

Ed Ritti

From: Ed Layton [elayton@blazosky.com]
Sent: Monday, January 30, 2012 3:27 PM
To: ZAIDESQ@cs.com
Subject: RE: Joshua Road

Soil cover over the trash appears to be 1 to 4 feet. I would suspect that sewer lateral excavations will go into trash. The excavated material would be hauled off-site for disposal – probably not hazardous though and could go to a regular MSW landfill.

And yes, earth disturbance would require county conservation district permits (as typical). Usually, CCD's will coordinate approvals with PADEP for activities on an Act 2 site.

If he has questions, I don't mind talking to him. He can call me.

Ed

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From: ZAIDESQ@cs.com [<mailto:ZAIDESQ@cs.com>]
Sent: Saturday, January 28, 2012 2:49 PM
To: elayton@blazosky.com
Subject: Joshua Road

Ed - hope this finds you well. I had a fairly promising meeting this week with a potential builder. He raised a concern that any disturbance of the trash trenches could trigger voiding of the Act 2 release of liability. He wanted to know if we have any information which would show the elevation depths of the soil cover over the trenches (the top elevation of the start of the fill material in the trenches), so he could know if sewer laterals potentially would or would not have to invade any of the trenches.

Do you know if his concern is valid about disturbance of the trash trenches possibly voiding the Act 2 release of liability (the Act 2 approval letter says only that earth moving might require county soil conservation approval, but maybe there is a statute, regulation or case with which I am not familiar)?

Do you have somewhere in your 2009 final report and exhibits, or elsewhere, any of the elevation information regarding depths of the soil cover over the trenches (or the depths of the top of the fill material in the trenches) throughout the land?

Thanks.

Marc A. Zaid Esq.

Notes regarding Act 2 Study

- (1) If the waste is excavated out of the utility corridors it may be placed on another portion of the property depending on the actual type of waste and the regulations, or it may have to go off-site into a landfill. Once the waste is unearthed, then the disposal regulations will have to be followed.
- (2) The Act 2 release is specific to the contamination which was found, investigated and remediated. If new, or different, waste is found then this Act 2 will not apply. If "all appropriate inquiries" due diligence was completed, then there maybe protection from the Brownfield Act.
- (3) Since the previous monitoring showed a stable and diminishing plume, future monitoring should not be required.
- (4) Sub-slab vapor barriers may be required if methane is found to be present.
- (5) Locating underground storm water management systems and / or public utility lines within the area where there was / is waste could aggravate the present sub-surface situation.

All prospective Buyers / Joint Venture Partners will be required to complete their own due diligence to a level acceptable to them.