergency response capabilities.

The Board discussed bonding of Stambaugh Lane, Shady Lane, and the private access road for any damage caused during construction. The applicant agreed that appropriate road bonds would be provided. The Board also discussed maintenance of the proposed emergency access road, including snow removal responsibilities. Representatives of the Beattie family stated they would maintain the private road if an agreement were finalized.

The Board requested clarification regarding previously removed deed restrictions affecting the Beattie property. The applicant stated it is working with legal counsel to restore the restrictions if possible. Ms. Erica Beattie explained that the restrictions address tree buffering, building setbacks, and roadway location, and noted that reinstatement would require agreement among all affected property owners.

Mr. Steigleman asked about maintenance of vegetation on the leased property. The applicant responded that mowing was scheduled for the following Monday. Supervisor Neiderer also noted concerns raised by a local farmer regarding invasive weeds on the site and emphasized the importance of ongoing vegetation management to protect neighboring agricultural properties.

Following discussion, the Board concluded that action should be deferred until the applicant and the Beattie family finalize their agreement regarding construction and emergency access. The applicant requested conditional approval based on completion of the agreement, but the Board declined, indicating it preferred to consider the application once all outstanding issues are resolved. The existing plan extension provides sufficient time for negotiations.

Discussion and possible motion on extension of review time for Preliminary Land Development Plan for Pennsylvania Digital (PAX-1) Phase 3: Mr. Carpenter presented a request from Carlisle Development Partners LLC for an extension of the review period for the PAX-1 Phase 3 Preliminary Land Development Plan. He explained that the current review period would expire on July 1, 2026, and that the extension would allow the Township to continue its review until August 5, 2026, as additional work on the plan remains ongoing.

Following discussion, on the motion of Vice-Chairman Neiderer, seconded by Chairman Geistwhite, it was unanimously agreed to grant the extension of the review period for the PAX-1 Phase 3 Preliminary Land Development Plan to August 5, 2026.

Continued discussion and possible motion on request to release maintenance security for Jack Williams Land Development in the amount of \$27,483.21: Mr. Bud Grove reported that the developer has been making progress in addressing outstanding site improvements and has selected a contractor to complete the remaining work. Due to material procurement and construction scheduling, the developer requested a 30-day extension of the existing maintenance letter of credit, which was set to expire on July 10, 2026, and recommends extending the maintenance letter of credit through August 28, 2026, to provide sufficient time for completion of the remaining improvements and avoid the need for another extension request. He stated that the outstanding work primarily involves repairs to the landscaped parking lot islands and stabilization measures to prevent erosion and sediment runoff into the stormwater basins. He noted that the stormwater basins have already been cleaned and restored. Vice-Chairman Neiderer also discussed concerns about several dead trees along Harmony Hall Drive. Mr. Grove stated he would reinspect the site to verify the condition of the landscaping.

Following discussion, on the motion of Vice-Chairman Neiderer, seconded by Chairman Geistwhite, it was unanimously agreed to deny the developer's request for release of the remaining maintenance security in the amount of \$27,483.21 and approved extending the maintenance letter of credit through August 28, 2026.

Discussion and possible motion to approve installation of new fob readers for keyless access to municipal building by Hilton Security for \$5,325.00: Mr. Zach Zook reported that the Township has completed upgrades to the access control system software and supporting hardware. He explained that the remaining portion of the project involves replacing the existing door card readers after it was determined that the current readers are not compatible with the newer, more secure access fobs. The replacement readers will transition from the existing HID system to a PDK system, which utilizes higher-security, non-duplicable access fobs. Mr. Zook noted that the project includes the Municipal Building and other Township facilities with keyless entry. He also stated that the cost of the upgrades will be shared with the Municipal Authority in accordance with the existing cost-sharing arrangement, subject to the Authority's approval.

Following discussion, on the motion of Vice-Chairman Neiderer, seconded by Chairman Geistwhite, it was unanimously agreed to approve the installation of new keyless access card readers by Hilton's Electronic Security in the amount of \$5,325.00.

Discussion and possible motion to approve selling 2020 Ford Explorer and Kubota zero turn mower at CapCOG auction on July 15th: Mr. Zook reported that this is the Township's first year as a member of Capital Area Council of Governments (CAPCOG), which conducts an annual surplus equipment auction for member municipalities and school districts. He recommended selling the Township's surplus 2020 Ford Explorer police vehicle, after removal of

all police equipment and markings, and a surplus Kubota zero-turn mower at the upcoming auction.

The Board discussed the auction process, noting that a percentage of the sale proceeds are retained by the auctioneer and CAPCOG as a fundraiser. Members also compared the auction with online surplus sales and discussed the benefits of CAPCOG membership, including cooperative purchasing opportunities, access to municipal resources and surveys, and potential cost savings through joint purchasing programs.

Following discussion, on the motion of Vice-Chairman Neiderer, seconded by Chairman Geistwhite, it was unanimously agreed to approve the sale of the Township's 2020 Ford Explorer police vehicle and Kubota zero-turn mower at the CAPCOG surplus auction scheduled for July 15, 2026.

Discussion and possible motion on mowing grass at Moonlight Diner: Mr. Steigleman reported that he had contacted the owner of the Moonlight Diner property regarding overgrown grass and unauthorized parking of commercial vehicles. The owner explained that he had been out of the country for approximately two months due to a family emergency and had only recently returned. He stated that he would hire a contractor to mow the property within one week and would take steps to prevent trucking companies from parking trailers and equipment on the site by securing the driveway.

Following discussion, on the motion of Vice-Chairman Neiderer, seconded by Chairman Geistwhite, it was unanimously agreed to authorize Township staff to mow the property if the owner failed to do so by July 1, 2026, with the cost to be recovered through a municipal lien against the property if necessary.

Township Board / Staff Comments: Mr. Grove reported that all streets in Phase One of Cumberland Preserve have been completed and paved. He also reported that streets in Meadowbrook Phase 10 were substantially completed with only minor repairs remaining on the existing street extension. It was noted that Meadowbrook Phase 10 is nearing completion, with the final lot currently under construction.

Mr. Zook reported that staff has begun preparing the Request for Proposals (RFP) for the Township's residential trash collection contract, which expires next year. Staff are seeking input from the Board regarding desired contract provisions. He noted that there are now approximately seven to eight waste haulers in the market, which may result in more competitive bids. Options under consideration include offering a smaller automated trash cart for residents who generate less waste, particularly single-person households, since automated collection has largely replaced tag-a-bag programs. Staff are also evaluating changes to bulk item collection. Haulers suggested returning to weekly scheduled bulk pickups, with residents calling ahead, to improve collection efficiency and reduce multiple trips on the monthly pickup day. Vice Chairman Neiderer expressed support for including multiple cart size options in the bid specifications to provide residents with more flexibility and potentially lower costs.

Mr. Zook reported that concerns were raised at the Planning Commission meeting regarding non-functioning speed signs on Country Club Road. He explained that the Township had temporarily removed its speed sign and is in the process of reinstalling it. Staff will also follow up with the developer regarding the portable speed sign, which had been relocated and was reported to be inoperable.

Vice-Chairman Neiderer thanked the Planning Commission members for their service and acknowledged the time and effort they dedicate to Township business. He recognized public concerns regarding the timeliness of meeting notices, agendas, and other information, stating that while the Township meets the legal notice requirements, staff have been working to improve communication by providing information further in advance whenever possible. He noted positive feedback on the Township newsletter and website and stated that efforts to improve communication will continue, including exploring the use of an outside firm to prepare meeting minutes more quickly so draft minutes may be posted online in a timelier manner, subject to legal review. Vice Chairman Neiderer also expressed appreciation for the Township staff, Police Department, and department heads, commending their dedication and professionalism while acknowledging that there is still room for continued improvement in Township operations and communication.

Mr. Carpenter reported on a recent site visit to the Pennsylvania Digital One data center project. He stated that construction continues to progress, with retaining wall construction underway at the PPL substation site, the Phase 1A area nearing final grade, and berm construction along Country Club Road providing increased visual screening. He also noted that grading has begun for the first data center campus (Phase 1B). Mr. Carpenter said he met with contractors during the visit, who emphasized the project's regional economic significance and anticipated employment opportunities for local trades and businesses. He also noted that the project is being completed in partnership with multiple contractors due to its scale. He commented that Township staff and consultants continue to review the project for compliance with Township ordinances and that the developer has been cooperative in addressing review comments. During Board discussion, questions were raised regarding the use of diesel versus natural gas generators. It was explained that the proposed Tier 4 diesel generators comply with applicable DEP air quality requirements, while natural gas generators would require a significantly greater number of units and are not required by Township ordinance. Additional discussion noted that the developer is proposing a centralized, double-walled fuel delivery system to reduce the potential for fuel spills during refueling. Vice Chairman Neiderer added that diesel fuel storage is commonly used for mission-critical data centers because it provides an on-site fuel supply that is not dependent on an external natural gas distribution system during emergency operations.

Residents Q/A: Ms. Kelley Brickey of Elizabeth Way asked whether there had been any progress on executing the contract with the engineering firm selected to assist with the Township's Comprehensive Plan update. Mr. Zook responded that staff recently met with HRG to begin discussing the project, including the formation of a steering committee and potential committee members. He confirmed that HRG has been selected for the project.

Mr. Earl Beam reported that the first speed display sign on Country Club Road is functioning, but the second sign near the project entrance is not. He also asked about ongoing work on Country Club Road. Mr. Zook responded that a section of the roadway was beginning to fail and is being repaired with a patch. Mr. Beam expressed concern about traffic delays and safety during the road work, noting that vehicles had queued while flaggers directed traffic. Mr. Beam also informed the Board that representatives from the Pennsylvania Digital One project have begun contacting nearby Country Club Road residents to discuss concerns related to water, radon, and property evaluations. Mr. Zook reported that he had spoken with PPL regarding construction traffic and was advised that most deliveries to the project site would access Country Club Road from Route 11, with only limited outbound traffic using the Bernheisel Bridge Road direction.

Mr. John Manta of Wolfs Bridge Road asked what benefit Middlesex Township would receive from the proposed solar project near the Army Heritage Center. Vice Chairman Neiderer responded that the project is expected to reduce Cumberland County's long-term energy costs, helping to limit future county tax increases. He noted that, because Middlesex Township residents pay county real estate taxes, any savings realized by the County could benefit Township residents. He also stated that, in his opinion, the proposed location is appropriate because it is near Interstate 81, an LNG facility, and away from residential areas.

Ms. Hilda Vazquez of Buckeye Lane asked questions regarding sewer service for the Pennsylvania Digital One (PAX-1) project and referenced documents she had obtained through Right-to-Know requests concerning prior sewer service agreements involving the former property owners. Mr. Carpenter explained that the previous agreements with the former property owners reserved sewer capacity for residential development and that those agreements are no longer applicable because PAX-1 now owns the property. He stated that, as part of the current project, PAX-1 is required to upgrade sewer infrastructure from the project site to the existing sewer main near Route 11, including installation of a pumping station and replacement of portions of the sewer line to provide adequate capacity for both the project and surrounding development. Solicitor Brennenman stated that his understanding is that PAX-1 acquired the existing sewer capacity rights when it purchased the property and that the current focus is ensuring the project provides the necessary sewer improvements. He offered to review the documents referenced by Ms. Vazquez and provide additional clarification if needed. Vice-Chairman Neiderer advised that any documents obtained through the Township could be shared with the Township Solicitor for review and noted that additional questions regarding the Municipal Authority could also be addressed at Municipal Authority meetings.

Ms. Monica Kurtz of Teaberry Drive expressed continued concerns about the Pennsylvania Digital One project and its effects on nearby residents. She stated that frequent blasting notifications, construction activity, and uncertainty about future impacts have significantly affected her quality of life and that she believes the project has negatively impacted nearby homeowners. Ms. Kurtz questioned whether Township officials had fully researched the project's developers and expressed concerns regarding the project's long-term impacts on the community. She also raised concerns about the equipment proposed for the initial phase of the project, asking whether older technology would be installed in the first buildings while newer equipment would be reserved for later phases. She requested that the quietest available equipment be used for buildings closest to neighboring residences. Ms. Kurtz further referenced discussions regarding the eventual decommissioning of the data center and suggested that financial provisions be established for the future removal of obsolete facilities and equipment. She concluded by expressing her disappointment with the project and its anticipated long-term effects on nearby residents.

Ms. Arlene Darlington of Wertzville Road expressed concerns regarding the conduct of the developer's legal representative during a recent Planning Commission meeting, stating that she found his interactions with residents to be disrespectful. Ms. Darlington also raised concerns about the proposed number of backup generators for the Pennsylvania Digital One project, noting that the total had increased from approximately 432 to 532 generators. She requested that the developer provide a generator testing and maintenance schedule, expressing concerns about the potential frequency of testing as well as possible impacts related to noise, air quality, odors, and heat. Vice Chairman Neiderer responded that he would address the concerns regarding the conduct of the developer's representatives. He also explained that the project's tenant has not yet been identified and that the final number of generators, operating schedule, and testing

requirements will be determined during the final land development process and the issuance of the DEP air quality permit. He noted that the DEP regulates generator testing schedules and stated that the Township intends to review those details when they become available. Vice Chairman Neiderer further encouraged residents to monitor publicly available air quality data, noting that the Township has been communicating with DEP officials regarding generator permitting and air quality requirements. Ms. Darlington thanked him for the explanation and for agreeing to address her concerns with the developer.

Ms. Monica Kurtz of Teaberry Drive commented on information presented at a recent Clean Air meeting, stating her belief that existing regional air quality conditions should be considered when evaluating the cumulative impacts of the proposed data center. Ms. Kurtz expressed concerns that air quality and noise conditions in the Township differ from those in other data center locations and questioned whether comparisons to facilities in other states were appropriate. She also expressed concerns about the size and location of the proposed project. Vice Chairman Neiderer advised Ms. Kurtz that she had exceeded the allotted public comment time and concluded her remarks to allow the next speaker an opportunity to address the Board.

Mr. Kyle Gerber of Bernheisel Bridge Road questioned the Township's decision to classify data centers as a "use by right" under the zoning ordinance. He stated that, in his view, data centers are a significant land use with substantial community impacts and asked why the Township did not retain greater discretion to impose project-specific conditions. Mr. Gerber further requested clarification from current and former Board members regarding the rationale for the ordinance language and noted that the public record does not clearly document the reasoning behind the decision. Vice Chairman Neiderer responded that, due to Mr. Gerber's involvement as a litigant in pending legal proceedings related to the matter, the Board would not provide substantive comment in a public forum and indicated that such questions would be addressed through the judicial process.

Mr. John Manta commented to set the record straight regarding diesel versus natural gas generators, stating that natural gas generators primarily produce water vapor and carbon dioxide, while diesel generators produce a higher level of pollutants.

Ms. Jody Shivell of Teaberry Drive raised concerns that recent blasting activity continues to cause noticeable vibrations at her home despite the blasting contractor's agreement to reduce the size of blasts following a prior DEP violation. She questioned whether the current blasting practices are sufficiently minimizing impacts on nearby residents. Vice Chairman Neiderer acknowledged her concerns, noted that the Township does not regulate blasting operations, and encouraged her to continue reporting concerns directly to the DEP. Mr. Carpenter clarified that the agreed-upon 25 percent reduction applied to the number of blast holes rather than the explosive force of individual blasts, explaining that the contractor reduced the number of holes per blast from approximately 500 to about 375. Vice Chairman Neiderer stated that he would relay residents' ongoing concerns to the developer and encourage continued efforts to mitigate blasting impacts. Ms. Shivell indicated that she would continue reporting her concerns.

Ms. Hilda Vazquez stated that, during a recent blasting meeting, she had asked whether the drilling contractor was required to conduct geological studies across the creek before blasting began and indicated that she had not yet received a response. Vice Chairman Neiderer responded that the question had been raised at the meeting held earlier that week and that the contractor had indicated the matter would be reviewed.

Ms. Ashley Asper of Horners Road asked whether future data center developments could be regulated as conditional uses or special exceptions rather than permitted by right, expressing concern that current setback requirements may be inadequate for neighboring properties. Vice Chairman Neiderer responded that the upcoming Comprehensive Plan update will provide an opportunity to review and potentially revise the Township's zoning regulations. He noted that the Township has already enacted a moratorium on additional data center overlay districts and stated that future zoning amendments could include changes to how data centers are reviewed, including consideration of conditional use or special exception requirements instead of permitting them by right.

Executive Session: There being no further business, the meeting was adjourned to Executive Session by Chairman Geistwhite at 9:32 a.m. for an update on litigation and to discuss a personnel matter, with no action to be taken as a result.

Gerber, et al. v. Board of Supervisors of Middlesex Township
No. 2026-06465 (C.P. Cumberland County) — Land Use Appeal

EXHIBIT J

DEP Informal Hearing Determination, NPDES Permit PAC210079 A-4 (S. Williamson,
Program Manager, to W. Cluck, Esq.), July 16, 2026



July 16, 2026

Service by electronic mail

Mr. William J. Cluck
Law Office of William J. Cluck
587 Showers Street
Harrisburg, PA 17104

RE: Permit No. PAC210079 A-4
Informal Hearing Determination
PAX 1 Data Center Project
Middlesex Township, Cumberland County

Dear Mr. Cluck:

On July 1, 2026, the Pennsylvania Department of Environmental Protection (“PADEP”) held an informal hearing at its Southcentral Regional Office. in response to your request on behalf of your clients, Andrew and Rachael Dymski and Jody and Stanley Shivell, regarding the Cumberland County Conservation District’s NPDES PAG-02 acknowledgement of coverage for a Major Amendment to Carlisle Development Partners, LLC’s, Permit No. PAC210079 A-4 for the PAX1 Data Center Project (“Amendment 4”). Your request was received within 30 days after the Cumberland County Conservation District issued its acknowledgment of coverage for Amendment 4 and this letter addresses only that Amendment 4.

You provided written comments about the permit and approved plans as part of your request for the informal hearing. You also provided comments orally during the informal hearing. To the extent those comments addressed Amendment 4, PADEP provides the following responses as a result of the informal hearing.

PAC210079 A-4 permittee name:

You commented that the permittee name listed on page one of Permit PAC210079 A-4 was incorrectly identified as Petri Ottavainen. This was a clerical error and was corrected by the Cumberland County Conservation District on July 9, 2026. Carlisle Development Partners, LLC applied for the Amendment 4 and while the original amendment 4 cover letter properly identified Carlisle Development Partners, LLC, page 1 of the permit inadvertently named Petri Ottavainen on Amendment 4. Page 1 of Amendment 4 has been corrected by Cumberland County Conservation District.

PAC210079 A-4 Pennsylvania Bulletin Publication:

You commented that Amendment 4 was not published in the *Pennsylvania Bulletin*. Chapter 92a of the PADEP’s regulations does not specify a timeframe for publishing an acknowledgment of coverage under a NPDES General Permit in the *Pennsylvania Bulletin*. Notice of CCCD’s acknowledgment of coverage under the corrected Amendment 4 anticipated to be published in the

July 25, 2026 edition of the *Pennsylvania Bulletin*. That publication will fulfill the Cumberland County Conservation District's notification obligations for Amendment 4.

Violations:

You commented that outstanding violations prohibited the acknowledgment of Amendment 4. PADEP has not identified that outstanding violations existed at the time of Amendment 4 and there is no evidence of a pattern of violations or lack of intention or ability to comply with regulatory requirements for Carlisle Development Partners, LLC that would support the denial of coverage in Amendment 4.

Conclusion:

Aside from the error of naming the individual that has now been corrected, nothing presented in your request or at the informal hearing provides the PADEP a basis to amend or overturn the decision of the Cumberland County Conservation District on Amendment 4.

If you have any questions regarding this determination, please contact Mr. Adam Duh, Esq. at 717.787.0475 or by email at aduh@pa.gov.

Sincerely,

Scott R.

