

EXHIBIT H

CSX Property (excepted from PADEP approved Final Plan)

5.0 REMEDIATION CARE PLAN

The objective of this Post Remediation Care Plan (PRCP) is to ensure the continued attainment with the Site Specific Standard in the future.

In accordance with the Act 2 regulations, following PADEP approval of this Final Report, an EC will be executed between the ECCCA and PADEP and then recorded with the deed for the property. The EC will include activity and use limitations (AULs) and compliance reporting requirements for both the CSX East and CSX West portions of the Site. Those items are described below in Section 5.1 followed by compliance monitoring and soil management plans in Sections 5.2 and 5.3, respectively.

5.1 ENVIRONMENTAL COVENANT

The EC will be prepared in a similar format to the PADEP “Model Environmental Covenant” shown in **Appendix D** (attached). A draft EC will be submitted to PADEP for approval within 90 days following approval of this Final Report. Following PADEP approval of the EC, it will be recorded with the property deed and proof of filing with the deed office will be provided to PADEP. The AULs and compliance monitoring and reporting requirements to be included in the EC are described below.

5.1.1 Activity and Use Limitation

The EC will contain the following language pertaining to AULs:

“The CSX East Property is subject to the following activity and use limitations, which the then current owner of the Property, and its tenants, agents, employees and other persons under its control, shall abide by:

- *The groundwater beneath the Site shall not be used for any purpose;*
- *Subsurface structures such as basements shall not be constructed on Site;*
- *The cover system shall be maintained as described in the Post Remediation Care Plan presented in the Act 2 Final Report.*

The CSX West Property is subject to the following activity and use limitations, which the then current owner of the Property, and its tenants, agents, employees and other persons under its control, shall abide by:

- *The Site shall not be used for any residential purpose; and*
- *The groundwater beneath the Site shall not be used for any purpose.”*

5.1.2 Compliance Reporting

The EC will contain the following language relating to compliance reporting:

“Within 1 month after any of the following events, the then current owner of the Property shall submit, to the Department, written documentation of:

- *Noncompliance with the activity and use limitations in this Environmental Covenant;*
- *Transfer of the Property;*
- *Changes in use of the Property; or*
- *Filing of applications for building permits for the Property and any proposals for any site work, if the building or proposed site work will affect the contamination on the Property subject to this Environmental Covenant.”*

5.2 COMPLIANCE MONITORING

Compliance monitoring will be performed to confirm that the integrity of the cover system over CSX East is maintained as described below.

5.2.1 CSX East Cover System Monitoring and Maintenance

The cover system functions by restricting human access to impacted materials located beneath the cover. Currently, the cover system is comprised primarily of 1 foot of clean soil and to a lesser extent by concrete aggregate and paving. It is anticipated that in the future, much of the Site will contain a roadway as depicted in the existing Concept Plan (**Figure 3**) (attached; also included Figure 2).

The owner will inspect the cover system within 90 days following recordation of the EC and submit a summary inspection report, including photographs to PADEP. Following the initial inspection report, the cover system will be inspected annually or as required by any subsequent permit. The table below identifies the general items to be inspected:

Inspection Item	Likely Corrective Measure
Vegetative cover	Revegetate as needed
Soil Cover Erosion	Replace with clean soil to ensure the 1 foot cover thickness and reseed
Pavement	Replace pavement that exposes underlying Site soil.

Repairs to the cover system will be made promptly. Only certified clean fill as defined by the PADEP Management of Fill Policy will be used to repair the soil cover system. A copy of the PADEP Management of Fill Policy and Clean Fill Certification form is provided in **Appendix D**.

5.3 SOIL MANAGEMENT PLAN

Soils at CSX West and beneath the cover system at CSX East may contain concentrations of regulated substances that could be considered solid waste if excavated. Therefore, future excavation must be carefully planned and documented to ensure that:

- 1) The integrity of the CSX East cover system is maintained;
- 2) Construction workers are protected; and
- 3) Site soil is properly managed and disposed of.

The purpose of this Soil Management Plan is to provide general guidelines to be considered when planning for and conducting excavation activities at the Site. In accordance with the proposed EC Compliance Reporting requirements described above in Section 5.1.2, PADEP must be notified within 1 month following the application for building permits or any proposals for activities that “will affect the contamination at the property”. Currently, all material beneath the cover system is considered to be potentially “contaminated”. Therefore, PADEP must be notified of planned excavation activities beneath the cover and that notification must describe the plans relating to a specific activity for ensuring worker safety and managing the excavated material. Notification must be 15 days prior to initiating any activity that will disturb the soil cover and underlying potentially contaminated materials.

In addition to the PADEP notification required by Act 2, other construction permits may be required (e.g., NPDES, building permit, etc.).

5.3.1 Key Considerations

Based on the Concept Plan (**Figure 3**) it is expected that excavation will occur for various reasons, including:

- 1) Construction of a roadway; and,
- 2) Installation of subsurface utilities.

Prospective contractors performing work that may disturb the soil cover and underlying Site materials need to consider the following:

- 1) Work at CSX West or below the cover system at CSX East may encounter hazardous substances. Workers who may encounter hazardous substances must meet the training and medical monitoring requirements as defined in OSHA 1910.120 as appropriate for

their specific activity. A site-specific health and safety plan should be developed to address work activity hazards and protection of the workers, including air monitoring and other media monitoring as appropriate.

2) Measures must be employed to ensure that materials from below the cover system do not impact the clean cover material in the vicinity of the work area;

3) Excavated material from below the cover may be used as backfill provided that the marker layer and 1 foot of clean soil cover and/or hard surface are re-established when the work is completed. Excavated material that includes liquid waste, tar, drums, tanks, etc. must be properly characterized and disposed off-Site;

4) Excess material that can't be placed under the cover requires waste characterization and off-Site disposal. No material removed from beneath the marker layer may remain uncovered.

5) Fill materials brought on Site must meet the definition of "clean fill" as presented in the PADEP Management of Fill Policy (**Appendix D**).

6) Groundwater at the Site may contain concentrations of contaminants exceeding the Secondary MCL or PADEP MSCs. Excavation below the water table must include plans for managing groundwater.

The following section presents the generally anticipated sequence of events during excavation below the cover system at CSX East.

5.3.2 CSX East Excavation

The PADEP must be notified prior to excavation into the soil below the cover system as required by the EC. The notification will include specific plans for ensuring worker safety, managing excavated materials, and restoring the clean cover system. Excavation is expected to generally proceed in the following manner:

1) Obtain necessary permits, establish erosion and sediment controls, and implement health and safety measures as required.

2) Remove and stockpile the top 1 foot of clean cover and marker layer.

3) Excavate into the potentially impacted material and stage on Site separate from the clean cover. Depending on the size of the excavation, the excavated material could be placed on polyethylene sheeting or the clean cover could be over excavated such that the excavated material is placed directly on other "sub cover" soils. Further containment measures are necessary for excavation below the water table.

4) Backfill the excavation with the stockpiled soil from below the cover. Replace the marker layer and stockpiled clean cover such that the 1 foot thickness of clean cover is restored or the material is beneath a hard surface (e.g., roadway, floor slab, etc.).

5) Characterize the excess soil in accordance with the PADEP Management of Fill Policy and determine the appropriate off-Site disposal method.

The Site owner must maintain documentation relating to the location of the excavation and the disposition of the excess material, including waste disposal manifests.