Williamson

Scott R. Williamson

Program Manager

Waterways and Wetlands Program

Digitally signed by Scott R.
Williamson
Date: 2026.07.16 15:40:23
-04'00'

cc: Cumberland County Conservation District, via email
Mr. Petri Ottavainen, Carlisle Development Partners, LLC, via email
Mr. Anthony Giorgione, Carlisle Development Partners, LLC, via email
Mr. and Mrs. Andrew Dymski, via first class mail
Mr. and Mrs. Stanley Shivell, via first class mail
Mr. Scott Gould, Esq., McNees, Wallace, and Nurick, via email
Mr. Errin McCaulley, Esq., McNees, Wallace, and Nurick, via email

Gerber, et al. v. Board of Supervisors of Middlesex Township
No. 2026-06465 (C.P. Cumberland County) — Land Use Appeal

EXHIBIT K

UJS Web Portal MDJ Docket Sheet, Commonwealth v. Maine Drilling & Blasting
Inc, MJ-09201-NT-0000119-2026 (guilty plea July 17, 2026; closed)

Magisterial District Judge 09-2-01

DOCKET

Docket Number: MJ-09201-NT-0000119-2026



Commonwealth of Pennsylvania
v.
Maine Drilling & Blasting Inc

Non-Traffic Docket

Page 1 of 2

CASE INFORMATION

<u>Judge Assigned:</u>	David J. Rogers	<u>Issue Date:</u>	
<u>QTN:</u>		<u>File Date:</u>	06/24/2026
<u>Arresting Agency:</u>	Bur Of Investigation, Dep	<u>Arrest Date:</u>	
<u>Citation No.:</u>	R2428145-6	<u>Incident No.:</u>	
<u>Disposition:</u>	Guilty Plea	<u>Disposition Date:</u>	07/17/2026
<u>County:</u>	Cumberland	<u>Township:</u>	Middlesex Township
<u>Case Status:</u>	Closed		

STATUS INFORMATION

<u>Case Status</u>	<u>Status Date</u>	<u>Processing Status</u>
Closed	07/17/2026	Completed
	07/17/2026	Case Balance Due
	07/17/2026	Case Disposed/Penalty Imposed
	07/17/2026	Awaiting Sentencing
	06/24/2026	Awaiting Plea

CASE PARTICIPANTS

<u>Participant Type</u>	<u>Participant Name</u>
Arresting Officer	Duke, Michael
Defendant	Maine Drilling & Blasting Inc

CHARGES

<u># Charge</u>	<u>Grade</u>	<u>Description</u>	<u>Offense Dt</u>	<u>Disposition</u>
1 73 § 166 §§ A.	S	Blasting Operations in Accordance With Regulations	06/15/2026	Guilty Plea

DISPOSITION / SENTENCING DETAILS

<u>Case Disposition</u>	<u>Disposition Date</u>	<u>Was Defendant Present?</u>
Guilty Plea	07/17/2026	No
<u>Offense Sec /Description</u>	<u>Offense Disposition</u>	
1 Blasting Operations in Accordance With Regulations	Guilty Plea	

DOCKET ENTRY INFORMATION

<u>Filed Date</u>	<u>Entry</u>	<u>Filed</u>	<u>Applies To</u>
07/17/2026	Order Imposing Sentence Printed	Magisterial District Court 09-2-01	Maine Drilling & Blasting Inc, Defendant
07/17/2026	Guilty Plea	David J. Rogers	Maine Drilling & Blasting Inc, Defendant
06/24/2026	Summons Issued	Magisterial District Court 09-2-01	Maine Drilling & Blasting Inc, Defendant
06/24/2026	First Class Summons Issued	Magisterial District Court 09-2-01	Maine Drilling & Blasting Inc, Defendant
06/24/2026	Non-Traffic Citation Filed	Magisterial District Court 09-2-01	

Magisterial District Judge 09-2-01

DOCKET

Docket Number: MJ-09201-NT-0000119-2026



Commonwealth of Pennsylvania
v.
Maine Drilling & Blasting Inc

Non-Traffic Docket

Page 2 of 2

CASE FINANCIAL INFORMATION

Case Balance: \$0.00

Next Payment Amt:

Last Payment Amt:

Next Payment Due Date:

	<u>Assessment Amt</u>	<u>Adjustment Amt</u>	<u>Non-Monetary Payment Amt</u>	<u>Payment Amt</u>	<u>Balance</u>
Crimes Code, etc.	\$100.00	\$0.00	\$0.00	(\$100.00)	\$0.00
ATJ	\$6.00	\$0.00	\$0.00	(\$6.00)	\$0.00
CJES	\$3.50	\$0.00	\$0.00	(\$3.50)	\$0.00
Commonwealth Cost - HB627 (Act 167 of 1992)	\$11.40	\$0.00	\$0.00	(\$11.40)	\$0.00
County Court Cost (Act 204 of 1976)	\$42.20	\$0.00	\$0.00	(\$42.20)	\$0.00
JCPS	\$21.25	\$0.00	\$0.00	(\$21.25)	\$0.00
Judicial Computer Project	\$8.00	\$0.00	\$0.00	(\$8.00)	\$0.00
OAG - JCP	\$2.50	\$0.00	\$0.00	(\$2.50)	\$0.00
State Court Costs (Act 204 of 1976)	\$11.40	\$0.00	\$0.00	(\$11.40)	\$0.00

Gerber, et al. v. Board of Supervisors of Middlesex Township
No. 2026-06465 (C.P. Cumberland County) — Land Use Appeal

EXHIBIT L

DEP EXPLO Inspection Report, Inspection ID 4226882, BAP No. 21264110, June 24,
2026 (“Violation(s) Noted”)



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF MINING PROGRAMS

Version: 2026.2.1

Inspection Report

Inspection Type	EXPLO - Explosives Inspection	Permit Number	21264110
DEP Office	EP DMO Cambria Dstr Mng Off	NPDES Number	
Permittee Name	MAINE DRILLING & BLASTING INC	Site Name	BOLT SITE
Address 1	PO BOX 1140	Permit Type	-
Address 2		Permit Kind	-
City	GARDINER	License Number	
State/ZIP Code	ME 04345-1140	Permit Status	-
Arrival Date / Time	06/24/2026 13:43	Municipality	Middlesex Township
Depart Date / Time	06/24/2026 14:58	County	Cumberland
Inspection ID	4226882	GP12 Permit Number	
Contract Operator Name		Contract Operator License Number	
		Complaint Number	

Inspector Details

Inspector Name:	MICHAEL J DUKE	Inspector Telephone Number:	(814) 242-5170	Inspector Email:	miduke@pa.gov
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Person Notified

Name	Jon Neithercoat	Title	Permittee
Method	Verbal	Date	06/15/2026

Inspection Result

VIOLS - Violation(s) Noted

Blaster Information

Blaster Name	BL-10340	Blaster License Number:	Michael Behrens
Blasting Company Name:	Maine Drilling & Blasting, Inc.	Blasting Company Address:	Bethel, Pa

Blasting Activity Permit

General Operations

Inspected



Remark This inspection report is a revised version of inspection ID#4226838 because of an error in the DMO inspection app that failed to carry the violation thru in the final report.

Seismograph Report

Inspected



– Violation -----			
Code and Description 211.151(D) - Failure to control airblast			
Type	SUMM - Summary Citation	Date	06/15/2026
Date Scheduled Response	07/10/2026		
Violation Details & Corrective Actions	A blast was fired on PAX-1/Bolt Site on June 15, 2026 @ 5:02 pm under blasting activity permit #21264110 that failed to control air blast by registering a 140.5 dbL at the compliance location 70 Sassafras Lane with a scale distance of 78.24. This is in violation of PA Code Title 25 Chapter 211.151(d); blasts shall be designed and conducted to control air blast so that it does not exceed 133dbL at any building or other structure designated by the Department unless the building is owned or leased by the permittee or its customer. Corrective action was submitted and approved on June 16, 2026.		
Blast Report Review		Inspected	Compliance with Permit
			Inspected

This Report is official notification that a representative of the Department of Environmental Protection has conducted an investigation of your operation. Violations observed by the Department have been noted on this report form.

If the Department uncovers any violations based on laboratory reports or further consideration of the conditions described in this report, the District Office will notify you of such violations in writing.

If an order was issued by the Department, you will be provided with a written confirmation of that order. You should not wait until you receive this confirmation Order before taking appropriate action.

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

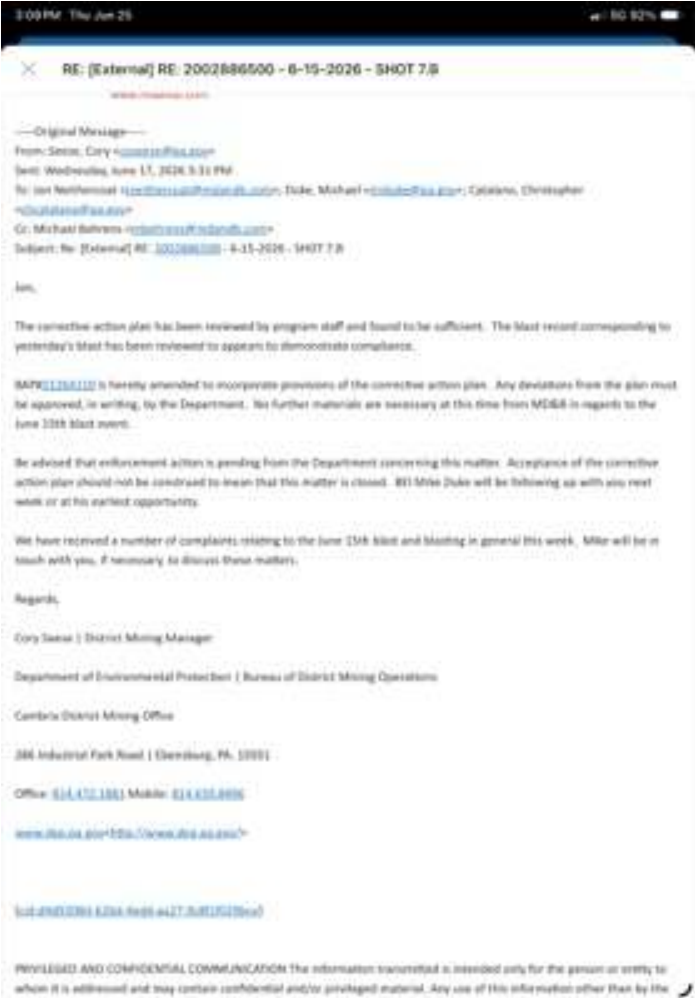
The Department became aware of a noncompliant blast at the PAX-1/Bolt Site which occurred at 5:02PM on June 15, 2026. Company representative of Maine Drilling and Blasting (MD and B), Jon Neithercoat, self reported to BEI Duke on June 16, 2026 about the blast which exceeded air blast limits. According to the seismograph placed at the regulatory compliance location(70 Sassafras Lane) with a scale distance of 78.24, the blast event produced an air blast of 140.5dBL. Regulation dictates that blasts are to be designed and conducted to control air blast so that it does not exceed 133dBL.

On June 16th, the Department dispatched BEI Michael Donahue and Chief of Explosives, Chris Catalano, to investigate and review the circumstances of the blast event and resulting noncompliance. It appeared that a single hole vented at the beginning of the shot from lack of confinement of the explosives charge in that hole. MD and B was told that a corrective action plan needed to be provided to the Department to describe the efforts MD and B would undertake to ensure compliance moving forward.

A plan was provided and ultimately approved by the Department on June 16, 2026. In an email from DMM Cory Seese, MD and B was advised that the corrective action was accepted and incorporated into the existing Blasting Activity Permit(see picture 1 and 2).They were also advised at that time that enforcement action would be forthcoming.

MD and B conducted a smaller scale blast on June 16, 2026 which demonstrated compliance with the approved permit and regulatory limits.

As a result of the air blast exceedance on June 15, 2026, a summary citation is being issued to MD and B under PA Code Title 25 Chapter 211.151(d). Summary citation R2428145-6 was filed in District Court #09-2-01 on June 24, 2026.



1 - Corrective action plan approval from the Department.



2 - Final corrective action plan.

3 - Non traffic SC filed in DC#09-2-01

Gerber, et al. v. Board of Supervisors of Middlesex Township
No. 2026-06465 (C.P. Cumberland County) — Land Use Appeal

EXHIBIT M

Email of Todd Eaby, Susquehanna River Basin Commission, to Andrew Dymski,
“Middlesex Twp Data Center SRBC Permit Question,” May 28, 2026



Andrew Dymski [REDACTED]

Middlesex Twp Data Center SRBC Permit Question

Eaby, Todd <teaby
To: Andrew Dymski [REDACTED]

Thu, May 28, 2026 at 9:57 AM

Andrew,

I tried reaching you by phone, but indicated you were not available. I will try to answer your questions and then you can respond or call me if you have additional questions.

We have had conversations with the developer regarding the PAX-1 Data Center project. My answers are based on the limited verbal information we have received.

The project is anticipated to be provided water from the Middlesex Township water system through a service connection and a will serve letter for up to 400,000 gallons per day max has been provided. Under this arrangement, the data center would not need a "withdrawal" approval from the Commission because the water system is completing the withdrawal and that source is fully reviewed by both the Commission and PADEP. The water system is required to achieve and maintain approvals from both agencies for the withdrawal.

It is expected that the PAX-1 Facility will consumptively use water equal to or above 20,000 gallons per day at least a portion of the year. The facility operator will be required to apply for and receive an approval for consumptive use from the Commission prior to operating. This requirement has been fully communicated to the PAX-1 developer. To date, the Commission has not received an application for the PAX-1 project.

I hope this helps clear up the confusion.

Thanks

Todd

[Quoted text hidden]

Gerber, et al. v. Board of Supervisors of Middlesex Township
No. 2026-06465 (C.P. Cumberland County) — Land Use Appeal

EXHIBIT N

Corrective Action Plan for Project Bolt (original, REV1 and REV2, submitted
June 16, 2026), Maine Drilling and Blasting



Submittal Date: 6-16-26

Corrective Action Plan for Project Bolt

Project Bolt
Country Club Road
Carlisle PA

Initial Overview:

The blast on 6/15/26 at 5:02pm had an air overpressure exceedance at 2 seismograph locations. 140.5dB at 70 Sassafras Lane and 133.9dB at 477 Sherwood Drive. All vibration readings were below the Z-curve and in compliance.

MDB believes that several holes had product too high in the column and/or compromised stemming that caused lack of confinement.

Corrective Action:

To prevent lack of confinement in the future:

- MDB will reduce shot size by 25% in the number of holes to limit the hole count from 500 holes to 375 holes
- In addition to MDB blaster verifying powder column height immediately after loading the hole, a trained competent person will then verify powder column height immediately prior to stemming the hole.
- Density checks on the emulsion will continue to be performed throughout the loading process to ensure proper density product is being loaded into the holes
- MDB will continue to ensure that only clean angular stone is used for stemming and not mixed with any other foreign materials. Stemming will be monitored and any issues will be reported to the BIC for corrective action.
- If any holes are overloaded or stemming is compromised, dirt will be placed on top of the hole as an additional preventive measure.

Any questions, please contact me directly

Thank you

Jon Neithercoat
717-571-7746
jneithercoat@mdandb.com
Maine Drilling and Blasting



Submittal Date: 6-16-268 REV1

Corrective Action Plan for Project Bolt

Project Bolt
Country Club Road
Carlisle PA

Initial Overview:

The blast on 6/15/26 at 5:02pm had an air overpressure exceedance at 2 seismograph locations. 140.5dB at 70 Sassafras Lane and 133.9dB at 477 Sherwood Drive. All vibration readings were below the Z-curve and in compliance.

MDB believes that several holes had product too high in the column and/or compromised stemming that caused lack of confinement.

Corrective Action:

To prevent lack of confinement in the future:

- MDB will reduce shot size by 25% in the number of holes to limit the hole count from 500 holes to 375 holes
- In addition to MDB blaster verifying powder column height immediately after loading the hole, a trained competent person will then verify powder column height immediately prior to stemming the hole.
- Density checks on the emulsion will continue to be performed throughout the loading process to ensure proper density product is being loaded into the holes
- MDB will continue to ensure that only clean angular stone is used for stemming and not mixed with any other foreign materials. Stemming will be monitored and any issues will be reported to the BIC for corrective action.
- If any holes are overloaded or stemming is compromised, the booster will be manually retrieved by hand and the hole will be skipped. If unable to retrieve the booster, sufficient clean fill dirt will be placed on top of the hole as an additional preventive measure.

Any questions, please contact me directly

Thank you

Jon Neithercoat
717-571-7746
jneithercoat@mdandb.com
Maine Drilling and Blasting



Submittal Date: 6-16-268 REV2

Corrective Action Plan for Project Bolt

Project Bolt
Country Club Road
Carlisle PA

Initial Overview:

The blast on 6/15/26 at 5:02pm had an air overpressure exceedance at 2 seismograph locations. 140.5dB at 70 Sassafras Lane and 133.9dB at 477 Sherwood Drive. All vibration readings were below the Z-curve and in compliance.

MDB believes that several holes had product too high in the column and/or compromised stemming that caused lack of confinement.

Corrective Action:

To prevent lack of confinement in the future:

- MDB will reduce shot size by 25% in the number of holes to limit the hole count from 500 holes to 375 holes
- Stemming height will be modified as necessary to confine the explosive energy and control horizontal movement.
- In addition to MDB blaster verifying powder column height immediately after loading the hole, a trained competent person will then verify powder column height immediately prior to stemming the hole.
- Density checks on the emulsion will continue to be performed throughout the loading process to ensure proper density product is being loaded into the holes
- MDB will continue to ensure that only clean angular stone is used for stemming and not mixed with any other foreign materials. Stemming will be monitored and any issues will be reported to the BIC for corrective action.
- If any holes are overloaded or stemming is compromised, an effort will be made to remove explosives from the borehole to the desired stemming with a suckpipe. If that cannot be achieved then the booster will be manually retrieved by hand and the hole will be skipped. If unable to retrieve the booster, sufficient clean fill dirt will be placed on top of the hole as an additional preventive measure.

Any questions, please contact me directly

Thank you

Jon Neithercoat
717-571-7746
jneithercoat@mdandb.com
Maine Drilling and Blasting

Gerber, et al. v. Board of Supervisors of Middlesex Township
No. 2026-06465 (C.P. Cumberland County) — Land Use Appeal

EXHIBIT O

DEP EXPLO Inspection Report, Inspection ID 4192406, BAP No. 21264110, May 1,
2026 (Complaint No. 397183)



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF MINING PROGRAMS

Version: 2025.4.2

Inspection Report

Inspection Type	EXPLO - Explosives Inspection	Permit Number	21264110
DEP Office	EP DMO Cambria Dstr Mng Off	NPDES Number	
Permittee Name	MAINE DRILLING & BLASTING INC	Site Name	BOLT SITE
Address 1	PO BOX 1140	Permit Type	-
Address 2		Permit Kind	-
City	GARDINER	License Number	
State/ZIP Code	ME 04345-1140	Permit Status	-
Arrival Date / Time	05/01/2026 09:26	Municipality	Middlesex Township
Depart Date / Time	05/01/2026 12:07	County	Cumberland
Inspection ID	4192406	GP12 Permit Number	
Contract Operator Name		Contract Operator License Number	
		Complaint Number	397183

Inspector Details

Inspector Name:	MICHAEL J DUKE	Inspector Telephone Number:	(814) 242-5170	Inspector Email:	miduke@pa.gov
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Inspection Result

NOVIO - No Violations Noted

Blaster Information

Blaster Name	Michael Behrens	Blaster License Number:	BL-10340
Blasting Company Name:	Maine Drilling & Blasting	Blasting Company Address:	Bethel, PA

Blasting Activity Permit

Blast Report Review

Inspected


Remark All blast reports are currently being obtained for review. Records from April 1 - 29, 2026 are in the Departments possession. The blast reports from April 29 and the blast on the date of this inspection will be obtained once finished.

Complaint Investigation

Inspected


Remark I was on site with Cory Seese(DMM) & Dan Collins(SMCIS) because of complaint #397183. Blasting at BAP#21264110 has been underway since April 1, 2026. The complaint has a multitude of concerns about blasting, such as but not limited to, do they have a permit, are seismographs utilized and the effects on buildings and underground gas pipelines. An inspection of the site was done upon arrival. Most shot records were obtained for the inspection with the exception of April 30 and the blast being loaded on the date of this inspection. We then had a meeting with the complaint at her home to discuss preliminary findings. We viewed alleged damage to her home and documented the damage with photos. The meeting seemed very productive for assistance to the complaint. She requested a copy of the blasting activity permit and four blast records from specific dates she felt the blasts were impacting her home the most. The Department will provide her with the requested documents promptly.

This Report is official notification that a representative of the Department of Environmental Protection has conducted an investigation of your operation. Violations observed by the Department have been noted on this report form.

If the Department uncovers any violations based on laboratory reports or further consideration of the conditions described in this report, the District Office will notify you of such violations in writing.

If an order was issued by the Department, you will be provided with a written confirmation of that order. You should not wait until you receive this confirmation Order before taking appropriate action.

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



1 - Loading of a blast on date of this inspection.



2 - Permanent seismograph @ 10 Mimosa Lane.

Gerber, et al. v. Board of Supervisors of Middlesex Township
No. 2026-06465 (C.P. Cumberland County) — Land Use Appeal

EXHIBIT P

DEP EXPLO Inspection Report, Inspection ID 4211496, BAP No. 21264110, May 29,
2026 (eight seismographs at non-owned buildings)



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF MINING PROGRAMS

Version: 2026.2.1

Inspection Report

Inspection Type	EXPLO - Explosives Inspection	Permit Number	21264110
DEP Office	EP DMO Cambria Dstr Mng Off	NPDES Number	
Permittee Name	MAINE DRILLING & BLASTING INC	Site Name	BOLT SITE
Address 1	PO BOX 1140	Permit Type	-
Address 2		Permit Kind	-
City	GARDINER	License Number	
State/ZIP Code	ME 04345-1140	Permit Status	-
Arrival Date / Time	05/29/2026 09:05	Municipality	Middlesex Township
Depart Date / Time	05/29/2026 11:32	County	Cumberland
Inspection ID	4211496	GP12 Permit Number	
Contract Operator Name		Contract Operator License Number	
		Complaint Number	

Inspector Details

Inspector Name:	MICHAEL J DUKE	Inspector Telephone Number:	(814) 242-5170	Inspector Email:	miduke@pa.gov
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Inspection Result

NOVIO - No Violations Noted

Blaster Information

Blaster Name	BL-10340	Blaster License Number:	Michael Behrens
Blasting Company Name:	Maine Drilling & Blasting, Inc.	Blasting Company Address:	Bethel, PA

Blasting Activity Permit

Compliance with Permit

Inspected

Remark I was on site with Jon Neithercoat, Maine Division Manager, for discussion and concurrence for seismograph placement for blasting on phase 1B under BAP#21264110. As seen in picture 1 is the expected cut depths that need blasted in dark red. To ensure compliance with ground and air overpressure regulations (8) seismographs are going to be placed in different directions at non owned buildings every blast regardless of scale distance. The seismograph installations are expected to be done on June 2, 2026 and blasting is expected to resume on Phase 1B June 3, 2026. The Department is being copied on all results of seismograph readings following each blast. It is noted that these are expected to be permanent seismographs installed until completion of the project.

This Report is official notification that a representative of the Department of Environmental Protection has conducted an investigation of your operation. Violations observed by the Department have been noted on this report form.

If the Department uncovers any violations based on laboratory reports or further consideration of the conditions described in this report, the District Office will notify you of such violations in writing.

If an order was issued by the Department, you will be provided with a written confirmation of that order. You should not wait until you receive this confirmation Order before taking appropriate action.

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



1 - Cut depths for Phase 1B.



2 - Proposed seismograph locations for Phase 1B.

Gerber, et al. v. Board of Supervisors of Middlesex Township
No. 2026-06465 (C.P. Cumberland County) — Land Use Appeal

EXHIBIT Q

Email of Cory Seese, District Mining Manager, PA DEP, June 17, 2026
(enforcement pending; complaints)

Electronic mail message (rendered from native Outlook .msg file)

From: Jon Neithercoat ■ <jneithercoat@mdandb.com■>

Date: Wed, 17 Jun 2026 19:34:40 +0000

To: Seese, Cory; Duke, Michael; Catalano, Christopher ■

Cc: Michael Behrens ■

Subject: RE: [External] RE: 2002886500 - 6-15-2026 - SHOT 7.B ■

Attachments: image001.png ■, image002.png ■, image003.png ■, image004.png ■, image005.png ■, image006.png ■

Gerber, et al. v. Board of Supervisors of Middlesex Township
No. 2026-06465 (C.P. Cumberland County) — Land Use Appeal

EXHIBIT R

Email of Jon Neithercoat, Divisional Manager, Maine Drilling & Blasting, to
Michael Duke, PA DEP, May 20, 2026

Electronic mail message (rendered from native Outlook .msg file)

From: Duke, Michael

Date: Wed, 20 May 2026 16:56:32 +0000

To: Seese, Cory; Collins, Daniel■

Subject: Fw: [External] PAX-1 Community Engagement Event - Blasting Continuation/Presentation

Attachments: image001.png, image002.png, image003.png, image004.png, image005.png, image006.png

Michael Duke | Blasting/Explosives Inspector

Department of Environmental Protection | Bureau of District Mining Operations

Cambria District Mining Office

286 Industrial Park Road | Ebensburg, PA 15931

Phone: 814.242.5107

www.dep.pa.gov <<http://www.dep.pa.gov/>>

From: Jon Neithercoat <jneithercoat@mdandb.com>

Sent: Wednesday, May 20, 2026 12:04 PM

To: Duke, Michael <miduke@pa.gov>

Cc: Shane Lagray <slagray@mdandb.com>

Subject: [External] PAX-1 Community Engagement Event - Blasting Continuation/Presentation

ATTENTION: This email message is from an external sender. Do not open attachments or click links from unknown senders. To report suspicious email, use the Report Phish button <<https://www.pa.gov/content/dam/copapwp-pagov/en/oa/documents/documents/report-phish-button-user-guide.pdf>> in Outlook.

Mike

I wanted to reach out regarding the PAX-1 project in Carlisle PA. As you know, there has been a pretty high level of public concern surrounding the blasting operations, and the project ownership is planning a community relations meeting with local residents through the township.

After discussing internally, we feel the best approach is for residents to hear directly from the independent technical and regulatory side rather than from the contractor performing the work. With that in mind, we are requesting DEP's attendance and to speak generally on blasting compliance requirements and the regulatory process.

We are not looking to place DEP in a position of advocating for the project. Our thought is simply that hearing directly from DEP, along with the independent seismic monitoring professionals, would help provide residents with objective information and help keep the discussion productive.

From our side, we remain confident the continued work will be performed properly and in compliance, and we want to continue handling the public concerns as professionally and transparently as possible.

From the project ownership: “the Township and the community would like to see us give a presentation on blasting and the impacts to the locale, speak about schedule, and overall have a discussion on what is planned/Q&A.”

The tentative dates are:

- * Sunday afternoon 5pm ('ish) 31 May
- * Sunday afternoon 5pm ('ish) 07 Jun
- * Wed afternoon 5pm ('ish) 10 Jun

Please let me know if you need anything else from me.

Thanks

<<https://www.facebook.com/MDandBofficial/>> <<https://www.linkedin.com/company/mainedandb>>
<<http://www.twitter.com/MDandBofficial>> <<https://www.instagram.com/mdandbofficial/>>
<https://www.youtube.com/channel/UCB_NxK2ru7YI5xu2c5XcSOg>
Jon Neithercoat
Divisional Manager | EMPLOYEE OWNER
Email jneithercoat@mdandb.com <<mailto:jneithercoat@mdandb.com>>
Phone 717-866-8981 | Mobile 717 571 7746

61 Brown Road Bethel, PA 19507
www.mdandb.com <<https://www.mdandb.com/>>

Gerber, et al. v. Board of Supervisors of Middlesex Township
No. 2026-06465 (C.P. Cumberland County) — Land Use Appeal

EXHIBIT S

Middlesex Township resident-complaint records, April 2026 (composite):
Structure/Blasting Concerns file and “Fw: Blast/thank you” email

Eileen Gault

From: Denise Jumper
Sent: Thursday, April 9, 2026 12:10 PM
To: Zachary Zook
Cc: Tracy Heiter; Eileen Gault; Mark Carpenter
Subject: 11 Wheatfield- Concerned about structure damage

Zach

A resident in the Meadows called with a concern about the blasting at the Data Center over the past two weeks. She said she felt the house "rattle" two weeks ago and this week she felt it again. Both times it was in the afternoon. She said she is concerned about a gas line crack/leak and structure damage to her home. She knows her information will be shared with the blasting contractor and she may be contacted regarding her concern.

Her contact information is:
Marilyn & Thomas Marsicano

Denise Jumper
Middlesex Township
Recreation Director
350 N. Middlesex Road
Suite 1
Carlisle, PA 17013
Phone: 717-249-4409
Fax: 717-249-8564
Email: djumper@middlesextwp.com

Eileen Gault

From: Zachary Zook
Sent: Thursday, April 9, 2026 2:15 PM
To: Phil Neiderer; Mark Carpenter
Cc: Tracy Heiter; Denise Jumper; Eileen Gault
Subject: FW: Blasting Complaints

FYI
Fabio with Maine Drilling and Blasting reached out today. He will be the contact for complaints for the blasting work. He is aware of the 2 complaints so far and following up with the residents of 25 Oak and 11 Wheatfield. He is also looking into the issue of the dust generated from the blast.

Thanks
Zach

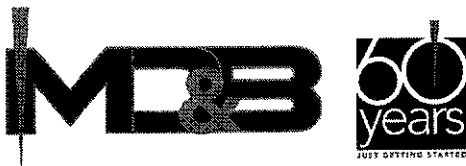
Zachary Zook
Middlesex Township Manager/Roadmaster
350 N. Middlesex Rd
Carlisle, PA, 17013
(717)249-4409

From: Fabio Sgarro <fsgarro@mdandb.com>
Sent: Thursday, April 9, 2026 1:57 PM
To: Zachary Zook <zzook@middlesextwp.com>
Subject: Blasting Complaints

Mr. Zook,
I am reaching out in regards to the potential complaint regarding our work. I've sent our paperwork to the owner of 25 Oak Lane in Carlisle via mail. Should there be any further questions, concerns or complaints regarding our work, I will be the contact person. Please feel free to reach out should you need any information. My office line is 540-545-1168.

Best Regards,
Fabio Sgarro

Fabio Sgarro
Risk Management Specialist I



Eileen Gault

From: Eileen Gault
Sent: Wednesday, April 22, 2026 10:15 AM
To: Zachary Zook
Subject: BLASTING

Zach,

I had a voicemail message from Chris Chambers regarding the blasting from the data center and them feeling the windows vibrating and the low frequency. He stated that his wife Francy had called previously and was told someone would get back to her about the blasting. Chris's number is [REDACTED] and Francy's number is [REDACTED]. Francy's email is [REDACTED].

Eileen

Eileen M. Gault
Secretary / Treasurer
Middlesex Township
350 N. Middlesex Road
Carlisle, PA 17013
717-249-4409
egault@middlesextwp.com

Electronic mail message (rendered from native Outlook .msg file)

From: Phil Neiderer <pneiderer@middlesextwp.com>

Date: Thu, 9 Apr 2026 23:31:30 +0000

To: Zachary Zook; Mark Carpenter■

Subject: Fw: Blast/thank you

Get Outlook for iOS <<https://aka.ms/o0ukef>>

From: Kerry Whitelock [REDACTED]

Sent: Thursday, April 9,

To: Phil Neiderer <pneiderer@middlesextwp.com>

Subject: Re: Blast/thank you

Hi Phil-

They blasted tonight at 6pm. Can you please tell the blasting company that they need to be done blasting by 4pm as what was discussed at the last supervisor meeting?

Thanks for your help,

Kerry

On Thu, Apr 9, 2026, 1:03 PM Kerry Whitelock [REDACTED] <[mailto:\[REDACTED\]](mailto:[REDACTED])> wrote:

Hi Phil-

I'm very happy to hear about the emergency meeting that's scheduled for tomorrow. Could you please keep me updated about how it goes?

Thanks again,

Kerry

On Thu, Apr 9, 2026, 12:00 PM Phil Neiderer <pneiderer@middlesextwp.com
<<mailto:pneiderer@middlesextwp.com>> > wrote:

Kerry

We have an emergency meeting that we are trying to set up for tomorrow to discuss a variety of concerns and we did discuss the blanketing yesterday and will bring it up again. Thanks for the input.

Phil

From: Kerry Whitelock [REDACTED] <mailto:[REDACTED]>
Sent: Thursday, April 9,
To: Phil Neiderer <pneiderer@middlesextwp.com <mailto:pneiderer@middlesextwp.com>>
Subject: Re: Blast/thank you

Hi Phil-

Thanks for the update. I appreciate your quick response. I have family members who are familiar with construction practices, and when I showed them the photo I shared with you, they suggested asking the blasting company to put a construction blanket over the blasting site to muffle sound, keep dust down. Could you ask about that when you meet with them again?

Thanks again,

Kerry

On Thu, Apr 9, 2026, 8:18 AM Phil Neiderer <pneiderer@middlesextwp.com <mailto:pneiderer@middlesextwp.com>> wrote:

Kerry,

I will forward to Zach and Mark to see if they have a current contact number. We had a biweekly meeting at the site yesterday with the general contractor and Powerhouse. We asked for a contact at that time and they said they would have one for us soon. We asked them to water the site on a more frequent basis to reduce dust. Since the site is mostly open field, I don't believe that wildfires are a significant threat, but our Fire Chief Ed Beam was with us yesterday and is monitoring all emergency services needs closely. They were hopeful to have blasting done ahead of schedule. I think Mark and I should go near the site during a blast to assess the effects firsthand. Hopefully Mark or Zach can arrange for this to happen.

Phil

Get Outlook for iOS <<https://aka.ms/o0ukef>>

From: Kerry Whitelock [REDACTED] <mailto:[REDACTED]>
Sent: Thursday, April 9,
To: Phil Neiderer <pneiderer@middlesextwp.com <mailto:pneiderer@middlesextwp.com>>
Subject: Blast/thank you

Hi Phil-

Thank you for how you acknowledged various residents who stood up to speak at the last supervisor's meeting. Thank you also for reminding the other supervisors that Eileen had information to report out to the group when the other supervisors wanted to skip over her. You work hard to establish an environment that permits exchange of ideas in a more professional, compassionate manner.

My neighbor who lives across the street from me took this photo from his deck during yesterday afternoon's blast around 1530h. He said he did not hear a warning horn 5 minutes prior to the blast. He felt his entire house shake. My neighborhood is a half mile as the crow flies from the data center site. Could you please give me the contact

information for the blasting company's representative and the company who inspected foundations of other properties impacted by the blasting?

With all of the debris that gets kicked up into the air from the blasts, has the township been notified about any air quality issues? There is a wildfire alert today. What steps are the blasting and construction companies taking to minimize wildfire risk?

Thank you for the time and attention you devote to these issues,

Kerry Whitelock
20 Elizabeth Way

Gerber, et al. v. Board of Supervisors of Middlesex Township
No. 2026-06465 (C.P. Cumberland County) — Land Use Appeal

EXHIBIT T

PA DEP 2024 PAG-02 General Permit (revised January 2026), including Part X
(Infiltration SCMs)



PAG-02
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT FOR DISCHARGES OF
STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITIES

In compliance with the provisions of the Clean Water Act, 33 U.S.C.A. §§ 1251 – 1387, and Pennsylvania's Clean Streams Law, as amended, 35 P.S. §§ 691.1 – 691.1001, DEP hereby authorizes, subject to the terms and conditions contained in this General Permit, the discharge of stormwater associated with construction activities from earth disturbances greater than or equal to one (1) acre, or earth disturbances on any portion, part, or during any stage of, a larger common plan of development or sale that is greater than or equal to one (1) acre.

This General Permit does not apply to earth disturbance activities involving agricultural plowing and tilling, animal heavy use areas, timber harvesting activities, oil and gas exploration, production, processing, treatment, or transmission, or road maintenance activities.

No new discharge may be commenced under this General Permit until the applicant demonstrates compliance with and/or completes all of the following:

1. A complete NOI package (3800-PM-BCW0405b and required attachments) has been submitted, as determined by DEP/CCD, in accordance with the requirements of this General Permit and the NOI Instructions.
2. The applicant has received written approval of coverage under this General Permit, signed by the appropriate DEP/CCD manager or supervisor.
3. The applicant has obtained all other state and local permits and approvals arising out of the earth disturbance activities reported in the NOI, including but not limited to sewage planning approval required by the Pennsylvania Sewage Facilities Act, 35 P.S. §§ 750.1 et seq. (Act 537), if applicable.
4. The permittee has recorded a legal instrument disclosing planned post-construction stormwater management (PCSM) stormwater control measure(s) (SCM(s)) on applicable properties with the Recorder of Deeds and has received written authorization from DEP/CCD to schedule a pre-construction meeting, except as specified in Part C II.B of this General Permit.
5. A pre-construction meeting has been held unless waived by DEP/CCD, in writing.

DEP may deny coverage under this General Permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information in accordance with 25 Pa. Code § 92a.54.

SCOPE

This General Permit is intended to provide NPDES permit coverage for stormwater discharges associated with construction activities in satisfaction of state (25 Pa. Code §§ 92a.1(b) and 102.5(a)) and federal (40 CFR §§ 122.26(b)(14)(x) and 122.26(b)(15)) regulations, if the eligibility requirements have been satisfied.

NOI REQUIREMENTS

Deadlines for NOI

An applicant seeking coverage under this General Permit must submit an administratively complete and acceptable NOI at least 60 days prior to the planned date for commencing any new discharge. Applicants are encouraged to apply as early as possible prior to the planned date for commencing construction and ensure the NOI is complete and technically adequate.

Permittees with existing coverage under the PAG-02 General Permit (effective December 8, 2019) (existing permittees) are required to submit an NOI to remain covered under this General Permit (effective December 8, 2024) by December 7, 2024.

Contents of the NOI

The applicant must submit the information and attachments required by this General Permit, the NOI Checklist (3800-PM-BCW0405c), and the NOI form provided by DEP (3800-PM-BCW0405b for new and amended coverage or 3800-PM-BCW0405h for renewal of coverage) and sign the NOI in accordance with the requirements of 25 Pa. Code § 92a.22 (relating to signatories to permit applications and reports) and 40 CFR § 122.22.

Where to Submit the NOI

Applicants must submit complete PAG-02 NOI packages as specified in the PAG-02 NOI Checklist (3800-PM-BCW0405c) including applicable fees to DEP/CCD as follows:

- For a project located in a single county, submit the NOI package to the appropriate CCD for the county, unless the project is located in Forest or Philadelphia counties, in which the NOI package should be submitted to DEP's Northwest or Southeast regional offices, respectively.
- For projects located in two counties, submit the NOI package to the appropriate CCD for the county with the greatest amount of earth disturbance, unless that county is Forest or Philadelphia, in which case the NOI package should be submitted to DEP's Northwest or Southeast regional offices, respectively.
- For projects located in more than two counties but within the jurisdiction of the same DEP regional office, submit the NOI package to the appropriate DEP regional office.
- For projects located in more than two counties that are also in the jurisdictions of two or more DEP regional offices, submit the NOI package to DEP's Major Projects Permitting Division in Harrisburg (visit www.dep.pa.gov, select "Regional Resources and Contacts" and "Major Projects Permitting Division").

For CCD mailing addresses, consult the Pennsylvania Association of Conservation Districts, Inc. (PACD) website at www.pacd.org, select "Your District" and "Find Your Conservation District." DEP regional office jurisdictions and mailing addresses can be found at www.dep.pa.gov (select "Regional Resources").

DISCHARGES AUTHORIZED BY THIS GENERAL PERMIT

1. Stormwater discharges, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with construction activity as defined at 25 Pa. Code § 92a.2.
2. Stormwater discharges designated by DEP as needing permit coverage under 40 CFR § 122.26(a)(1)(v), 40 CFR § 122.26(b)(15)(ii) or Pennsylvania's Clean Streams Law that are associated with construction activity.
3. Stormwater discharges from off-site construction support activities (off-site support activities) including temporary concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal (spoil) areas, borrow areas, stockpiling of topsoil, transfer of topsoil to other locations, and turnaround areas, provided that:
 - a. The off-site support activity is part of the same common plan of development or sale required to have permit coverage for stormwater discharges.
 - b. The off-site support activity is not a commercial operation, and it does not serve multiple unrelated construction sites.
 - c. The off-site support activity does not continue to operate beyond the completion of the construction activity at the project site it supports and will be restored to approximate original condition.
4. Non-stormwater discharges that are authorized by this General Permit.

DISCHARGES NOT AUTHORIZED BY THIS GENERAL PERMIT

The following discharges are not authorized under this General Permit, and DEP/CCD will deny coverage under this General Permit when one or more of the following conditions exist:

1. Stormwater discharges that, individually or in combination with other similar discharges, are or have the potential to be a contributor of pollution, as defined in the Pennsylvania Clean Streams Law, which are more appropriately controlled under an individual permit. (25 Pa. Code § 92a.54(e)(1))
2. Stormwater discharges which are not, or will not be, in compliance with any of the terms or conditions of this General Permit. (25 Pa. Code § 92a.54(e)(2))
3. Stormwater discharges for which the applicant has failed and continues to fail to comply or has shown a lack of ability or intention to comply with a regulation, permit, and schedule of compliance or order issued by DEP/CCD. (25 Pa. Code § 92a.54(e)(3))
4. Stormwater discharges that contain pollutants for which a change has occurred in the availability of demonstrated technology or practices for the control or abatement of the pollutants. (25 Pa. Code § 92a.54(e)(4))
5. Categorical point source effluent limitations are promulgated by the U.S. Environmental Protection Agency (EPA) for those point sources covered by this General Permit where such limitations are not incorporated into this General Permit. (25 Pa. Code § 92a.54(e)(5))
6. Stormwater discharges which do not, or will not, result in compliance with applicable effluent limitations or water quality standards. (25 Pa. Code § 92a.54(e)(6))
7. Stormwater discharges from a project site for which an individual permit is required for other point source discharges, and issuance of both an individual permit and authorization for coverage under a General Permit for the project site would constitute an undue administrative burden on DEP. (25 Pa. Code § 92a.54(e)(7))
8. Stormwater discharges that DEP determines require an individual NPDES permit to ensure compliance with the federal Clean Water Act, Pennsylvania's Clean Streams Law, or DEP regulations. (25 Pa. Code § 92a.54(e)(8))
9. Stormwater discharges directly to surface waters, including wetlands, with a designated or existing use of High Quality Waters (HQ) or Exceptional Value Waters (EV) pursuant to 25 Pa. Code Chapter 93 (relating to water quality standards). (25 Pa. Code § 92a.54(e)(9))
10. Stormwater discharges containing toxic or hazardous pollutants as defined in sections 307 and 311 of the Clean Water Act (33 U.S.C. §§ 1317 and 1321), or any other substance which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or contribute to an increase in mortality or morbidity in either an individual or the total population, or pose a substantial present or future hazard to human health or the environment when discharged into surface waters of this Commonwealth. (25 Pa. Code § 92a.54(a)(5))
11. Stormwater discharges that individually or cumulatively have the potential to cause or contribute to a violation of an applicable water quality standard established under 25 Pa. Code Chapter 93 (relating to water quality standards) or cause significant adverse environmental impact. (25 Pa. Code § 92a.54(a)(7))
12. Stormwater discharges associated with coal mining or noncoal mining activities pursuant to DEP's regulations at 25 Pa. Code Chapters 77 and 86-90.
13. Stormwater discharges associated with a construction activity that may adversely affect a Pennsylvania or federal endangered or threatened species or its critical habitat. (25 Pa. Code § 92a.12(c))
14. Stormwater discharges to surface waters identified as waters impaired for siltation; turbidity; Total Suspended Solids (TSS); algae; eutrophication; nutrients; flow regime modification; and/or habitat alterations in DEP's latest published Integrated Water Quality Monitoring and Assessment Report (Integrated Report) most recently approved by EPA unless the discharges will be managed with a non-discharge alternative or Antidegradation Best Available Combination of Technologies (ABACT) best management practices (BMPs).

15. Stormwater discharges to surface waters that are covered by an EPA-approved or EPA-established Total Maximum Daily Load (TMDL), including discharges to waters tributary to the Chesapeake Bay, in which the pollutants of concern include siltation; turbidity; TSS; algae; eutrophication; nutrients; flow regime modification; and/or habitat alterations, unless the discharges will be managed with a non-discharge alternative or ABACT BMPs. In addition, if a specific wasteload allocation (WLA) has been established that would apply to the discharge, the permittee must implement necessary steps to meet that allocation.
16. Stormwater discharges to municipal separate storm sewer systems (MS4s) and combined sewer systems (CSSs) without the written consent of the MS4 or CSS owner unless those discharges will result in no net increase (pre-condition to post-condition) in volume, rate, or water quality.

THE AUTHORITY GRANTED BY THIS GENERAL PERMIT IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. DEP may require a permittee with discharges authorized by this General Permit to apply for and obtain an individual NPDES permit by notifying the permittee in writing that an individual NPDES permit application is required. Any interested person may petition DEP to require an individual NPDES permit for a discharge authorized under this General Permit.

DEP's notice that an individual permit application is required will include the following:

- A brief statement of the reasons for this decision;
 - An individual NPDES permit application form;
 - A deadline for the owner or operator to submit the application;
 - A statement that the permittee's failure to submit an individual NPDES permit application by the required deadline will result in termination of the permittee's authorization to discharge under this General Permit; and
 - A statement that on the effective date of the individual permit, coverage under this General Permit will automatically terminate.
2. Any person authorized to discharge by this General Permit may request to be excluded from the coverage of this General Permit by applying for an individual NPDES permit.
 3. This General Permit does not authorize the discharge of any waste streams other than stormwater associated with construction activities and authorized non-stormwater discharges listed in Part C I.B.
 4. When DEP issues an individual NPDES permit for one or more discharges covered by this General Permit, the applicability of this General Permit is automatically terminated on the effective date of the individual permit. If DEP denies an individual permit for a discharge covered by this General Permit, DEP will advise in writing as to whether the discharger is authorized or is not authorized to continue discharging under this General Permit.
 5. This General Permit is effective for a term not to exceed five (5) years and will expire on the date specified below. If DEP modifies this General Permit during its current term, a permittee with approved coverage under this General Permit may, upon submission of an NOI, continue to discharge in accordance with the terms and conditions of the modified General Permit. If DEP reissues this General Permit, a permittee with approved coverage under this General Permit must submit an NOI to continue coverage under the reissued General Permit when notified by DEP.
 6. To modify or reissue this General Permit, DEP will publish a notice in the *Pennsylvania Bulletin* of a draft General Permit and provide a 30-day public comment period. After the comment period, DEP will publish notice of the final modified or reissued General Permit in the *Pennsylvania Bulletin*. The permittee must submit an NOI to continue discharging under this General Permit when notified by DEP and must comply with the final modified or reissued General Permit. If the permittee is unable to comply with the modified or reissued General Permit, the permittee must submit an application for an individual permit within 90 days of publication of the final General Permit. (25 Pa. Code § 92a.84)
 7. If a discharge approved for coverage under this General Permit subsequently exhibits a condition that renders the discharge ineligible for coverage (see "Discharges Not Authorized by this General Permit", above), the

permittee must take action to restore eligibility, to notify DEP in writing of the condition, and, if eligibility cannot be restored, to submit an individual NPDES permit application to DEP. DEP will terminate coverage under this General Permit if potential or actual adverse impacts to water quality occur as a result of the permittee's discharge.

8. No condition of this General Permit releases the permittee from any responsibility or requirements under other federal or Pennsylvania environmental statutes or regulations or local ordinances.

General Permit (PAG-02) Issued

By:



Environmental Program Manager
Bureau of Clean Water

Effective: December 8, 2024

Expires: December 7, 2029

PART A

EFFLUENT LIMITATIONS, MONITORING AND REPORTING REQUIREMENTS

I. EFFLUENT LIMITATIONS

- A. This General Permit establishes effluent limitations through the implementation of BMPs, including E&S BMPs and PCSM SCMs, to reduce the discharge of pollutants in stormwater discharges associated with construction activities. All stormwater discharges must comply with all applicable requirements established in accordance with 25 Pa. Code Chapters 91-96, 102, and 105 of DEP's rules and regulations. Permittees must implement BMPs exceeding those identified in approved E&S and PCSM Plans to protect and maintain water quality when notified in writing to do so by DEP/CCD.
- B. BMPs and SCMs.
1. The permittee must design, install, and maintain E&S BMPs and PCSM SCMs, as identified in the approved E&S and PCSM Plans, respectively, to minimize the discharge of pollutants. At a minimum, such BMPs and SCMs must be designed, installed, and maintained to: (25 Pa. Code § 102.11(c) and 40 CFR § 450.22(c))
 - a. Control stormwater volume and velocity to minimize soil erosion in order to minimize pollutant discharges.
 - b. Control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.
 - c. Minimize the amount of soil exposed during construction activity.
 - d. Minimize the disturbance of slopes exceeding 15%.
 - e. Minimize sediment discharges from the site. The design, installation and maintenance of E&S BMPs must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site.
 - f. Provide and maintain natural buffers around surface waters of the Commonwealth, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce pollutant discharges, unless infeasible.
 - g. Avoid or minimize soil compaction in all areas where SCMs utilizing infiltration to manage stormwater is proposed. If the areas planned for infiltration SCMs are compromised through compaction or other means, the permittee must conduct soil testing to verify that the SCM will perform as designed and implement measures to decompact the soils, as applicable.
 - h. Preserve topsoil unless the intended function of a specific area of the project site dictates that the topsoil be disturbed or removed.
 2. Site Stabilization. (25 Pa. Code § 102.22)
 - a. Temporary Stabilization.
 - (i) Upon temporary cessation of an earth disturbance activity or any stage or phase of an activity where a cessation of earth disturbance activities will exceed four (4) days, the site must be immediately seeded, mulched, or otherwise protected from accelerated erosion and sedimentation pending future earth disturbance activities.

- (ii) For an earth disturbance activity or any stage or phase of an activity to be considered temporarily stabilized, the disturbed areas must be covered with one of the following:
 - (1) A minimum uniform coverage of mulch and seed, with a density capable of resisting accelerated erosion and sedimentation.
 - (2) An acceptable BMP which temporarily minimizes accelerated erosion and sedimentation.
 - b. Permanent Stabilization – Upon final completion of an earth disturbance activity or any stage or phase of an activity, the site must immediately have topsoil restored, replaced, or amended, seeded, mulched or otherwise permanently stabilized and protected from accelerated erosion and sedimentation.
 - (i) E&S BMPs must be implemented and maintained until the permanent stabilization is completed. Once permanent stabilization has been established, the temporary E&S BMPs must be removed or converted to PCSM SCMs. Any areas disturbed in the act of removing temporary E&S BMPs must be permanently stabilized upon completion of the temporary E&S BMP removal or conversion activity.
 - (ii) For an earth disturbance activity or any stage or phase of an activity to be considered permanently stabilized, the disturbed areas must be covered with one of the following:
 - (1) A minimum uniform 70% perennial vegetative cover, with a density capable of resisting accelerated erosion and sedimentation.
 - (2) An acceptable BMP which permanently minimizes accelerated erosion and sedimentation.
 - c. The permittee may not utilize seed mixtures containing invasive species or species that may be harmful to native plant communities.
- 3. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed as follows: (25 Pa. Code § 102.11(c) and 40 CFR § 450.22(e))
 - a. The permittee must utilize upland vegetated areas of the project site to infiltrate construction dewatering water prior to discharge, to the extent feasible.
 - b. For construction dewatering water that cannot be infiltrated in accordance with paragraph 3.a, above, construction dewatering water must be treated by an approved series of two or more BMPs prior to discharge to surface waters to reduce discharges with visual turbidity, unless the permittee can document that the outflow from a single BMP will achieve a turbidity of 50 Nephelometric Turbidity Units (NTUs) or less and receives written approval from DEP/CCD.
 - c. The permittee must notify in writing DEP/CCD at least seven (7) days prior to discharges if the permittee has reason to believe that dewatering water may contain pollutants other than sediment. The permittee must collect sample(s) of the dewatering water and analyze the water for the pollutants specified by DEP/CCD when notified by DEP/CCD in writing. If the dewatering water is found by the permittee or DEP/CCD to contain concentrations of pollutants exceeding numeric water quality criteria under Chapter 93 or may otherwise adversely affect surface waters, DEP/CCD may require the permittee to cease discharging and submit an application for an individual permit.
 - d. The permittee must use an oil-water separator or suitable filtration device that is designed to remove oil, grease, or other products if dewatering water is found to contain those materials.
 - e. The permittee must collect and dispose of materials and substances collected by filtration devices and backwash from these devices off-site unless otherwise authorized by DEP/CCD.

4. The permittee must design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to: (25 Pa. Code § 102.11(c) and 40 CFR § 450.22(f))
 - a. Prevent the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated or otherwise controlled prior to discharge.
 - b. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the project site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).
 - c. Prevent the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures. The permittee must prepare and implement a Preparedness, Prevention, and Contingency (PPC) Plan when storing, using, or transporting materials including: fuels, chemicals, solvents, pesticides, fertilizers, lime, petrochemicals, wastewater, wash water, core drilling wastewater, cement, sanitary wastes, solid wastes, or hazardous materials onto, on, or from the project site during earth disturbance activities. The PPC Plan must be available upon request by DEP/CCD. (25 Pa. Code § 102.5(l))
5. The permittee may not discharge the following:
 - a. Wastewater from washout of concrete. (25 Pa. Code § 102.11(c))
 - b. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials. (25 Pa. Code § 102.11(c))
 - d. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance. (25 Pa. Code § 102.11(c))
 - e. Soaps or solvents used in vehicle and equipment washing. (25 Pa. Code § 102.11(c))
 - f. Floating solids, scum, sheen or substances that result in observed deposits in the receiving water, and foam or substances that produce an observable change in the color, taste, odor or turbidity of the receiving water. (25 Pa. Code § 92a.41(c))
 - g. Substances in concentration or amounts sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life. (25 Pa. Code § 93.6(a))

II. DEFINITIONS

Antidegradation Best Available Combination of Technologies (ABACT) means environmentally sound and cost-effective treatment, land disposal, pollution prevention and stormwater re-use BMPs that individually or collectively manage the difference in the net change in stormwater volume, rate, and quality for storm events up to and including the 2 year/24 hour storm when compared to the stormwater rate, volume, and quality prior to the earth disturbance activities to maintain and protect the existing quality of the receiving surface waters of this Commonwealth. (25 Pa. Code § 102.1)

Accelerated Erosion means the removal of the surface of the land through the combined action of human activities and the natural processes, at a rate greater than would occur because of the natural process alone. (25 Pa. Code § 102.1)

Best Management Practices (BMPs) means activities, facilities, measures, planning, or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim, and restore the quality of waters and the existing and designated uses of waters of this Commonwealth before, during, and after earth disturbance activities. (25 Pa. Code § 102.1)

Clean Fill means uncontaminated, nonwater-soluble, nondecomposable, inert solid material used to level an area or bring an area to grade. The term does not include materials placed in or on the waters of the Commonwealth. Although the placement of clean fill in or on waters of the Commonwealth cannot be managed under this policy, placement of clean fill in or on waters of the Commonwealth may be approved under a separate DEP authorization. The term includes only those materials that are identified as “fill,” as the term is defined in this policy. The term does not include fill that has been blended, mixed or treated with the purpose of meeting the definition of “clean fill” and that without being blended, mixed or treated would fail to meet the numeric limits identified in the definition of “uncontaminated material” contained in this policy.

Clean Streams Law means the Act of June 22, 1937, P.L. 1987, No. 394, as amended. (35 P.S. §§ 691.1--691.1001)

Clean Water Act means the Federal Water Pollution Control Act, as amended. (33 U.S.C.A. §§ 1251--1387)

Combined Sewer System means a sewer system that has been designed to serve as both a sanitary sewer and a storm sewer. (25 Pa. Code § 92a.2)

Co-Permittee means a person identified on the Authorization to Discharge page of this General Permit as responsible for the discharges of stormwater associated with construction activity who is jointly and individually responsible together with the permittee for compliance with all terms and conditions of this General Permit and applicable laws.

County Conservation District (CCD) means a conservation district, as defined in Section 3(c) of the Conservation District Law (3 P.S. § 851(c)), which has the authority under a delegation agreement executed with DEP to administer and enforce all or a portion of the erosion, sediment, and stormwater management program in this Commonwealth. (25 Pa. Code § 102.1)

Critical Stages means the installation of underground treatment BMPs, structurally engineered BMPs, or other BMPs or components thereof as deemed appropriate by DEP or a CCD and that require the oversight of a licensed professional or designee.

DEP means the Department of Environmental Protection.

Designated uses means those uses specified in 25 Pa. Code §§ 93.4(a) and 93.9a--93.9z for each water body or segment, whether or not they are being attained, to be achieved as part of Pennsylvania's water quality standards. (25 Pa. Code § 93.1)

Designee means a licensed professional as defined in this General Permit or someone acting on behalf of a licensed professional who has knowledge, skill, experience, training and education in the field of engineering, landscape architecture, geology, or land surveying that is beyond that possessed by a layperson and upon which a licensed professional can rely upon to provide oversight of critical stages of PCSM Plan implementation. A

designee must be independent from the operator co-permittee(s) responsible for the construction or installation of SCMs on a project site.

Dewatering means the act of draining accumulated stormwater and/or groundwater from building foundations, vaults, and trenches, or other similar points of accumulation.

Disturbed area means unstabilized land area where an earth disturbance activity is occurring or has occurred. (25 Pa. Code § 102.1)

Earth Disturbance Activity means a construction or other human activity which disturbs the surface of the land, including land clearing and grubbing, grading, excavations, embankments, land development, agricultural plowing or tilling, operation of animal heavy use areas, timber harvesting activities, road maintenance activities, oil and gas activities, well drilling, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials. (25 Pa. Code § 102.1)

Environmental Due Diligence means investigative techniques, including visual property inspections, electronic database searches, review of ownership and use history of property, Sanborn maps, environmental questionnaires, transaction screens, analytical testing, and environmental assessments or audits.

EPA means the United States Environmental Protection Agency.

Erosion means the natural process by which the surface of the land is worn away by water, wind, or chemical action. (25 Pa. Code § 102.1)

Erosion and Sediment Control Plan (E&S Plan) – A site-specific plan consisting of both drawings and a narrative that identifies BMPs to minimize accelerated erosion and sedimentation before, during, and after earth disturbance activities. (25 Pa. Code § 102.1)

Exceptional Value Waters means surface waters of high quality which satisfy 25 Pa. Code § 93.4b(b) (relating to antidegradation). (25 Pa. Code § 93.1)

Existing uses means those uses actually attained in the water body on or after November 28, 1975, whether or not they are included in Pennsylvania's water quality standards. (25 Pa. Code § 93.1)

Impaired Waters means surface waters that fail to attain one or more of its designated uses under 25 Pa. Code Chapter 93 and is listed in Categories 4 and 5 of Pennsylvania's Integrated Report.

Integrated Water Quality Monitoring and Assessment Report (Integrated Report) means DEP's report on the conditions of Pennsylvania's surface waters to satisfy Sections 305(b) and 303(d) of the Clean Water Act when approved by EPA.

Intermittent stream means a body of water flowing in a channel or bed composed primarily of substrates associated with flowing water which, during periods of the year, is below the local water table and obtains its flow from both surface runoff and groundwater discharges. (25 Pa. Code § 102.1)

High Quality Waters means surface waters having quality which exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water by satisfying 25 Pa. Code § 93.4b(a). (25 Pa. Code § 93.1)

Infiltration-based SCM means an SCM that principally functions by allowing stormwater to infiltrate through the bottom and/or sides of the SCM to the subsurface environment.

Licensed Professional means professional engineers, landscape architects, geologists, and land surveyors licensed to practice in the Commonwealth. (25 Pa. Code § 102.1)

Long-Term Operation and Maintenance (O&M) means the routine inspection, maintenance, repair, or replacement of a BMP to ensure proper function for the duration of time that the BMP is needed. (25 Pa. Code § 102.1)

Municipal Separate Storm Sewer System (MS4) means all separate storm sewers that are defined as "large" or "medium" or "small" municipal separate storm sewer systems pursuant to 40 CFR §§ 122.26(b)(4), (b)(7), and

(b)(16), respectively, or designated under 40 CFR § 122.26(a)(1)(v). (25 Pa. Code § 92a.32(a) and 40 CFR § 122.26(b)(18))

Municipality means a county, city, borough, town, township, school district, institution, or authority, or another public body created by or pursuant to State Law. For the purposes of this definition, town includes an incorporated town. (25 Pa. Code § 102.1)

Notice of Intent (NOI) means a request, on a form provided by DEP, for coverage under a General NPDES Permit for Discharges of Stormwater Associated with Construction Activities. (25 Pa. Code § 102.1)

Notice of Termination (NOT) – A request, on a form provided by DEP, to terminate coverage under a General NPDES Permit for Discharges of Stormwater Associated with Construction Activities. (25 Pa. Code § 102.1)

Non-discharge alternative – Environmentally sound and cost effective BMPs that individually or collectively eliminate the net change in stormwater volume, rate, and quality for stormwater events up to and including the 2-year/24-hour storm when compared to the stormwater rate, volume, and quality prior to the earth disturbance activities to maintain and protect the existing quality of the receiving surface waters of this Commonwealth. (25 Pa. Code § 102.1)

Non-Stormwater Discharges means discharges that do not originate from storm events, which may include, but are not limited to, discharges of air conditioner condensate, non-contact cooling water, pavement wash water, external building washdown, irrigation water, or uncontaminated ground water or spring water.

Off-Site Construction Support Activities or Off-Site Support Activities means activities providing support for construction and earth disturbance activities covered by this General Permit, including but not limited to concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas (spoil), borrow areas, stockpiling of topsoil, transfer of topsoil to other locations, and turnaround areas.

Operator or Operator Co-Permittee means a person who has one or more of the following: (i) oversight responsibility of earth disturbance activity on a project site or a portion thereof who has the ability to make modifications to the E&S Plan, PCSM Plan or site specifications, (ii) day-to-day operational control over earth disturbance activity on a project site or a portion thereof to ensure compliance with the E&S Plan or PCSM Plan. (25 Pa. Code § 102.1)

Owner means a person who holds the legal title to the land subject to construction activity. This term also includes the person who held legal title to the land subject to construction activity at the time such activity was commenced on a site.

PCSM SCM means an SCM that is designed and implemented to satisfy the requirements of 25 Pa. Code § 102.8(g).

Perennial stream means a body of water flowing in a channel or bed composed primarily of substrates associated with flowing waters and capable, in the absence of pollution or other manmade stream disturbances, of supporting a benthic macro-invertebrate community which is composed of two or more recognizable taxonomic groups of organisms which are large enough to be seen by the unaided eye and can be retained by a United States Standard No. 30 sieve (28 meshes per inch, 0.595 mm openings) and live at least part of their life cycles within or upon available substrates in a body of water or water transport system. (25 Pa. Code § 102.1)

Permittee means a person who has coverage under this General Permit.

Permanent Stabilization means long-term protection of soil and water resources from accelerated erosion. (25 Pa. Code § 102.1)

Person – Any operator, individual, public or private corporation, partnership, association, municipality or political subdivision of this Commonwealth, institution, authority, firm, trust, estate, receiver, guardian, personal representative, successor, joint venture, joint stock company, fiduciary; Department, agency or instrumentality of state, federal, or local government, or an agent or employee thereof; or any other legal entity. Whenever used in any clause prescribing and imposing a penalty, or imposing a fine or imprisonment or both, the term "person" may not exclude the members of an association and the directors, officers, or agents of a corporation. (25 Pa. Code § 102.1)

Point Source means any discernable, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, Concentrated Aquatic Animal Production Facility (CAAP), Concentrated Animal Feeding Operation (CAFO), landfill leachate collection system, or vessel, or other floating craft, from which pollutants are or may be discharged. (25 Pa. Code § 92a.2)

Post-Construction Stormwater means stormwater associated with a project site after the earth disturbance activity has been completed and the project site is permanently stabilized.

Post-Construction Stormwater Management Plan (PCSM Plan) means a site-specific plan consisting of both drawings and a narrative that identifies BMPs to manage changes in stormwater runoff volume, rate, and water quality after earth disturbance activities have ended and the project site is permanently stabilized. (25 Pa. Code § 102.1)

Preparedness, Prevention, and Contingency Plan (PPC Plan) means a written plan that identifies an emergency response program, material and waste inventory, spill and leak prevention and response, inspection program, housekeeping program, security and external factors, and that is developed and implemented at the construction site to control potential discharges of pollutants other than sediment into waters of this Commonwealth. (25 Pa. Code § 102.1)

Project Site means the entire area of activity, development, lease, or sale including: (i) the area of the earth disturbance activity; (ii) the area planned for the earth disturbance activity; and (iii) Other areas which are not subject to earth disturbance activity. (25 Pa. Code § 102.1)

Record Drawings means drawings that wholly and accurately depict as-built conditions of a project site following completion of an earth disturbance activity including but not limited to land covers, structures, grades, and SCMs and components thereof.

Regulated Fill means fill, as the term is defined in DEP's Management of Fill Policy (DEP ID No. 258-2182-773), that has been affected by release of a regulated substance and is not "uncontaminated material," as the term is defined in this policy. The term does not include fill that has been blended, mixed or treated with the purpose of meeting the definition of "regulated fill" and that without being blended, mixed or treated would fail to meet the regulated fill concentration limits, as the term is defined in this policy.

Snowmelt means the conversion of snow into overland stormwater and ground water flow as a result of warmer temperatures.

Stabilization means the proper placing, grading, constructing, reinforcing, lining, and covering of soil, rock, or earth to ensure their resistance to erosion, sliding, or other movement. (25 Pa. Code § 102.1)

Stormwater means runoff from precipitation, snowmelt, surface runoff, and drainage. (25 Pa. Code § 102.1)

Stormwater Control Measure (SCM) means any natural feature or manmade structure designed or utilized to reduce or manage the volume, pollutant load, and/or the peak rate of stormwater runoff. SCMs are BMPs that are implemented to treat stormwater from impervious surfaces and/or post-construction stormwater.

Structural PCSM SCM means a PCSM SCM that is a manmade structure used to manage post-construction stormwater, including but not limited to infiltration-based SCMs.

Surface Waters means perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, excluding water at facilities approved for wastewater treatment such as wastewater treatment impoundments, cooling water ponds, and constructed wetlands used as part of a wastewater treatment process. (25 Pa. Code § 102.1)

Total Maximum Daily Load (TMDL) means the sum of the individual wasteload allocations for point sources, load allocations for nonpoint sources and natural quality, and a margin of safety expressed in terms of mass per time, toxicity, or other appropriate measures. (25 Pa. Code § 96.1)

Toxic Pollutant (Toxics) means those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains may, on the basis of information available to DEP cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in these organisms or their offspring. (25 Pa. Code § 92a.2)

Wasteload Allocation (WLA) means the portion of a surface water's loading capacity that is allocated to existing and future point source discharges. (25 Pa. Code § 96.1)

Waters of this Commonwealth means rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth. (25 Pa. Code § 102.1)

Wetlands means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (25 Pa. Code § 105.1)

III. MONITORING, REPORTING, AND RECORDKEEPING

- A. When stormwater samples are collected and analyzed or measurements are taken under this General Permit, the permittee must ensure:
1. Samples and measurements taken for the purpose of monitoring are representative of the monitored activity. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(j)(1))
 2. Records of monitoring information includes: (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(j)(3))
 - a. The date, exact place, and time of sampling or measurements.
 - b. The individual(s) who performed the sampling or measurements.
 - c. The date(s) analyses were performed.
 - d. The individual(s) who performed the analyses.
 - e. The analytical techniques or methods used.
 - f. The results of such analyses.
 3. Monitoring is conducted according to test procedures approved under 40 CFR Part 136 unless another method is required under 40 CFR Subchapters N or O. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(j)(4))
 4. Sampling and analysis of samples meet proper quality assurance and quality control (QA/QC) procedures. (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.61(i) and 40 CFR §§ 122.41(e), 122.41(i)(3), 122.41(i)(4))
- B. Records Retention.
1. The permittee must retain all records of monitoring activities and results, copies of all plans and reports required by this General Permit, and records of all data used to complete the NOI for this General Permit for at least three (3) years from the date of the Notice of Termination (NOT) approval. The permittee must submit such records to DEP/CCD or EPA upon request. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(j)(2))
 2. The permittee must retain a physical or electronic copy of the following documents on-site during earth disturbance activities at all times, and must make this information available for review and inspection by DEP/CCD or EPA during all stages of the earth disturbance activity: this General Permit, the NOI form submitted for General Permit coverage, all attachments to the NOI form, and the E&S Plan, PCSM Plan, and PPC Plan, as applicable.
- C. Inspection and Oversight Requirements. (25 Pa. Code § 102.4(b)(5)(x))
1. Site Inspections – The permittee must conduct visual site inspections throughout the duration of construction and until the NOT has been approved by DEP/CCD (unless otherwise approved in writing by DEP/CCD), at the following frequencies:
 - Routine Inspections must be conducted weekly.
 - Post-Storm Event Inspections must be conducted within 24 hours after the conclusion of each measurable storm event (i.e., precipitation in an amount of 0.25 inch or greater over a 24-hour period) or the occurrence of snowmelt sufficient to cause a discharge.
 - Corrective Action Inspections must be conducted anytime the permittee observes a deficiency in implementation of the E&S or PCSM Plans.
 - a. The permittee must document each site inspection on DEP's Chapter 102 Visual Site Inspection Report (3800-FM-BCW0271d) or alternative document or electronic form that collects and retains identical information. All requested information on the Visual Site Inspection Report must be completed as instructed. The permittee must take color photographs of E&S BMPs and PCSM SCMs on the project site at least monthly, unless otherwise approved in writing by DEP/CCD, and when deficiencies in BMPs and SCMs are identified. The photographs must have a date and time stamp and be made available for DEP/CCD review upon request.

- b. The permittee must make Visual Site Inspection Reports available upon request during inspections, submit and provide copies of Visual Site Inspection Reports to DEP/CCD upon request, and submit Visual Site Inspection Reports to DEP/CCD as part of the notification requirements identified in Paragraph III.D.2, below.
- c. Effective December 8, 2025, site inspections must be performed and Visual Site Inspection Reports must be completed by qualified personnel that are trained and experienced in E&S and PCSM BMP construction, function, and maintenance and are familiar with the E&S and PCSM Plans for the project site. A person is qualified when one or more of the following conditions are satisfied:
 - (i) They have completed the Qualified Site Inspector Training Program in DEP's Clean Water Academy initially and every two years thereafter;
 - (ii) They hold active certification as a Certified Professional in Erosion and Sediment Control (CPESC) or as a Certified Erosion, Sediment, and Stormwater Inspector (CESSWI) from a recognized organization; or
 - (iii) They can demonstrate to the satisfaction of DEP/CCD that they have qualifications equivalent to or exceeding those identified in Paragraphs (i) or (ii). If this option is selected, the person must submit documentation of their training and experience to DEP/CCD and receive written approval from DEP/CCD prior to conducting site inspections, unless waived by DEP/CCD.

For site inspectors satisfying Paragraph (i) or (ii), the permittee must provide documentation (e.g., completion certificate) of the inspector's qualifications upon the request of DEP/CCD.

- d. To determine if a storm event of 0.25 inch or greater has occurred on a project site, the permittee must either maintain a rain gauge on-site or obtain storm event information from a weather station that is representative of the project site location.

2. Licensed Professional Oversight of Critical Stages (25 Pa. Code § 102.8(k))

- a. The permittee must ensure that a licensed professional or a designee is present on-site and is responsible for oversight of critical stages of implementation of approved PCSM SCMs, unless the project meets the requirements of 25 Pa. Code § 102.8(n) and does not include PCSM SCMs. The critical stages that must receive licensed professional oversight are identified in the approved PCSM Plan.
- b. The permittee must document the implementation of each structural PCSM SCM using DEP's SCM Construction Certification Form (3800-FM-BCW0271j) and submit the completed form to DEP/CCD within 30 days of the completion of SCM construction, as determined by a licensed professional. The form must be signed by the licensed professional responsible for oversight of critical stages.

D. Reporting Requirements

1. Annual Report. (25 Pa. Code § 92a.61(g))

- a. The permittee must submit a complete Annual Report to the office of DEP/CCD that approved General Permit coverage by December 7 each year using DEP's Annual Report template (3800-PM-BCW0405e). The Annual Report must address activities under this General Permit for the reporting period of October 1 – September 30.
- b. For existing permittees, the first Annual Report is due by December 7, 2025 and the reporting period is October 1, 2024 – September 30, 2025. Thereafter the reporting period is October 1 – September 30, and the Annual Report is due December 7.
- c. For new permittees, the first Annual Report is due by December 7 following the first full year of General Permit coverage and the reporting period is the effective date of General Permit coverage to September 30 following the first full year of General Permit coverage. Thereafter the reporting period is October 1 – September 30, and the Annual Report is due December 7.

- d. The permittee must submit the Annual Report to DEP/CCD in electronic format upon receipt of written notification from DEP/CCD.

2. Unanticipated Non-Compliance or Potential Pollution Reporting

- a. Immediate Reporting – The permittee must immediately report any incident causing or threatening pollution in accordance with the requirements of 25 Pa. Code §§ 91.33 and 92a.41(b) listed below:
 - (i) If, because of an accident or other activity or incident, a toxic substance or another substance is discharged which would endanger downstream users of the water receiving the discharge or would otherwise result in pollution or create a danger of pollution or would damage property, the permittee must immediately notify DEP by telephone of the location and nature of the danger. Verbal notification to DEP is required as soon as possible, but no later than four (4) hours after the permittee becomes aware of the incident causing or threatening pollution. Emergency response phone numbers for DEP are available on DEP's website (www.dep.pa.gov, select "Report an Incident").
 - (ii) The permittee must immediately notify known downstream users of the waters of the Commonwealth to which the substance was discharged if notice is reasonably possible. Notice must include the location and nature of the danger.
 - (iii) The permittee must immediately take or cause to be taken steps necessary to prevent injury to property and downstream users of the waters from pollution or a danger of pollution and, in addition, within 15 days from the incident, must remove the residual substances contained thereon or therein from the ground and from the affected waters of this Commonwealth to the extent required by applicable law.
- b. The permittee must report any non-compliance to DEP/CCD which may endanger health or the environment in accordance with the requirements of 40 CFR § 122.41(l)(6) (incorporated by 25 Pa. Code § 92a.3(c)). These requirements include the following obligations:
 - (i) 24-Hour Reporting – The permittee must verbally report any non-compliance with this permit to DEP/CCD that may endanger health or the environment within 24 hours from the time the permittee becomes aware of the circumstances.
 - (ii) Written Report – A written submission must also be provided to DEP/CCD within five (5) days of the time the permittee becomes aware of any non-compliance that may endanger health or the environment. The written submission must contain a description of the non-compliance and its cause; the period of non-compliance, including exact dates and times, and if the non-compliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the non-compliance. The written submission must include a Visual Site Inspection Report that documents the incident.
 - (iii) Waiver of Written Report – DEP/CCD may waive the written report on a case-by-case basis if the associated verbal report has been received within 24 hours from the time the permittee becomes aware of the circumstances that may endanger health or the environment. Unless such a waiver is expressly granted in writing by DEP/CCD, the permittee must submit a written report in accordance with this paragraph.

3. Other Non-Compliance

The permittee must identify all instances of non-compliance not reported under paragraph D.2.b of this section on the Visual Site Inspection Report. The reports must contain the information listed in paragraph D.2.b.(ii) of this section. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(l)(7))

E. Signatory Requirements.

1. NOIs, reports, and other information submitted to DEP/CCD must be signed and certified by either of the following applicable persons, in accordance with 40 CFR § 122.22 (incorporated by 25 Pa. Code § 92a.22):
 - For a corporation – by a president, secretary, treasurer, or vice president in charge of a principal business function of the corporation or a duly authorized representative.
 - For a partnership or sole proprietorship – by a general partner or the proprietor, respectively.
 - For a municipality, state, federal, or other public agency – by a principal executive officer or ranking elected official.
2. If signed on behalf of a corporation by a duly authorized representative of the permittee, the authorization must meet the following:
 - The authorization must be made in writing by a person described in Paragraph 1, above, consistent with the corporation's delegation procedures and must be attached to the NOI or otherwise be submitted to DEP/CCD.
 - The authorization must specify either an individual or a position having responsibility for the operation of the regulated system, facility, or activity consistent with the corporation's delegation procedures, such as the position of manager, operator, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the corporation.
3. Changes in Signatory Authorization – If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the project site, a new authorization satisfying the requirements of Paragraphs 1 and 2, above, must be submitted to DEP/CCD prior to or together with any reports or information to be signed by an authorized representative.

- F. Planned Changes to Physical Facilities – The permittee must give notice to DEP/CCD as soon as possible but no later than 30 days prior to planned physical alterations or additions to the permitted project site or activity. An NOI or other written submission to DEP/CCD providing equivalent information can be used to satisfy the notification requirements of this section.

Notice is required when:

1. The alteration or addition to a permitted facility or activity may meet one of the criteria for determining whether a facility or activity is a new source in 40 CFR § 122.29(b). (25 Pa. Code § 92a.41(a) and 40 CFR § 122.41(l)(1)(i))
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. (25 Pa. Code § 92a.41(a) and 40 CFR § 122.41(l)(1)(ii))

This may include:

- a. The construction of additional impervious surfaces not reported in the NOI.
 - b. Increases in earth disturbance compared to the original planned limit of disturbance.
 - c. Modifications to the design standards, BMPs, or SCMs used for the project.
 - d. Proposals to eliminate structural or non-structural BMPs or SCMs planned for in the original design or reduce the dimensions and/or capacities of structural BMPs or SCMs that may affect performance of those BMPs.
 - e. Proposed site alterations that would allow new stormwater flows from off-site to flow onto the site.
3. The planned change may result in non-compliance with permit requirements. (25 Pa. Code § 92a.41(a) and 40 CFR § 122.41(l)(2))

G. Monitoring

DEP/CCD may require additional monitoring where an increased risk of potential water pollution is present, or water pollution is suspected to be occurring from a construction activity subject to this General Permit, or for any reason in accordance with 25 Pa. Code § 92a.61 (relating to monitoring). The permittee or co-permittee must commence such monitoring upon notification from DEP/CCD. (25 Pa. Code § 92a.61(b))

PART B

STANDARD CONDITIONS

I. MANAGEMENT REQUIREMENTS

A. Compliance

The permittee must comply with all conditions of this General Permit. Any General Permit non-compliance constitutes a violation of the Act and Clean Streams Law and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or denial of a permit renewal NOI. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(a))

B. Permit Modification, Termination, or Revocation and Reissuance

1. DEP may modify, terminate, or revoke and reissue this General Permit during its term. (25 Pa. Code §§ 92a.3, 92a.41(a), 92a.72 – 92a.75 and 40 CFR § 122.41(f))
2. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated non-compliance, does not stay any permit condition. (25 Pa. Code §§ 92a.3, 92a.41(a) and 40 CFR § 122.41(f))
3. In the absence of DEP action to modify or revoke and reissue this General Permit, the permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time specified in the regulations that establish those standards or prohibitions. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(a)(1))
4. DEP may terminate coverage under this General Permit for the reasons specified at 40 CFR § 122.64(a). (25 Pa. Code §§ 92a.74(c) and 40 CFR § 122.64(a))

C. Requirement to Submit NOT (25 Pa. Code §§ 102.7, 92a.74(c), 92a.76 and 40 CFR § 122.64(c))

The permittee or a co-permittee must submit a complete NOT form to the DEP/CCD office that approved coverage, utilizing DEP's NOT for Chapter 102 Permits form (3800-PM-BCW0229b), when the project site has been permanently stabilized, all temporary E&S BMPs have been removed, and construction of all approved PCSM SCMs have been completed, in accordance with 25 Pa. Code § 102.7. An operator co-permittee may submit the NOT only when documentation is provided with the NOT that the permittee or co-permittee is unable or unwilling to sign the NOT.

1. The permittee or co-permittee must submit the NOT electronically when required by DEP in writing.
2. The permittee or co-permittee must continue complying with the terms and conditions of this General Permit until the NOT is approved by DEP/CCD.
3. Until the permittee or co-permittee has received written approval of the NOT from DEP/CCD, the permittee or co-permittee remains responsible for compliance with this General Permit terms and conditions, including the submission of annual reports and long-term operation and maintenance (O&M) of all PCSM SCMs on the project site in accordance with 25 Pa. Code § 102.8(m).
4. The permittee must retain a copy of record drawings required by 25 Pa. Code § 102.8(l) as part of the approved PCSM Plan and must provide a copy of the record drawings to the persons identified as responsible for the long-term O&M of PCSM SCMs.

D. Duty to Provide Information

1. The permittee must provide to DEP/CCD, within a reasonable time, any information which DEP/CCD may request to determine whether cause exists for modifying, revoking and reissuing, or terminating coverage under this General Permit, or to determine compliance with this General Permit. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(h))

2. The permittee must provide to DEP/CCD copies of records required to be kept by this General Permit upon request. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(h))
 3. Other Information – Where the permittee becomes aware that it failed to submit any relevant facts in an NOI or submitted incorrect information in an NOI or in any report to DEP/CCD, it must promptly submit the correct and complete facts or information. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(l)(8))
- E. Proper Operation and Maintenance (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(e))
1. The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), including BMPs, which are installed or used by the permittee to achieve compliance with the terms and conditions of this General Permit. Proper operation and maintenance includes adequate laboratory controls such as appropriate quality assurance procedures. The permittee must properly operate and maintain backup or auxiliary facilities or similar systems installed by the permittee, as necessary to achieve compliance with the terms and conditions of this General Permit.
 2. Removed Substances – Solids, sediments, and other pollutants removed in the course of treatment or control of stormwater must be disposed of in accordance with federal and state law and regulations, to prevent any pollutant in these materials from adversely affecting public health or the environment.
 3. Reduction, Loss, or Failure of BMP or SCM – Upon the reduction, loss, or failure of any E&S BMP or PCSM SCM, the permittee and co-permittee(s) must initiate the repair or replacement of the BMP or SCM as follows:
 - Immediately upon discovery if the reduction, loss, or failure of a BMP or SCM has resulted in or is likely to result in sediment or other pollutants flowing off the project site and/or discharging to surface waters. Completion of the repair or replacement of the BMP or SCM must occur within 24 hours unless otherwise required by DEP/CCD.
 - Within 24 hours of discovery for all other situations where there is a reduction, loss, or failure of a BMP or SCM. Completion of the repair or replacement of the BMP or SCM must occur within seven (7) days unless otherwise required by DEP/CCD.
- F. Duty to Mitigate

The permittee must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(d))

II. PENALTIES AND LIABILITY

A. Violations of Permit Conditions

DEP may take an enforcement action to restrain violations, to impose criminal or civil penalties, to withhold a permit, or to seek other remedies or relief as authorized by law against a permittee that violates any condition or limitation of this General Permit, or any rule, regulation or order issued by DEP pursuant to the Clean Streams Law.

In addition, EPA may take an enforcement action to restrain violations, to impose criminal or civil penalties, or to seek other remedies or relief as authorized by the Clean Water Act against a permittee that violates any condition or limitation of this General Permit, or any rule, regulation or order issued by EPA pursuant to the Clean Water Act.

B. Falsifying Information

The permittee or any person who engages in the conduct described below may, upon conviction, be punished by a fine and/or imprisonment pursuant to 18 Pa.C.S. § 4904, or 40 CFR §§ 122.41(j)(5) or (k)(2). (25 Pa. Code §§ 92a.3(c), 92a.41(c))

- Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this General Permit, or
- Knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this General Permit (including monitoring reports or reports of compliance or non-compliance)

C. Liability

Nothing in this General Permit will be construed to relieve the permittee from civil or criminal penalties for non-compliance pursuant to Section 309 of the Clean Water Act or Sections 602, 603 or 605 of the Clean Streams Law.

Nothing in this General Permit will be construed to preclude the institution of any legal action or to relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject to under the Clean Water Act and the Clean Streams Law.

D. Need to Halt or Reduce Activity Not a Defense

The permittee may not maintain as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this General Permit. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(c))

III. OTHER RESPONSIBILITIES

A. Right of Entry

The permittee must allow authorized representatives of DEP/CCD and EPA to conduct the following activities upon the presentation of credentials and other documents as may be required by law (35 P.S. §§ 691.5(b) and 305, 25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(i)(2)):

1. To enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this General Permit; (40 CFR § 122.41(i)(1))
2. To have access to and copy, at reasonable times, any records that must be kept under the conditions of this General Permit; (40 CFR § 122.41(i)(2))
3. To inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this General Permit; and (40 CFR § 122.41(i)(3))
4. To sample or monitor at reasonable times, for the purposes of ensuring permit compliance or as otherwise authorized by the Clean Water Act or the Clean Streams Law, any substances or pollutants at any location. (40 CFR § 122.41(i)(4))

B. Transferring Permit Coverage

1. Transfer Requests by Permittees. (25 Pa. Code § 92a.71 and 40 CFR § 122.61(b))

- a. If the permittee (i.e., the person identified on the General Permit NOI form as the applicant) decides to transfer General Permit coverage to another person prior to submission of an NOI to terminate coverage, the permittee must submit an application to DEP/CCD to transfer permit coverage at least 30 days prior to the proposed date of transfer, using DEP's Application for NPDES or WQM Permit Transfer form ([3800-PM-BCW0041](#)) (Transfer Application). General Permit coverage will be transferred automatically to the proposed permittee on the date specified in the Transfer Application if all of the following conditions are satisfied:
 - (i) The Transfer Application is signed by the existing and proposed permittees and contains a specific date for transfer of permit responsibility, coverage and liability between the permittees.
 - (ii) DEP does not notify the existing permittee and the proposed permittee in writing prior to the transfer date of its intent to modify or revoke and reissue this General Permit.
 - (iii) The proposed permittee is in compliance with existing DEP/CCD issued permits, regulations, orders and schedules of compliance, or has demonstrated that any non-compliance with the existing permits has been resolved by an appropriate compliance action or by the terms and conditions of the permit (including compliance schedules set forth in the permit), consistent with 25 Pa. Code § 92a.51 (relating to schedules of compliance) and other appropriate DEP regulations.
- b. If the transfer does not occur automatically as specified in Paragraph B.1.a of this section, General Permit coverage may be transferred by the existing permittee to a proposed permittee only if both parties request a modification of General Permit coverage, using the Transfer Application, and DEP/CCD approves the modification or revokes and reissues the General Permit coverage. General Permit coverage may be transferred both during the term of this General Permit and during a period of administrative extension of this General Permit.
- c. In the event DEP/CCD does not approve transfer of this General Permit, the proposed permittee must submit a new NOI.
- d. Transfer of a portion of a project site is not authorized under this General Permit unless otherwise approved by DEP.
- e. If the transfer of General Permit coverage will coincide with a transfer of property containing PCSM SCM(s), the Transfer Application must include a New Property Owner Notification Form (3800-FM-BCW0271i) signed by the existing and proposed permittees.

C. Amending Permit Coverage

The permittee must notify DEP/CCD of any planned change to earth disturbance activities, BMPs, SCMs, or any other change that may affect General Permit coverage, including planned changes identified in Part A III.F of this General Permit, at least 30 days prior to implementing the change. DEP/CCD will notify the permittee whether the submission of an NOI to amend General Permit coverage is required. The permittee may not proceed to implement the proposed change until the permittee receives written approval for the amendment from DEP/CCD, when applicable.

D. Property Rights

The approval of coverage under this General Permit does not convey any property rights, or any exclusive privilege. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR 122.41(g))

E. Duty to Reapply

To renew coverage under this General Permit, the permittee must submit a renewal NOI. Permittees seeking to renew coverage under this provision may immediately continue to discharge under this General Permit upon

the submission of a timely and complete NOI. (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a. 54(c)(1) and 40 CFR § 122.41(b))

F. Other Laws

The approval of coverage under this General Permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local laws or regulations.

PART C

OTHER CONDITIONS

I. GENERAL

- A. The permittee is authorized to discharge stormwater associated with construction activities from its project site, alone or in combination with authorized non-stormwater discharges, at discharge points identified in the NOI submitted for coverage under this General Permit.
- B. Authorized Non-Stormwater Discharges – The following non-stormwater discharges associated with construction activities are authorized under this General Permit provided that, with the exception of water used to control dust and to irrigate vegetation in stabilized areas, these discharges are not routed to areas of exposed soil on the project site and that the permittee complies with any applicable requirements for these discharges under the General Permit:
- Discharges from emergency firefighting activities;
 - Potable water – including water line flushings, fire suppression system flushings, and fire hydrant flushings – that does not contain measurable concentrations of Total Residual Chlorine (TRC), and where appropriate control measures are implemented to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention, settlement);
 - Uncontaminated condensate from air conditioners, coolers/chillers, and other compressors (if treatment through an oil/water separator is provided) and from the outside storage of refrigerated gases or liquids;
 - Irrigation and dust control drainage;
 - Landscape water if such water does not contain pesticides, herbicides or fertilizers;
 - Pavement wash waters, other than wash waters used on newly sealed pavement (sealant applied within the prior week), where: no detergents or hazardous cleaning products are used; the wash waters do not come into contact with oil and grease deposits, sources of pollutants associated with industrial activities, or any other toxic or hazardous materials; and appropriate control measures are implemented to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention, settlement);
 - Routine external building washdown or power wash water that does not contain detergents or hazardous cleaning products (e.g., those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols) and where appropriate control measures are implemented to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention, settlement);
 - Uncontaminated ground water or spring water;
 - Foundation or footing drains where flows are not contaminated with process materials; and
 - Construction dewatering water that complies with the construction dewatering discharge requirements of Part A I.B.3 of this General Permit.
- C. The permittee must handle, recycle and/or dispose of building materials and wastes, collected screenings, slurries, sludges, and other solids generated in the course of treatment or control of stormwater runoff in compliance with state and federal law, including the Solid Waste Management Act (35 P.S. §§ 6018.101, et seq.), 25 Pa. Code Chapters 271-285 (relating to municipal waste), 287-299 (relating to residual waste), Chapters 261a, 262a, 263a, and 270a (related to identification of hazardous waste, requirements for generators and transporters, hazardous waste requirements for generators and transporters, and hazardous waste permit programs), the Clean Streams Law, the federal Clean Water Act, and 40 CFR Part 257 (related to criteria for classification of solid waste disposal facilities and practices) and in a manner that prevents any pollutant from such materials from adversely affecting the environment.

The permittee is responsible to obtain or ensure that contracted agents have all necessary permits and approvals for the handling, storage, transport, and disposal of solid waste materials generated as a result of construction activities, stormwater management, and treatment.

II. INITIAL RECORDING

If the approved PCSM Plan includes PCSM SCMs that will be located on non-Commonwealth and non-federal property, the permittee must record a legal instrument with the Recorder of Deeds for each property that will contain SCMs that identifies the planned SCMs, provides access for long-term O&M of the SCMs, and provides notice that the responsibility for long-term O&M of the SCMs is a covenant that runs with the land.

- A. The permittee must provide a copy of the recorded instrument, all attachments or exhibits to the instrument, and proof of recording to DEP/CCD prior to the pre-construction meeting, unless the project is conducted for the benefit of a public utility, as defined in the Public Utility Code (66 Pa.C.S.A. § 102), or otherwise approved by DEP/CCD in writing. The permittee may not schedule the pre-construction meeting or commence the earth disturbance activity until DEP/CCD receives this documentation and determines it is complete. Upon written authorization from DEP/CCD, the permittee may schedule the pre-construction meeting.
- B. For public utility projects and other projects for which written approval is obtained from DEP/CCD to provide the recorded documentation following the pre-construction meeting, the permittee must provide a copy of the recorded instrument, all attachments or exhibits to the instrument, and proof of recording to DEP/CCD within 45 days of receipt of the approval of coverage under this General Permit.
- C. The permittee must record the following documentation under this section:
 - 1. An instrument that is consistent with DEP's Sample Instrument for the Declaration of Restrictions and Covenants, available on DEP's website (www.dep.pa.gov/constructionstormwater, select E&S Resources).
 - 2. Approved PCSM Plan Drawing(s) identifying the SCMs or other documentation that identifies the location of the SCMs on the relevant properties; the planned size (length, width, depth) of the SCMs; depictions of the inlet and outlet structures of the SCMs, as applicable; construction materials and media, as applicable; and the planned vegetation for the SCMs, as applicable.
 - 3. Long-Term O&M Plans for the SCMs, if separate from the documentation in Paragraph II.C.2, above.

III. PRE-CONSTRUCTION MEETING

Upon notification from DEP/CCD that the recorded instrument is complete, if applicable, the permittee must schedule and hold a pre-construction meeting unless the permittee has been notified otherwise in writing by DEP/CCD. The permittee must invite the agency approving coverage under this General Permit to attend the pre-construction meeting and provide at least seven (7) days' notice of the pre-construction meeting to all invited attendees. The permittee must also invite to the pre-construction meeting co-permittees, operators, municipal representative(s), licensed professionals or designees, and all others responsible for implementing or monitoring the earth disturbance activity and implementation of E&S, PCSM and PPC Plans and critical stages of implementation of the approved PCSM Plan.

IV. NOTIFICATION OF PERIMETER CONTROL BMPs

Upon the installation of all perimeter sediment control BMPs and at least three (3) days prior to proceeding with the bulk earth disturbance activities, the permittee or co-permittee shall provide notification to DEP or CCD by phone or electronic mail.

V. E&S PLANS

- A. The permittee must implement an approved E&S Plan that meets the requirements of 25 Pa. Code § 102.4(b) and contains E&S BMPs that will be designed, implemented and maintained to minimize the potential for accelerated erosion and sedimentation and achieve the effluent limitations set forth in Part A of this General Permit.
- B. The E&S Plan, including construction sequencing and O&M of BMPs, must be implemented at all times.
- C. The permittee must make the approved E&S Plan available for review and inspection by DEP/CCD and EPA during all stages of earth disturbance activities.

VI. PCSM PLANS

- A. The permittee must implement an approved PCSM Plan that meets the requirements of 25 Pa. Code § 102.8 and contains PCSM SCMs that will be designed, implemented and maintained to achieve the effluent limitations set forth in Part A of this General Permit.

- B. The PCSM Plan, including construction sequencing and O&M of SCMs, must be implemented at all times.
- C. The permittee must make the approved PCSM Plan available for review and inspection by DEP/CCD and EPA during all stages of earth disturbance activities.

VII. LONG-TERM OPERATION AND MAINTENANCE OF PCSM SCMs

- A. The permittee or co-permittee is responsible for long-term O&M of PCSM SCMs unless a different person is identified in the NOT and that person has agreed to long-term O&M of PCSM SCMs. A permittee or co-permittee that fails to transfer long-term O&M of the PCSM SCMs or otherwise fails to comply with this requirement remains jointly and severally responsible with the landowner for long-term O&M of the PCSM SCMs located on the property. (25 Pa. Code §§ 102.8(m)(1), 102.8(m)(5))
- B. The permittee or co-permittee must record a final instrument with the Recorder of Deeds for each non-Commonwealth and non-federal property containing PCSM SCMs when changes are made following the initial recording. The instrument must identify the implemented SCMs, provide access for long-term O&M of the PCSM SCMs, and provide notice that the responsibility for long-term O&M for the SCMs is a covenant that runs with the land. The final recording must amend the original recording as referenced in Part C II of this General Permit, as applicable. The permittee or co-permittee must provide a copy of the final instrument, all attachments or exhibits to the instrument, and proof of recording to DEP/CCD with the NOT. The permittee or co-permittee must record the following documentation under this section at a minimum, when applicable:
 - 1. An instrument that is consistent with DEP's Sample Instrument for the Declaration of Restrictions and Covenants, available on DEP's website (www.dep.pa.gov/constructionstormwater, select E&S Resources).
 - 2. Documentation that identifies the location of the SCMs on the relevant properties; the planned size (length, width, depth) of the SCMs; depictions of the inlet and outlet structures of the SCMs, as applicable; construction materials and media, as applicable; and the vegetation for the SCMs, as applicable; or otherwise record drawings as identified at 25 Pa. Code § 102.8(l).
 - 3. Long-Term O&M Plans for the SCMs, if separate from the documentation in Paragraph VII.B.2, above.
- C. If a parcel, lot, road, or other real property containing or planned to contain a PCSM SCM is sold during the term of General Permit coverage, the permittee must provide the new property owner with 1) record drawings or other plans identifying the SCM; 2) a long-term O&M Plan for the SCM; and 3) a completed New Property Owner Notification form (3800-FM-BCW00271i). The permittee must submit copies of completed New Property Owner Notification forms to DEP/CCD and to the municipality where the SCM is located within 30 days of the date of transfer of the property.
 - 1. If a permittee submits to DEP/CCD a New Property Owner Notification form containing the signature of the first owner of a lot containing PCSM SCMs that is acquired from the permittee, the permittee is not obligated to obtain the signatures of any future lot owner unless the permittee failed to record a legal instrument disclosing the PCSM SCMs on the lot.
 - 2. If the new property owner or subsequent property owners enter into an agreement for a separate party to be responsible for long-term O&M and do not disclose this to the permittee, it is not the permittee's responsibility to disclose this to DEP/CCD.
 - 3. If there are increases in impervious area on a lot following its sale, in which a New Property Owner Notification form was submitted, the permittee is not responsible for identifying the increase in impervious area if SCMs were designed to manage the maximum allowable impervious under an ordinance or the planned impervious with a factor of safety of at least 10%.
- D. For Commonwealth-owned or federally-owned property, a covenant that runs with the land is not required until the transfer of the land containing a PCSM SCM to a non-Commonwealth or non-federal entity occurs. Upon transfer of the Commonwealth-owned or federally-owned property containing the PCSM SCM, the deed must comply with 25 Pa. Code § 102.8(m). (25 Pa. Code § 102.8(m)(3))

- E. The person responsible for performing long-term O&M may enter into a written agreement with another person, including a CCD, nonprofit organization, municipality, authority, private corporation, or other person, to transfer the responsibility for PCSM SCMs or to perform long-term O&M and provide notice thereof to DEP/CCD. (25 Pa. Code § 102.8(m)(4))
- F. The recorded instrument must provide for access to the PCSM SCMs in addition to information on inspection, repair, replacement, and routine maintenance to ensure proper function and operation of the PCSM SCMs.
- G. For PCSM SCMs that discharge to an MS4, the permittee must specify in the long-term O&M plan that copies of all inspection reports must be submitted by the person responsible for long-term O&M to the municipality or other entity that owns or operates the MS4.

VIII. PREPAREDNESS, PREVENTION, AND CONTINGENCY PLANS

If toxic, hazardous, or other polluting materials will be on site, the permittee or co-permittee(s) must develop a PPC Plan for use while those materials are on-site in accordance with 25 Pa. Code §§ 91.34 (relating to activities utilizing pollutants) and 102.5(l). The PPC Plan must identify areas which may include waste management areas, raw material storage areas, fuel storage areas, temporary and permanent spoils storage areas, maintenance areas, and any other areas that may have the potential to cause non-compliance with the terms and conditions of this General Permit due to the storage, handling, or disposal of any toxic or hazardous substances such as oil, gasoline, pesticides, herbicides, solvents, or concrete wash waters. BMPs must be developed and implemented for each identified area. Names and contact information within the PPC Plan must be kept up to date. The PPC Plan must be made available for review at the request of DEP/CCD.

IX. IMPORTED FILL AND SITE CONTAMINATION

A. Imported Fill.

1. With the exception of sites enrolled in DEP's Land Recycling and Remediation Standards Act (Act 2) Program and sites with DEP Waste Management General Permit (WMGR096) approval to use regulated fill, all fill material imported to the site must meet the definition of clean fill, as defined in DEP's Management of Fill Policy. Regulated fill used on Act 2 sites must comply with the standards established by the Act 2 Program. Regulated fill used outside of Act 2 sites must comply with DEP Waste Management General Permit WMGR096.
2. For areas not enrolled in the Act 2 Program, the permittee must comply with DEP's Management of Fill Policy (Document No. 258-2182-773) if fill is imported to the site, and comply with the following when using fill at the site to level an area or bring it to grade:
 - a. The permittee must conduct environmental due diligence to determine whether the fill has been affected by a release of a regulated substance. If due diligence was conducted prior to submitting the permit application and circumstances have not changed between the due diligence and the use of the fill, due diligence does not need to be repeated.
 - b. If due diligence results in evidence of a release, as defined in DEP's Management of Fill Policy, the permittee must test the material to determine whether it qualifies as clean fill, and if so, DEP's electronic Form FP-001 (Certification of Clean Fill) must be completed, retained by the permittee and be made available to DEP/CCD upon request. If the fill does not qualify as clean fill, but meets the regulated fill standards, it may be used in accordance with an approval for coverage under DEP Waste Management General Permit WMGR096.

B. On-Site Soil Contamination.

1. For sites enrolled in the Act 2 Program, if the results of soil sampling in the area of earth disturbance activities demonstrate newly discovered soil contamination with concentrations of regulated substances exceeding the residential or non-residential medium-specific concentrations (MSCs), whichever is applicable, the permittee or operator co-permittee must notify DEP/CCD by phone within 24 hours of receiving the sampling results. Earth disturbance activities in areas of newly discovered contamination need not cease after notification to DEP/CCD unless so directed by DEP/CCD.

2. For areas not enrolled in the Act 2 Program, if the permittee or operator co-permittee discovers during earth disturbance activities wastes or other materials or substances that have or have likely caused soil contamination with concentrations of regulated substances exceeding the residential or non-residential MSCs, whichever is applicable, the permittee must notify DEP/CCD by phone within 24 hours. Earth disturbance activities in areas of newly discovered contamination need not cease after notification to DEP/CCD unless so directed by DEP/CCD.

C. On-Site Groundwater Contamination.

If the results of sampling performed on groundwater encountered during earth disturbance activities demonstrate that the groundwater is contaminated by one or more pollutants at concentrations exceeding water quality criteria contained in 25 Pa. Code Chapter 93, that were not previously disclosed to DEP/CCD, the permittee or operator co-permittee must notify DEP/CCD by phone within 24 hours of receiving the sampling results. Contaminated groundwater may not be pumped or otherwise diverted to surface waters unless specifically authorized by the DEP Clean Water Program.

X. INFILTRATION SCMs

- A. The permittee must protect the infiltration surface for any area on a project site that will be used for infiltration-based SCMs. The surface must be protected from compaction, fines, and sediment unless it is used as an E&S BMP.
- B. Effective December 8, 2025, the permittee must complete confirmation testing for infiltration capacity to verify that infiltration SCMs will perform as designed anytime 1) the area of an infiltration SCM has not been protected, as determined by a licensed professional or DEP/CCD, and 2) an E&S BMP will be converted to a PCSM SCM and used for infiltration. Confirmation testing is a critical stage of SCM construction that must be overseen by a licensed professional or designee.
- C. Confirmation testing for infiltration capacity may be performed by 1) a simulated runoff test using a ponding depth of no less than six (6) inches within the SCM; 2) inspection during and after a storm event that produces a ponding depth of no less than six (6) inches within the SCM; or 3) infiltration testing using acceptable methods from the Pennsylvania Stormwater BMP Manual (363-0300-002), as amended and updated. The testing or inspection must be performed after major earthwork is complete, after permanent stabilization of the SCM's drainage area, and, where an E&S BMP is being converted to a PCSM SCM, prior to placing soil media or stone in an SCM.
- D. The permittee may not proceed to complete construction of the SCM until a licensed professional evaluates the confirmation testing and notifies the permittee that the infiltration SCM meets the purpose and intent of the approved PCSM Plan, without overflowing at the storm event the SCM is designed to manage, and will protect waters of the Commonwealth.
- E. If the licensed professional determines that the SCM will not function as designed, the permittee shall implement corrective measures under the direction of the licensed professional and retest. If the licensed professional recommends changes to the dimensions, location, or type of SCM, the permittee must notify DEP/CCD prior to implementing the changes to determine the possible need for an amendment to the approved PCSM Plan and General Permit coverage. If an amendment is required, the permittee may not proceed with implementing the changes until written approval is obtained.
- F. Where confirmation testing for infiltration capacity is completed, the permittee must report the results of the testing on the SCM Construction Certification form that is required by Part A III.C.2.b of this General Permit.

XI. IMPLEMENTATION OF GENERAL PERMIT REQUIREMENTS

- A. Prior to commencement of construction activities or commencement of work on the project site, the permittee and co-permittee(s) must ensure that the following personnel understand the requirements of, and their specific responsibilities under, this General Permit:
 - Personnel responsible for the installation, maintenance, and/or repair of E&S BMPs and PCSM SCMs and implementation of the PPC Plan.

- Personnel responsible for the application and storage of treatment chemicals (if applicable).
 - Personnel responsible for conducting inspections.
 - Personnel responsible for taking corrective actions.
- B. The permittee and co-permittees are responsible for ensuring that all activities on the project site comply with the requirements of this General Permit.
- C. All personnel must have access at all times during earth disturbance activities to an electronic or paper copy of this General Permit, the approved copies of the E&S, PCSM and PPC Plans, and other relevant documents or information that must be kept with these plans.

XII. OTHER REQUIREMENTS

A. Cessation of Earth Disturbance Activities.

The permittee must cease earth disturbance activities resulting in stormwater discharges during construction upon written notification from DEP/CCD in the form of an order or inspection report, and may not resume such activities until authorized to do so by DEP/CCD. DEP/CCD may require cessation of earth disturbance activities where required plans are not in place, where plans are significantly deficient and could result in environmental harm, where potential or actual harm is identified during on-site inspections, or for other reasons pursuant to applicable law.

B. Compliance and Enforcement.

1. A person aggrieved by an action of a CCD must request an informal hearing with DEP within 30 days following the notice of the action. DEP will schedule the informal hearing and make a final determination within 30 days of the request. Any final determination by DEP under the informal hearing may be appealed to the Environmental Hearing Board (EHB) in accordance with established administrative and judicial procedures. (25 Pa. Code § 102.32(c))
2. For enforcement action taken under this General Permit, DEP/CCD may collect or recover, from the responsible party, costs and expenses involved in taking enforcement action and initiating cost recovery actions. DEP/CCD may collect the amount in the same manner as civil penalties are collected under Section 605 of The Clean Streams Law (35 P.S. § 691.605). (25 Pa. Code § 102.32(d))

C. Non-Stormwater Discharges.

Except as set forth in Part C I.B of this General Permit, non-stormwater discharges are not authorized under this General Permit. The permittee must cease any non-stormwater discharge upon receipt of written notification from DEP/CCD that the discharge is not authorized under this General Permit.

D. Off-Site Support Activities.

The permittee may utilize only those off-site support activities meeting the following criteria:

1. The off-site support activities have been identified in the NOI for General Permit coverage and are eligible for coverage under this General Permit.
2. If the off-site support activities have not been identified in the NOI for General Permit coverage, the permittee has notified DEP/CCD of the identification of the off-site support activities, prior to their use, and DEP/CCD has approved an amendment of the permittee's coverage under this General Permit.
3. A written E&S Plan that includes all off-site support activities has been developed, submitted for review, and approved by DEP/CCD.

E. Off-Site Discharges.

The permittee must ensure that E&S BMPs and PCSM SCMs are installed and maintained for all off-site discharges to areas other than surface waters, as applicable, including but not limited to swales, ditches, and the ground surface.

F. Archaeological Specimens.

The permittee and its agents must visually inspect for archaeological specimens, as the term is defined in the Pennsylvania State History Code (37 Pa. C.S.A., §§ 101 *et seq.*), during earth disturbance activities, and must immediately cease earth disturbance activities upon discovery of archaeological specimens. Upon discovery the permittee must immediately notify DEP/CCD and the Pennsylvania Historical and Museum Commission (PHMC) (Phone: (717) 783-8947).

G. Threatened and Endangered Species Protection.

1. If applicable, the permittee and co-permittee(s) must comply with the provisions of any Habitat Conservation Plan approved by the jurisdictional resource agencies to protect state or federal threatened and endangered species.
2. If any potential impact to federal or state threatened or endangered species is identified on the Pennsylvania Natural Diversity Inventory (PNDI) receipt, the permittee must implement any avoidance/mitigation measures indicated on the PNDI receipt and/or other measures determined necessary by the resource agencies in a clearance letter, determination or other correspondence to resolve potential species impacts and ensure compliance with applicable federal and State laws pertaining to the protection of state or federal threatened and endangered species.
3. When conducting earth disturbance activities, the permittee and co-permittees have a continuing obligation to ensure compliance with applicable state and federal laws pertaining to the protection of state or federal threatened and endangered species.

Gerber, et al. v. Board of Supervisors of Middlesex Township
No. 2026-06465 (C.P. Cumberland County) — Land Use Appeal

EXHIBIT U

ECS Mid-Atlantic, LLC, Overburden Layer Infiltration Basin Suitability
Memorandum, November 14, 2025



November 14, 2025

Mr. Nick Long
Livic Civil
1015 Mumma Road, 2nd Floor
Wormleysburg, Pennsylvania 17043

ECS Project No. 47-21671-A

Re: Overburden Layer Infiltration Basin Suitability Memorandum
Project Bolt (PAX-1) Site
Country Club Road, Carlisle, Cumberland County, Pennsylvania

Dear Mr. Long:

ECS Mid-Atlantic, LLC (ECS) has prepared this Overburden Layer Infiltration Basin Suitability Memorandum for the Project Bolt (PAX-1) Site in Cumberland County, Pennsylvania for the primary purpose of documenting general overburden layer characteristics across the site as it relates to the construction of proposed infiltration basins. It is our understanding that the client is evaluating stormwater capture options and has requested this memorandum to assist with their design planning. Information provided within this memorandum is based on a previous geologic literature review and site-specific data collected during geotechnical evaluation of the site.

Overburden Layer Characteristics

The overburden layer at the subject site consists of unconsolidated surficial materials overlying competent bedrock. The overburden includes a mixture of soil, weathered rock fragments, silts, clays, and silty/clayey sands and gravels, as well as fluvial deposits within the Conodoguinet Creek floodplain. It is generally uncemented, heterogeneous in composition, and variable in thickness. The material lacks significant cohesion or lithification and exhibits a highly variable permeability. The overburden layer is underlain primarily by competent shale bedrock, with limestone underlying smaller regions of the site.

ECS dug 220 test pits to variable depths across the subject site as part of a geotechnical evaluation for Phases 1A, 1B, and 2, documented in the "*Geotechnical Engineering Report for Stormwater Management*" dated October 24, 2025. All except 12 of the test pits were advanced to the upper competent bedrock surface. Findings from the evaluation showed that the overburden layer is generally comprised of three strata. The upper stratum is typically comprised of lean clay with varying amounts of gravel and sand, or gravel with varying amounts of clay. The middle stratum is generally comprised of stiff clay with varying amounts of sand and gravel, or sand with varying amounts of clay, silt, or gravel. The lower stratum is generally comprised of gravel or weathered rock that was sampled as gravel with varying amounts of clay and sand. Overburden layer thickness ranged from 1.5–13 feet, with a median thickness of 6 feet.

The overburden layer at the subject site is primarily unsaturated, as evidenced by saturated conditions only being observed at 12 of the 220 geotechnical test pits. When encountered, the water table was present at depths ranging from 6–9 feet below ground surface (bgs), with a median depth of 8 feet bgs. The saturated water column, when present, was thin, with thicknesses ranging from less than 0.5 feet to approximately 2 feet. The general absence of saturated conditions is likely due primarily to the relatively shallow and impermeable nature of the overburden layer.

Where present, groundwater within the overburden layer likely occurs under unconfined conditions and generally follows surface topography. A continuous, hydraulically connected saturated zone does not appear to exist across the site. Instead, isolated pockets of saturated conditions appear to be present at certain areas of the site, typically occurring at the contact between the overburden and the underlying bedrock. Continuously saturated conditions may exist at downgradient regions of the site, especially within the Conodoguinet Creek floodplain. When present, groundwater at these downgradient areas likely follows a relatively short flow path and discharges to Conodoguinet Creek.

Recharge to the overburden layer, while limited by the layer's low permeability, occurs mainly through direct infiltration of precipitation and surface runoff. Recharge to the overburden layer appears to occur even within most onsite wetlands and tributary drainages to Conodoguinet Creek, as evidenced by vertically downward measured hydraulic gradients at most of these hydrologic features. Some amount of downward vertical migration to the bedrock aquifer is also expected to occur. However, based on infiltration testing findings and the general low permeability of the shale bedrock that underlies most of the site, recharge to the bedrock aquifer from infiltration of water through the overburden layer is expected to be limited. The dominant source of discharge from the overburden layer is likely to be evapotranspiration, especially given the overburden layer's thinness and low permeability. Discharge to Conodoguinet Creek also likely occurs at downgradient areas of the site where continuously saturated conditions are more likely to exist.

Infiltration testing of the overburden layer was performed at 154 of the 220 geotechnical test pits at depths ranging from 0.5–8 feet bgs, with a median depth of 2 feet bgs. Infiltration rates measured during testing ranged from less than 0.01 inch/hour to 16.28 inches/hour, with a median rate of 0.09 inch/hour. Infiltration testing demonstrated that the overburden layer generally has low permeability, as testing results at 96 of the 154 test locations (i.e., 62.3%) were less than 0.2 inch/hour. Soils with an infiltration capacity of less than 0.2 inch/hour are generally considered to be unsuitable for standard infiltration basin design. It should be noted that these findings are also consistent with the mapped soil characteristics identified by the U.S. Department of Agriculture (USDA) Soil Conservation Service, as documented in the Geotechnical Report.

Stormwater Infiltration Basin Implications

The characteristics of the site's overburden and underlying bedrock present several sitewide limitations that appear to make a conventional infiltration basin unsuitable. The overburden layer is thin (1.5–13 feet, with a median of 6 feet), heterogeneous (interbedded clays, silts, sands, gravels, and weathered rock), and generally is of low permeability. Infiltration testing at 154 locations resulted in a median infiltration rate of 0.09 inch/hour and 96 of 154 tests (i.e., 62.3%) measured less than 0.2 inch/hour. Soils with an infiltration

capacity of less than 0.2 inch/hour are generally considered to be unsuitable for standard infiltration basin design. Shallow, variable-depth competent shale and localized limestone bedrock underlies the site and would likely limit exfiltration from the infiltration basins to the bedrock formations. The combination of thin overburden, variable stratigraphy, and varying but generally low infiltration capacity would likely lead to uneven basin performance, localized ponding, and long-term issues for a conventional infiltration basin designed to rely on consistent, sustained soil infiltration.

Closing

ECS appreciates the opportunity to provide you with this Overburden Layer Infiltration Basin Suitability Memorandum for the Project Bolt (PAX-1) Site. Please reach out to us with any questions that you may have.

Sincerely,

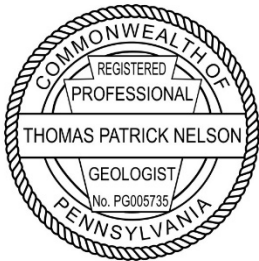
ECS Mid-Atlantic, LLC



Thomas P. Nelson, P.G.
Principal Hydrogeologist



Daniel P. Ragusa
Staff Hydrogeologist



Gerber, et al. v. Board of Supervisors of Middlesex Township
No. 2026-06465 (C.P. Cumberland County) — Land Use Appeal

EXHIBIT V

Email of Nick Long, Sr. Project Manager, LIVIC Civil, to PA DEP, October 20,
2025 (basin separation distances)

Electronic mail message (rendered from native Outlook .msg file)

From: Nick Long <nlong@livicco.com>

Date: Mon, 20 Oct 2025 19:51:07 +0000

To: Kostival, Ryan C; Williamson, Scott; Phillips, Nathan; Furjanic, Sean; Bloom, Krystal; Justin Ross; David Hanes■

Cc: Digilarmo, Robert■

Subject: [External] RE: Pennsylvania Digital 1 ("PAX-1") Fast Track Project, Cumberland Co - NPDES Worksheet Discussion

Attachments: image001.png, image002.png, image003.png, image004.png, image005.png, image006.png

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the Report Phishing button in Outlook. <<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.pa.gov%2Fcontent%2Fdam%2Fcopapwp-pagov%2Fen%2Ffoa%2Fdocuments%2Fdocuments%2Fcofense-report-phishing-user-guide.pdf&data=05%7C02%7Cscwilliams%40pa.gov%7C225df27fecef4235093a08de101349eb%7C418e284101284dd59b6c47fc5a9a1bde%7C0%7C0%7C638965872193202813%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsImlAiOiJXaW4zMilIsIkFOIjoiTWVpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=Cj2HPb2%2F1vvhp5Wp1Pr12jeCa%2Fj9iqKOono1svy0Hcs%3D&reserved=0>>

Leading up to tomorrow's meeting, below is some information to help start the discussion.

Since most all of our basins are in deep cut or on fill, we do not meet the separation distances to limiting zones, therefore we need to utilize ET basins to meet the requirements.

Below are two screenshots of the spreadsheet. One using the old and one using the new.

Are we permitted to test on rock utilizing the basin flood test as outlined in the New Jersey BMP manual?

Version 2.0, February 2025

Version 2.1, August 2025

Nick Long

Sr. Project Manager, CEA Market Lead

1015 Mumma Road, 2nd floor

Wormleysburg, PA, 17043

(888) 987-1993 x31

717-525-0926

www.liviccivil.com

-----Original Appointment-----

From: Kostival, Ryan C <rkostival@pa.gov>

Sent: Thursday, October 16, 2025 1:34 PM

To: Kostival, Ryan C; Williamson, Scott; Phillips, Nathan; Furjanic, Sean; Bloom, Krystal; Justin Ross; Nick Long; David Hanes

Cc: Digilarmo, Robert

Subject: Pennsylvania Digital 1 ("PAX-1") Fast Track Project, Cumberland Co - NPDES Worksheet Discussion

When: Tuesday, October 21, 2025 3:00 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Microsoft Teams Meeting

Hi everyone.

Place holder for PAX-1 project NPDES worksheet discussion. I'll insert any reference materials provided by LIVIC by EOD Monday (10/20).

Thanks

-Ryan

Ryan C. Kostival, CHMM | Environmental Coordinator

Office of the Governor | Office of Transformation and Opportunity

400 North Street, Plaza Level | Harrisburg, PA 17120

C:717.562.6131 Email: rkostival@pa.gov <mailto:rkostival@pa.gov>

www.pa.gov/agencies/oto <https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.pa.gov%2Fagencies%2Ffoto&data=05%7C02%7Cscwilliams%40pa.gov%7C225df27fecfe4235093a08de101349eb%7C418e284101284dd59b6c47fc5a9a1bde%7C0%7C0%7C638965872193228218%7CUnknown%7CTWFPbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIslIiAiOiJXaW4zMiIsIkFOIjoiTWFPbCIslldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=xsDzXHkDgB2ZRaqcu2uQm3LD4OpRXWfeRqkB3VuP2tY%3D&reserved=0>

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EXHIBIT W

Email of Justin Ross, LIVIC Civil, to PA DEP, November 3, 2025 (flood testing
failed; redesign of six of nine basins)

Electronic mail message (rendered from native Outlook .msg file)

From: Justin Ross <JRoss@livicco.com>

Date: Mon, 3 Nov 2025 19:29:05 +0000

To: Blosser, Andrea; Nick Long; David Hanes; robert.traver@villanova.edu; Amanda Hess; Furjanic, Sean; Phillips, Nathan; Lubinsky, Mike W.; Williamson, Scott■

Cc: Digilarmo, Robert; Kostival, Ryan C; Suders, Jesse; Bloom, Krystal; vmccollum@ccpa.net■

Subject: [External] RE: Pennsylvania Digital 1 ("PAX-1") Fast Track Project, Cumberland Co - NPDES Worksheet Discussion

Attachments: image002.png, image003.png, image004.png, image005.png, image006.jpg

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Good afternoon everyone. In follow up from our call mid last week, I wanted to share our status updates and next steps so that we can efficiently work through these permitting changes together. After the call, we were notified by our Geotech consultant that the flood testing failed on the 2 tests which passed the first flood. Given the overall poor results across the site as well as these recent failed tests, we are proceeding with redesign of 6 of 9 basins to include multiple MRC cells. Our team worked the weekend to comprehend all of the new worksheets and guidance and come up with a path forward. By end of the day tomorrow (Tuesday), we will transmit the items outlined below for each basin to Sean as part of the Alternative Design review process. Additionally, I am requesting that Andrea please coordinate a follow up call on Thursday 11/6 or Friday 11/7 with the necessary technical review team so that we can review any remaining questions and align on this prior to the weekend. We can then continue incorporating these revisions into the final documents and maintain as much review and revision time for the final submission package as possible while maintaining a 3/1/26 or sooner permit issuance date.

We anticipate sending you the following per each of the 6 basins: (Please review and provide direction and guidance on these items in the timeline noted above)

1. Excel of MRC Design Spreadsheet
2. PDF printout with our notes and explanation of information and how we derived
3. Drainage Area Map
4. Curve # Calculation of Drainage Area to MRC
5. PDF Plan Markup of Cell Locations and Manifold Layout within each basin
6. General Outlet Structure Detail with up-turned elbow (Provided for review and feedback of detail for confirmation)

Thank you for working with us to successfully deliver this project!

Justin Ross, P.E.

Principal/Co-Founder

61 Duke Street, Suite 100

Northumberland, PA, 17857

(888) 987-1993 x11

570-560-1275

www.liviccivil.com

-----Original Appointment-----

From: Blosser, Andrea <ablosser@pa.gov>

Sent: Friday, October 24, 2025 1:57 PM

To: Blosser, Andrea; Justin Ross; Nick Long; David Hanes; robert.traver@villanova.edu; Amanda Hess; Furjanic, Sean; Phillips, Nathan; Lubinsky, Mike W.; Williamson, Scott

Cc: Digilarmo, Robert; Kostival, Ryan C; Suders, Jesse; Bloom, Krystal; vmccollum@ccpa.net

Subject: FW: Pennsylvania Digital 1 ("PAX-1") Fast Track Project, Cumberland Co - NPDES Worksheet Discussion

When: Wednesday, October 29, 2025 12:30 PM-1:30 PM (UTC-05:00) Eastern Time (US & Canada).

Where: SCRO Susquehanna Room or MS Team link, below

David Hanes

Group Manager

61 Duke Street, Suite 100

Northumberland, PA, 17857

(888) 987-1993 x16

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-----Original Appointment-----

From: Blosser, Andrea <ablosser@pa.gov> <<mailto:ablosser@pa.gov>> >

Sent: Friday, October 24, 2025 1:47 PM

To: Blosser, Andrea; Nick Long; David Hanes; robert.traver@villanova.edu

<<mailto:robert.traver@villanova.edu>> ; Amanda Hess; Furjanic, Sean; Phillips, Nathan; Lubinsky, Mike W.; Williamson, Scott

Cc: Digilarmo, Robert; Kostival, Ryan C; Suders, Jesse; Bloom, Krystal; vmccollum@ccpa.net

<<mailto:vmccollum@ccpa.net>>

Subject: Pennsylvania Digital 1 ("PAX-1") Fast Track Project, Cumberland Co - NPDES Worksheet Discussion

When: Wednesday, October 29, 2025 12:30 PM-1:30 PM (UTC-05:00) Eastern Time (US & Canada).

Where: SCRO Susquehanna Room or MS Team link, below

Thanks to all for making yourselves available to follow-up to our 10/21 and 10/23 conversations.

Have a good weekend,

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No. 2026-06465 (C.P. Cumberland County) — Land Use Appeal

EXHIBIT X

CCCD Technical Deficiency Letter, NPDES Permit PAC210079 A-4, March 30, 2026
(item 54 at 5)

March 30, 2026

Mr. Petri Ottavainen
Carlisle Development Partners, LLC
1660 International Drive
McClean, VA 22102

Re: Technical Deficiency Letter
Pennsylvania Digital 1 (PAX-1)
NPDES Permit Application No. PAC210079 A-4
Middlesex Township, Cumberland County

Dear Mr. Ottavainen:

The Cumberland County Conservation District has reviewed the above referenced NOI and has identified the technical deficiencies listed below. The *Pennsylvania Erosion and Sediment Pollution Control Program Manual* (E&S Manual) and the *Pennsylvania Stormwater Best Management Practices Manual* (BMP Manual) include information that may aid you in responding to some of the deficiencies listed below. The deficiencies are based on applicable laws and regulations, and the guidance sets forth DEP's established means of satisfying the applicable regulatory and statutory requirements.

Technical Deficiencies

E&S Plan

1. The existing structures on the northernmost portion of the property are noted to be removed within E&S Stage 1. However, the structures are not shown on ES1 203. Revise accordingly. [25 Pa. Code §102.4(b)(5)(ix)]
2. Soils limitations and resolutions are not included in the E&S plan drawings. Revise accordingly. [25 Pa. Code §102.4(b)(5)(ii)]
3. Proposed contours to the northeast of Rock Construction Entrance #3 appear to have been drawn incorrectly. Revise accordingly. [25 Pa. Code §102.4(b)(5)(ix)]
4. The E&S plan drawings do not include adequate proposed contour labels on the Stage 2 E&S plan drawings. Revise accordingly. [25 Pa. Code §102.4(b)(5)(ix)]
5. The same contour interval for proposed contours is not shown throughout the E&S plan drawings. The western side of the site access road to the east of the PPL Laydown Yard is

- shown as one (1) contour interval. All other areas of proposed contours show two (2) foot contour intervals. Revise accordingly. *[25 Pa. Code §102.4(b)(5)(ix)]*
6. All permanent channels are not identified and labeled on all applicable stages of the E&S plan drawings. Revise accordingly. *[25 Pa. Code §102.4(b)(5)(ix)]*
 7. All wetlands that are to be surrounded by orange construction fencing should be adequately shown in the E&S plan drawings. Revise accordingly. *[25 Pa. Code §102.4(b)(5)(ix)]*
 8. The compost filter sock referenced for the demolition of the building in the Construction & BMP Installation Sequence appears to be inconsistent with the compost filter sock shown in the E&S plan drawings. Revise accordingly. *[25 Pa. Code §102.4(b)(5)(ix)]*
 9. Individual construction sequences are not provided for Sediment Basins and are not referenced as a critical stage. Revise accordingly. *[25 Pa. Code §102.4(b)(5)(vii)]*
 10. Some compost filter sock (22, 23, 28) appear to be installed within the haul road. Revise all compost filter sock accordingly. *[25 Pa. Code §102.4(b)(5)(ix)]*
 11. Clarify why the Retaining Wall is labeled as #1 in Stage 1 and #3 in Stage 2. Revise accordingly. *[25 Pa. Code §102.4(b)(5)(ix)]*
 12. Basin A3 cannot be identified and located in the E&S plan drawings. Revise accordingly. *[25 Pa. Code §102.4(b)(5)(ix)]*
 13. The Substation Pad Areas are not clearly identified and labeled within Phase 2 of the E&S plan drawings. Revise accordingly. *[25 Pa. Code §102.4(b)(5)(ix)]*
 14. Step #20 of Stage 2 of the Construction & BMP Installation Sequence does not clarify what perimeter compost filter sock is installed. All perimeter compost filter sock should have been installed in Stage 1. Revise accordingly. *[25 Pa. Code §102.4(b)(5)(vii)]*
 15. The proposed contours do not tie into the proposed sediment basin extension on Sheet E1 204. Revise accordingly. *[25 Pa. Code §102.4(b)(5)(ix)]*
 16. Temporary Berm 4/Temporary Swale 3 do not appear to be shown on ES1 205 of the E&S plan drawings. Revise accordingly. *[25 Pa. Code §102.4(b)(5)(ix)]*
 17. Clarify why sediment basin baffles are being updated in Step 19 of Stage 2 of the Sequence, while several sediment basins remain to be built. Revise accordingly. *[25 Pa. Code §102.4(b)(5)(vii)]*
 18. PA Data Drive from Basin B1 to C1 is not shown in the Stage 2 plans of the E&S plan drawings. Revise accordingly. *[25 Pa. Code §102.4(b)(5)(ix)]*

19. The stream crossing is not referenced in Stage 2 of the Sequence. Revise accordingly. *[25 Pa. Code §102.4(b)(5)(vii)]*
20. The construction of Infiltration Basins A3, D1, and F1 are not shown in the Stage 2 drawings. Revise accordingly. *[25 Pa. Code §102.4(b)(5)(ix)]*
21. The construction of Basin A2 is not included in Stage 2 of the Sequence. Revise accordingly. *[25 Pa. Code §102.4(b)(5)(vii)]*
22. Infiltration Basins D1 and F1 are not shown in Stage 2 of the E&S plan drawings. Revise accordingly. *[25 Pa. Code §102.4(b)(5)(ix)]*
23. SCM 11 – MRC Basin R2 is not shown in Stage 2 of the E&S plan drawings. Revise accordingly. *[25 Pa. Code §102.4(b)(5)(ix)]*
24. MRC cells are not sequentially labeled in each MRC Basin. Revise accordingly. *[25 Pa. Code §102.4(b)(5)(ix)]*
25. An individual Sequence for MRC Basins and Infiltration Basins are not provided in the E&S plan drawings. Revise accordingly. *[25 Pa. Code §102.4(b)(5)(vii)]*
26. The concrete washouts and compost filter sock sediment trap are not included in the Construction & BMP Installation Sequence. Revise accordingly. *[25 Pa. Code §102.4(b)(5)(vii)]*
27. The compost filter sock sediment trap detail is not included in the E&S plan drawings. Revise accordingly. *[25 Pa. Code §102.4(b)(5)(ix)]*
28. The construction detail for the proposed wetland crossing is not included in the E&S plan drawings. Revise accordingly. *[25 Pa. Code §102.4(b)(5)(ix)]*
29. The construction detail for the proposed stream crossing is not included in the E&S plan drawings. Refer to Figure 3.10 in the E&S Manual. Revise accordingly. *[25 Pa. Code §102.4(b)(5)(ix)]*
30. The installation of the proposed wetland crossing is not included in the Sequence. Revise accordingly. *[25 Pa. Code §102.4(b)(5)(vii)]*
31. Vegetative Stabilization is not checked in Question 5 of Module 1. Revise accordingly. *[25 Pa. Code §102.6(a)(1)]*
32. According to the Optional Notes in the Erosion and Sediment Pollution Control Program Manual, erosion control blanketing shall be installed on all slopes 3H:1V or steeper or within 50 feet of a surface water and on all other disturbed areas specified on the plan maps and/or detail sheets. This note is not included in the E&S plan drawings. Revise accordingly. *[25 Pa. Code §102.4(b)(5)(ix)]*

33. A construction detail for proposed haul roads installed and utilized in Stage 1 is not included in the E&S plan drawings. Revise accordingly. [25 Pa. Code §102.4(b)(5)(ix)]
34. Ensure all compost filter sock either extends upslope a minimum of 8 feet into a constructed berm or gains an equal elevation as the diameter of sock. Revise accordingly. [25 Pa. Code §102.4(b)(5)(viii)]
35. Verify that all compost filter sock are sized to the *maximum potential contributing* slope length. Revise accordingly. [25 Pa. Code §102.4(b)(5)(viii)]
36. Clarification of the green INW line shown in E&S plan drawings is not provided in the Legend. Revise accordingly. [25 Pa. Code §102.4(b)(5)(ix)]
37. The manufacturer's specification sheets for the temporary channel liners is not provided. Revise accordingly. [25 Pa. Code §102.4(b)(5)(viii)]
38. Clean out stake locations are not shown within the sediment basins. Revise accordingly. [25 Pa. Code §102.4(b)(5)(ix)]
39. The proposed baffle shown in Sediment Basin B-1 during Stage 1 should remain for the duration of Stage 2 and be shown on the E&S plan drawings. Revise accordingly. [25 Pa. Code §102.4(b)(5)(ix)]
40. The emergency spillway detail does not specify the type of protective lining. Revise accordingly. [25 Pa. Code §102.4(b)(5)(ix)]
41. The emergency spillway lining for SB C-1 should be extended to the toe of the sediment basin. Revise accordingly. [25 Pa. Code §102.4(b)(5)(ix)]
42. Sediment Basins A1, R1, and K1 show reductions for a permanent pool. The sediment clean out elevations do not appear to consider the 18" permanent pool. The E&S Manual specifies the sediment storage and clean out elevations should be 12" plus the depth of the permanent pool. Revise accordingly. [25 Pa. Code §102.4(b)(5)(viii)]
43. The basin bottom elevations in the E&S Worksheets appear to be inconsistent with the Standard Construction Detail #7-4 in the E&S plan drawings. Revise accordingly. [25 Pa. Code §102.4(b)(5)(viii)]
44. Outlet barrels for permanent basins are to be a material that is not susceptible to crushing during installation and does not require a stone backfill for structural stability. Provide the manufacturer's specifications demonstrating the material shown for the outlet barrel details meets the guidance or revise the details to a material that can meet the guidance. Revise accordingly. [25 Pa. Code §102.4(b)(5)(ix)]

45. The Anti-Seep Collar Construction Detail is not provided in the E&S plan drawings. Revise accordingly. [25 Pa. Code §102.4(b)(5)(ix)]
46. The nomographs for the riprap apron outlet protection are not provided. Revise accordingly. [25 Pa. Code §102.4(b)(5)(ix)]
47. The riprap aprons with the concrete level spreader are not clearly identified and labeled on the E&S plan drawings. Revise accordingly. [25 Pa. Code §102.4(b)(5)(ix)]
48. The thickness of riprap apron FES 1 is inconsistent between the Standard E&S Worksheet and the detail. Revise accordingly. [25 Pa. Code §102.4(b)(5)(viii)]
49. The Standard E&S Plan Notes and Optional Notes are not included in the E&S plan drawings. Revise accordingly. [25 Pa. Code §102.4(b)(5)(ix)]

PCSM Plan

50. Module 2 – Verify that the values reported for, ‘Number of Infiltration Tests completed’ and ‘Area investigated for infiltration capabilities’ on Page 1 are consistent with information in the Pre-Development Site Characterization spreadsheet. Revise as necessary. [25 Pa. Code §102.8(g)(1)]
51. Module 2 – Verify that all planned PCSM SCMs are identified in the ‘PCSM SCM Inventory’ section (i.e., snouts, level lip spreaders, water quality amended soils, forebays, etc.). The CCCD also recommends that for the MRC SCMs the number of cells be added to their descriptions (i.e., MRC Basin A1 (3 Cells)). Revise as necessary. [25 Pa. Code §102.8(f)(6)]
52. Module 2 – Verify that the values reported in the *Stormwater Analysis – Peak Rate* sections are consistent with the peak rate information in the PCSM spreadsheets, routings, and peak flow summary tables in the PCSM Narratives (i.e., POA A, C, D, K, R). Revise as necessary. [25 Pa. Code §102.8(g)(3)]
53. Module 2 –The *Stormwater Analysis – The Peak Rate* section for POA V could not be located. [25 Pa. Code §102.8(g)(3)]
54. Module 2 – The *Other Information* section on Page 10 shows there are several wetlands that experience significant changes to the surface discharges from pre to post construction. Additionally, the PCSM Narratives point out that all wetlands, except wetland Y and W, are “primarily surface runoff fed”. Clarify how these changes pose no impacts to the existing wetlands on the site. [25 Pa. Code §102.8(g)(6)]
55. The ‘Post-Construction Stormwater Management Narrative’, last revised March 2026, for Phase 1B provides a “Written Description of the PCSM SCMs [Section 102.8(f)(6)]” on PG-6 that describes “evapotranspiration basins and an infiltration facility” which is not consistent

with PCSM SCM information in other sections of the Application. Revise as necessary. [25 Pa. Code §102.8(f)(6)]

56. The 'Post-Construction Stormwater Management Narrative', last revised March 2026, provides a "Riparian Forest Buffer Management Plan [Section 102.8(f)(14)]" that contains a Chapter 102 regulatory citation, however other information in the Application does not indicate a riparian forest buffer is proposed according to 102.8(f)(14). Additionally, clarify the areas depicted on the plan drawings that show the 50' riparian buffer that is delineated around the existing wetlands but within the Limit of Disturbance line. Revise as necessary. [25 Pa. Code §102.8(f)(6)]
57. Post-Construction Stormwater Management Narrative – Appendix V – An MRC spreadsheet has been provided for 'SCM ID: 9' however there is no SCM ID 9 listed in Module 2 nor is one shown on the plan drawings. Clarify and revise so that all SCM ID's are consistent. [25 Pa. Code §102.8(f)(6)]
58. Post-Construction Stormwater Management Narrative – Appendix V – The infiltration test locations in relation to proposed SCMs could not be verified because the text is too small to read. Provide a larger map where the infiltration test locations in relation to the planned SCMs can be verified and ensure that tests are shown for all planned SCMs. [25 Pa. Code §102.8(g)(1)]
59. The PCSM spreadsheet for POA T could not be located. [25 Pa. Code §102.8(f)(8)]
60. The following deficiencies are for the PCSM spreadsheets and the MRC Design spreadsheets. Revise as necessary. [25 Pa. Code §102.8(f)(8)]
 - a. Ensure supporting documentation is included for all information provided in the spreadsheets. The CCCD recommends copying the supporting documentation and attaching it directly to the spreadsheets.
 - b. Verify that the 'Proposed Impervious in DA' on the General Information tab of the PCSM spreadsheet is consistent with the impervious area shown in the 'Post-Construction Conditions' table on the Volume Management tab.
 - c. Clarify how the 'Post-Constructions Conditions' for POA V on the Volume Management tab of the PCSM spreadsheet, which is only to contain areas of earth disturbance, is greater than the Post Development area in the routing, which may or may not include area outside of the earth disturbance area. Additionally, the General Information tab shows an increase of impervious of at least 8.52 acres, however the 'Post-Construction Conditions' table in the Volume Management section only shows 5.70 acres of impervious.
 - d. Verify that the 'SCM No.' provided in the *Structural SCM Volume Credits* table is consistent with the 'SCM ID' in Module 2 (Basin K1).

- e. Verify that the 'Incremental SCM DA' provided in the *Structural SCM Volume Credits* table is consistent with the 'DA Treated' on Module 2 (Basin K1).
 - f. Verify that a selection is made for the 'Variation' in the MRC Design Standards section of the MRC spreadsheet (Basin K1).
 - g. Provide supporting documentation for the 'Incremental SCM Drainage Area' on the MRC spreadsheets which has been reduced to remove the area that falls directly on the rate control basins.
 - h. The MRC spreadsheets indicate that the MRC SCMs are not in "Series" and discharge "Off-Site", however it appears the MRC Cells are in series with the rate control basins, and they also discharge into them.
 - i. The check boxes at the top of several of the MRC spreadsheets do not appear to be checked or are illegible.
 - j. Clarify information that states it is "TRUE" that '*The design has been approved by DEP's Bureau of Clean Water*' for information that does not follow MRC design standards (i.e., Incremental SCM Drainage Area, MRC SCM Drainage Area (Equivalent Impervious, maximum)).
 - k. Provide supporting documentation for the Q₂ values used to calculate the shear velocity into the MRC Cells.
61. PCSM Plan Drawings – POA V could not be located on the plans. Revise as necessary. [25 Pa. Code §102.8(f)(3)]
62. PCSM Plan Drawings – Labels for the existing and proposed grades could not be located in the profile sections. Also, clarify if special construction techniques are necessary where SCMs, pipes, etc. are to be constructed on fill, specifically considering SCMs where infiltration is planned (MRCs and Infiltration Basins). [25 Pa. Code §102.8(f)(8)]
63. PCSM Plan Drawings – Verify that details for all manifolds used to direct flow from the flow splitters into the MRC Cells are provided and labeled. Revise as necessary. [25 Pa. Code §102.8(f)(6)]
64. PCSM Plan Drawings – It appears from the test pit information that several SCM bottoms will be in areas where limiting zones were identified. Provide instructions for special construction techniques that ensure the recommended two feet of separation from limiting zones is provided. [25 Pa. Code §102.8(g)(5)]
65. SWM6-8 – Verify that the line and hatch types are consistent between the legend and plan drawings. Revise as necessary. [25 Pa. Code §102.8(f)(9)]

66. SWM7-8 – Labels for components of planned SCMs could not be located. Label all parts of SCMs necessary for their installation and ensure the labels are consistent with those shown in the profiles. Revise as necessary. *[25 Pa. Code §102.8(f)(9)]*
67. SWM15, 17, 18-24 – Verify that the profile labels are consistent with the information provided in the sections. Revise as necessary. *[25 Pa. Code §102.8(f)(9)]*
68. SWM16 – Clearly label the elevations of the outflow orifices and ensure the orifice diameters (C1) are consistent with other information in the design. Also ensure that the pipe diameters for the pipes that connect the MRC Cell outlet structure (A1) to the downstream basins are consistent with the information in the table on sheet SWM38. Revise as necessary. *[25 Pa. Code §102.8(f)(9)]*
69. SWM36 – The following deficiencies are for the ‘Stormwater BMP Operation and Maintenance Schedule’. Revise as necessary. *[25 Pa. Code §102.8(f)(10)]*
- a. Verify that the long-term operation and maintenance information is consistent with the ‘Long-Term Operation and Maintenance Schedule’ in the PCSM Narratives.
 - b. Clarify the instruction on the PCSM plan that says, “Catch basins and inlets (up-gradient of infiltration basin) should be inspected and cleaned at least 2 times per year and after runoff events.”.
 - c. Clarify the instruction in the PCSM plan that discusses an “Emergency De-watering Pipe” as details for the infiltration basins do not include details of an emergency de-watering pipe.
 - d. Clarify the instruction that says, “Mow only as appropriate for vegetative cover species (annually between November and March).”. Include instructions that take into account that the planned infiltration basins are to include shrubs.
 - e. Clarify the instructions in the PCSM Narratives for the MRC Basins that indicate mowing operations are to be “conducted annually between Nov. and Mar.”. Also clarify if clippings from mowing operations are to be removed from the MRC basins.
 - f. Clarify the instruction that says, “Inspect at least two times per year after runoff events greater than 1 inch and make sure that runoff drains down within the design parameters”, as the design parameters have not been provided.
 - g. Clarify the instruction that says, “As noted above, if the MRC SCM will manage peak flows in excess of the 2-year/24-hour storm event, an increased inspection and maintenance frequency will be necessary.”, as other information in the design says flows above the 2-year/24-hour storm event will bypass the MRC Cells.

- h. Clarify the instruction that says, “All MRC SCM components should be maintained as indicated in the stormwater BMP manual.”, as the Managed Release Concept SCM is an approved alternative that is not included in the 2006 PA Stormwater BMP Manual.
 - i. Additionally, the long-term operation and maintenance plan is to be project specific and include all information necessary to execute the plan after construction activities are complete.
 - j. Clarify the instruction in the PCSM plan that says, “A licensed professional engineer should provide an appropriate long-term operation and maintenance (O&M) schedule for the MRC SCM. The long-term operation and maintenance schedule should be project specific.”.
 - k. Clarify the instructions for the vegetated swales that discuss a “draw down time” and “check dams” as information related to them could not be located.
 - l. Ensure that long-term operation and maintenance instructions are provided for all PCSM SCMs indicated in the design (i.e., snouts, level lip spreaders, water quality amended soils, forebays, etc.)
 - m. Verify that adequate operation and maintenance details and instructions are provided for the very small (0.5”) MRC orifices that are in a majority of the MRC Cells on site.
 - n. Ensure that the long-term operation and maintenance schedule includes repair or replacement instructions to ensure proper function and operation, and how access to the PCSM SCMs will be provided.
70. Provide procedures which ensure that the proper measures for recycling or disposal of materials associated with or from the PCSM BMPs after construction are in accordance with Department laws, regulations and requirements. [25 Pa. Code §102.8(f)(11)]
71. SWM36 – There is information in the ‘Construction and BMP Installation Sequence’ that discusses the installation of a “concrete cradle”, however details for the cradle could not be located on the plan drawings. Revise as necessary. [25 Pa. Codes §102.8(f)(6) & §102.8(f)(7)]
72. SWM36 – Clarify information in the ‘Critical Stages & Notifications’ section as it is not consistent with the critical stages called out in the construction sequence. Revise as necessary. [25 Pa. Code §102.8(f)(7)]
73. SWM37 – Verify that the ‘General PCSM Planning and Design’ section is for this site-specific project as it discusses, “the installation of a water quality detention/infiltration basin on the site”, “Little Tomhicken Creek (CWF-MF)”, and “the stormwater basin”. Revise as necessary. [25 Pa. Code §102.8(b)]
74. SWM38 – Verify that the ‘Amended Soil Depth’ is provided for all basins. Revise as necessary. [25 Pa. Code §102.8(f)(6)]

75. SWM38 – Verify that the information in the ‘MRC Cell Outlet Structure’ table is consistent with information in the routing (Basins R2, V5, K1). Revise as necessary. *[25 Pa. Code §102.8(f)(6)]*
76. SWM38 – Verify that the information in the ‘Infiltration Basin Forebay Detail’ table is consistent with other information (Basin F1 ‘Basin Elevation’). Also verify that the locations of the information in the table are clearly labeled on the ‘OVERALL STORMWATER PLAN’ sheets. Revise as necessary. *[25 Pa. Code §102.8(f)(6)]*
77. SWM38 – Clarify if the proposed ‘Shrubs – Infiltration Basins A3 and D1’ and ‘Grasses and Perennials – MRC Cells and Infiltration Basins A3 and D1’ are to also include infiltration basin F1 as it is not included in the tables. Revise as necessary. *[25 Pa. Code §102.8(f)(6)]*
78. SWM39 – Verify that the ‘Inflow Invert Elevation’ for Basin F1 is consistent with the outlet structure detail and the routing. Revise as necessary. *[25 Pa. Code §102.8(f)(6)]*
79. SWM40 – The locations of the ‘Riprap Apron at Pipe Outlet w/Flared End Section & Concrete Lip Spreader’ could not all be located on the plan drawings. Additionally, verify the ‘Concrete Lip Length’ is consistent with the supporting calculations in the PCSM Narrative. Revise as necessary. *[25 Pa. Code §102.8(f)(6)]*
80. SWM40 – Verify that the information in the riprap apron table is consistent with information in the design and the ‘OUTLET No.’ labels are consistent with the plan. Revise as necessary. *[25 Pa. Code §102.8(f)(6)]*
81. SWM40 – Verify that the information in the ‘Pipe Outlet Protection’ table is consistent with information in the design. Revise as necessary. *[25 Pa. Code §102.8(f)(6)]*
82. SWM41 – Provide the invert elevations of the ‘Outflow to MRC Cell’ for all flow splitters and ensure they are labeled on the plans. Also, provide the calculations that demonstrate flows exceeding the 2-year/24-hour storm event flows will bypass the MRC SCM Cells. Revise as necessary. *[25 Pa. Code §102.8(f)(6)]*

The District would like you to consider the following comments on your permit application. While these are not technical deficiencies related to 25 Pa. Code Chapter 102 and will not result in a delay to your permit application, they may relate to potential issues during construction and/or implementation of the E&S and/or PCSM Plans.

- a. CCCD recommends ensuring that there is ample material stockpiling throughout the entire site for Phase 1A/1B.
- b. CCCD recommends installing orange construction fencing around all sensitive areas. Revise the E&S plan drawings and Construction & BMP Installation Sequence accordingly.

- c. CCCD recommends that the farm lane to the west of the current sediment basin either have a Rock Construction Entrance or be barricaded so that it is not accessed. Revise accordingly.

You must submit a response fully addressing each of the technical deficiencies set forth above. Please note that this information must be received within 30 calendar days from the date of this letter, on or before **April 30, 2026** or the District may deny or withdraw the NOI. Alternatively, you may consider a voluntary withdrawal.

Your response must be submitted to the District using the same method of submission as was used for the original NOI.

Please be advised that if your response does not satisfy the technical deficiencies, in general your NOI or application will proceed to an Elevated Review. If you do not believe the technical deficiencies can be fully addressed within the required timeframe, you should consider a voluntary withdrawal. If a permit application is denied, there is no recovery of fees available; however, if you voluntarily withdraw the NOI or application and then submit a new NOI or application for the same project, previously paid disturbed acreage fees will be reapplied to the new NOI or application.

If you believe that any of the stated deficiencies are not significant, instead of submitting a response to that deficiency, you have the option of requesting that the District make a permit decision based on the information you have already provided regarding the subject matter of that deficiency. If you choose this option with regard to any deficiency, you should explain and justify how your current submission satisfies that deficiency.

Conservation districts may charge additional fees in accordance with section 9(13) of the Conservation District Law (3 P.S. § 857(13)). You may be expected to submit these fees to a conservation district in accordance with Chapter 102, section 102.6(b)(3).

If you have questions about your NOI, please contact Noelle Bennese by e-mail at nrbennese@cumberlandcountypa.gov or by telephone at 717.240.5359 and refer to Application No. PAC210079 A-4, to discuss your questions or to schedule a meeting. Any such meeting must be held within the deficiency correction period.

Sincerely,

Vincent
McCollum

Digitally signed by Vincent
McCollum
Date: 2026.03.30 12:47:25
-04'00'

Vincent McCollum
District Manager
Cumberland County Conservation District

cc: LIVIC Civil
DEP South Central Regional Office
Middlesex Township

Gerber, et al. v. Board of Supervisors of Middlesex Township
No. 2026-06465 (C.P. Cumberland County) — Land Use Appeal

EXHIBIT Y

Letter of the Pennsylvania State Historic Preservation Office (Barbara
Frederick, Environmental Review Division Manager), ER Project No.
2025PR00055.014, January 23, 2026: Adverse Effect finding on the Appalachian
Trail viewshed



Pennsylvania State Historic Preservation Office

PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

January 23, 2026

RUSSELL TREAS

RE: ER Project # 2025PR00055.014, Project Bolt, Department of Environmental Protection,
Middlesex Township, Cumberland County

Dear RUSSELL TREAS,

Thank you for submitting information concerning the above referenced project.

Above Ground Resources

We are in receipt of the visual analysis memo for potential visual effects to the Appalachian Trail within the Area of Potential (APE) for the project. The memo concludes that while a portion of the trail will be visible from a segment of the trail located between the Conodoguinet Creek and Country Club Road, existing modern visual intrusions are already found in the vicinity of this portion of the trail, and the project will have No Adverse Effect on Historic Properties.

Identified Historic Properties

The Appalachian Trail was previously determined eligible for listing in the National Register of Historic Places (National Register) at the national level under Criterion A in the areas of Recreation and Conservation and meets Criteria Consideration G for properties that have achieved exceptional significance within the past 50 years. The Pennsylvania segment of the trail was developed in 1926-1936 with portions rerouted beginning in 1948. The boundary of the trail conforms to the corridor which extends a maximum of 500 feet on either side of the centerline of the trail. Character defining features of the Appalachian Trail in the project area include the trail itself and views of natural open scenery visible from the trail, which includes rolling hills, farmland and views of North Mountain.

Assessment of Effect

As the proposed project will be visible from the Appalachian Trail, it has the potential to affect the character of the viewshed of the district. An Adverse Effect is defined as an alteration of the characteristics that qualify a historic property for inclusion in the National Register. When assessing visual effects, consideration is to be given to character defining features and the degree to which those characteristics will be diminished by the visibility of the project from the resource.

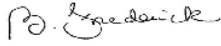
We disagree with the findings of the visual analysis memo, specifically the finding that the project will have No Adverse Effect on the Appalachian Trail. While there is some modern development in the vicinity of the project area, particularly south of I-81, development on the west side of the trail looking toward the proposed project is largely limited to a transmission line. It is our opinion that construction of the project will have an Adverse Effect on the Appalachian Trail viewshed by obscuring views of open space that contribute to the significance of the resource.

Therefore, we require more information on measures to avoid or minimize the adverse effect to the Appalachian Trail. Would it be possible to screen the proposed new construction from view with dense vegetative screening? Please provide a planting plan to limit the visibility of the project from the Appalachian Trail. The plan should include evergreen trees of mixed varieties, consisting of species capable of growing to a height that will provide the maximum amount of visual screening. The planting plan should include a plan for long-term maintenance of the vegetative screen. In

addition, we would like to inquire about the lighting plan for the proposed project to ensure there is no potential for visual effects to the Appalachian Trail at nighttime. Upon receiving this additional information, we will provide further comments on avoidance, minimization and mitigation measures for the adverse effect on the Appalachian Trail.

For questions concerning above ground resources, please contact Barbara Frederick at bafrederic@pa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Frederick", written in a cursive style.

Barbara Frederick
Environmental Review Division Manager

Gerber, et al. v. Board of Supervisors of Middlesex Township
No. 2026-06465 (C.P. Cumberland County) — Land Use Appeal

EXHIBIT Z

Letter of the Pennsylvania State Historic Preservation Office (Barbara
Frederick, Environmental Review Division Manager), ER Project No.
2025PR00055.016, March 3, 2026: rejecting proposed evergreen screening;
further information required



Pennsylvania State Historic Preservation Office

PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

March 3, 2026

RUSSELL TREAS

RE: ER Project # 2025PR00055.016, Project Bolt , Department of Environmental Protection,
Middlesex Township, Cumberland County

Dear RUSSELL TREAS,

Thank you for providing additional information concerning the above referenced project.

Above Ground Resources

Thank you for the additional information on the potential for the project to have an effect on the National Register eligible Appalachian Trail. We offer the following comments.

The proposed placement of 100 native evergreens along the AT corridor would have the potential to introduce new features into the setting of the resource and thereby obstruct a historic viewshed of surrounding agricultural lands. Therefore, we would not consider this to be an appropriate minimization measure.

We recognize the proposed lighting plan uses low-height downward-facing fixtures, warm-toned light sources of 3000 Kelvin or lower, foot-candle limitations, and IESNA cutoff criteria.

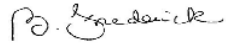
We require more information to complete our review. Please provide answers to the following questions:

- What would be the maximum height of buildings and structures within the proposed substation?
- Is the plan to use evergreen trees of mixed varieties at the identified locations between the substation and easternmost buildings and the trail?
- Will the species to be used exceed the height of the proposed work and shield the substation and buildings on the property from view year-round?
- What is the plan for long-term maintenance of the vegetation and who will determine if the vegetation is maintained in good condition?
- Have balloon tests/visual simulations been prepared to better understand the potential view of the project from the trail and impact to the trail viewshed?
- Would it be possible to paint/cover the exterior of the proposed buildings in a darker color to minimize visual effects to the surrounding landscape?

Finally, please provide documentation of any coordination with the Appalachian Trail Conservancy regarding potential effects of the project on the trail.

For questions concerning above ground resources, please contact Barbara Frederick at bafrederic@pa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Frederick", written in a cursive style.

Barbara Frederick

Environmental Review Division Manager

Gerber, et al. v. Board of Supervisors of Middlesex Township
No. 2026-06465 (C.P. Cumberland County) — Land Use Appeal

EXHIBIT AA

Letter of Gregg I. Adelman, Esquire, requesting party status in ZHB Case No.
2026-03, June 4, 2026

Gregg I. Adelman, Esquire
Direct Dial: (610) 941-2552
Direct Fax: (610) 684-2001
gadelman@kaplaw.com
www.kaplaw.com

June 4, 2026

VIA FIRST CLASS MAIL & EMAIL [MCARPENTER@MIDDLESEXTWP.COM]

Zoning Hearing Board
Middlesex Township
c/o Mark D. Carpenter
Zoning Officer
350 N Middlesex Road
Carlisle, PA 17013

RE: Gerber et al. Substantive Validity Challenge

Dear Zoning Hearing Board:

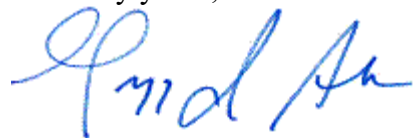
I represent Carlisle Development Partners, LLC, the owner and developer of the properties located at 246, 248, 250 and 256 Country Club Road (TMP Nos. 21-6-15-1, 21-6-15-13, 21-6-15-14, 21-6-15-15), which are directly impacted by the May 13, 2026 Substantive Validity Challenge (“**Challenge**”) filed by Kyle and Alexia Gerber, et al.

On behalf of Carlisle Development Partners, LLC, I request party status to the Challenge. Please provide me with copies of all correspondence, materials, applications, plans and any other documentation applicable to the Challenge as soon as they become available.

Please also provide me with any/all notifications related to the Challenge, including when the zoning hearing will be scheduled.

Please feel free to contact me if you have any questions. Thank you.

Sincerely yours,



Gregg I. Adelman, Esquire

cc: Nathan C. Wolf, Esquire, Appellant’s Counsel (contact@wolfandwolf.net)
Jennifer B. Hipp, Esquire, ZHB Solicitor (jhipp@bogarlaw.com)