

**TECHNICAL PROVISIONS  
FOR THE  
AMTRAK STATION IMPROVEMENT PROJECT:  
MIDDLETOWN STATION**

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**VOLUME III OF III  
ENVIRONMENTAL MANAGEMENT  
MANUAL**

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## **CHAPTER A: ORGANIZATION AND GENERAL INFORMATION**

### **A.1. Purpose of Manual**

The primary purpose of this Volume III of the Technical Provisions is to provide guidelines and criteria to the Development Entity on the fundamental issues needed to protect natural resources and the environment as well as the basic development and submission of the Environmental Management Plan for the Project as described in Chapter B of this Volume. This Manual is intended to provide operational guidelines only. To the extent that any term or provision set forth in the PPA conflicts with any term or provision of this Manual, then such term or provisions set forth in the PPA shall supersede any such conflicting term or condition in this Manual. The Development Entity is solely responsible for identifying, interpreting and complying with all Environmental Laws applicable to operation of the Project.

### **A.2. Limitations**

The Department has performed services for this project in accordance with the Scope of Work; and no guarantees are either expressed or implied. While preliminary site assessments were conducted, these were limited, and conducted with the understanding that no site assessment can ensure that all environmental conditions of concern would be identified and evaluated. This Manual is not, nor is the information relating to existing facilities or conditions, intended to be an exhaustive assessment of environmental conditions related to the Project; but rather, this Manual has been based on a reasonable investigation undertaken during the initial stages of the development process and contains that information to the best of the knowledge of the Department.

The record search was limited to information available from certain public sources available at the time of the preparation of this Manual. Such public records are continually changing and are frequently incomplete. Data gaps identified at this time include, but are not limited to, UST registrations, NPDES permits and PWS permits. The Department does not assume any liability for information or conditions that have been misrepresented, or for items not visible, accessible, or present within the Project at the time of the site visits.

Additionally, no investigation is thorough enough to preclude the presence of materials or conditions at the Project that currently, or in the future, may be subject to regulation or considered hazardous. Regulatory evaluation criteria are constantly changing, and conditions considered to be acceptable currently may, in the future, become subject to different regulatory standards and require action.

Where records indicate that prior action has occurred, the Development Entity must be aware that there is the risk that the work may not have been performed correctly or completely. As such verification was beyond the Scope of Work, the Department cannot express nor assure that the action taken was correct or complete in the absence of agency Approval.

The opinions and judgments expressed herein, which are based on the Department's understanding and interpretation of current regulatory standards, should not be construed as legal opinions. No third party shall have the right to rely on the Department's opinions rendered in connection with the services or in this document without the Department's written consent and the third party's agreement to be bound to the same conditions and limitations as the client.

### **A.3. Staffing Identification**

The Development Entity is solely responsible for each employee, his or her actions, as well as all

parties that are employed by the Development Entity, while in the Project limits. The number of employees required must be determined by the needs of the Development Entity to fulfill its maintenance, operation and contractual obligations.

The Project is a 24 hour-per-day, 365 days-per-year operation. For this reason, the Development Entity must recognize the need to have variable work shifts, employees, supervisors and personnel so as to maintain constant operations.

#### A.3.1. *Essential Staff*

The Essential Staff Matrix developed for Volume II of III of the Technical Provisions must include staff essential to complete environmental management activities. The Essential Staff Matrix must include members of staff adequate to perform duties as outlined in this Volume III, including, but not limited to, personnel with appropriate licenses, certifications and registrations.

### **A.4. Protection of Natural Resources and the Environment**

The protection of natural resources and the environment is an essential and significant activity within the Project. The Development Entity must comply with all Environmental Laws in protecting the natural resources, the environment and any threatened or endangered species, whether or not such laws pertain to operational activities covered in the Environmental Management Plan.

If any proposed project or activity may affect natural resources regulated by any Environmental Law, an evaluation of alternatives appropriately addressing avoidance, minimization and mitigation options as required by Environmental Laws applicable to these resources must be prepared. In addition, if the preferred alternative will affect such resources, adequate justification must be provided to explain why avoidance alternatives were not selected.

#### A.4.1. *Noise Control*

The development of a project or activity must comply with Federal, State and local Laws for noise control. The Development Entity must consult with appropriate officials to obtain the views of the affected communities regarding noise impacts and abatement measures and must study and mitigate any traffic or construction noise impacts in accordance with PennDOT Publication #24.

#### A.4.2. *Water Resources and Water Quality*

Water resource must be protected and water quality must be maintained within and around the Project in compliance with Federal, State and local Environmental Laws, including but not limited to the Clean Water Act of 1977, the Safe Drinking Water Act, Title 40 of the Code of Federal Regulations (CFR) Parts 100 to 149, and 25 Pennsylvania Code Chapters 91 to 111. No construction, improvement, maintenance activity, or daily activity may decrease the quality of surface waters, ground waters, or wetlands in violation of any Environmental Law. If there is no way to avoid impacts to the quality of surface waters, ground waters or wetlands, the Development Entity must obtain the necessary Consent.

#### A.4.3. *Air Quality*

Department improvements within the Project must conform to Federal, State and regional Air Implementation Plans and all Environmental Laws. Relevant Environmental Laws include, but are not to be limited to, the Clean Air Act as amended in 1990, National Ambient Air Quality Standards, the requirements of PennDOT Publication 321 and Pennsylvania Code Chapters 124 and 131.

#### A.4.4. *Dust Control*

Dust control is essential in maintaining clean air and the prevention of airborne pollutants. Dust must be controlled within the Project in compliance with all Environmental Laws by implementing best management practices for all construction and daily activities including land disturbance, demolition and material handling processes.

#### A.4.5. *Threatened and Endangered Species*

During the development of a project or activity, an assessment must be made of the likely impacts on species of plants or animals listed at the Federal and/or State level as threatened or endangered and on their habitats in accordance with Environmental Laws. Relevant Environmental Laws include, but are not be limited to, the Endangered Species Act, Title 50 CFR Chapter 1 Part 17 Endangered and Threatened Wildlife and Plants, Pennsylvania Wild Resource Conservation Act, Pennsylvania Fish and Boat Code, and Pennsylvania Game Code. Every effort must be made to minimize the likelihood of jeopardizing the continued existence of listed threatened or endangered species or the destruction or adverse modification of a Natural Area or an area of habitat that has been designated as a critical or essential habitat.

#### A.4.6. *Other Laws*

Projects requiring Federal and/or Department actions, such as funding or Consents, may be subject to the National Environmental Policy Act, the National Historic Preservation Act, Section 4(f) of the Department of Transportation Act, the Pennsylvania History Code, and/or Pennsylvania Act 120. The Development Entity must conduct all investigations and prepare all documentation necessary to comply with these and any other applicable Environmental Laws.

#### **A.5. Interagency Coordination**

It is the Development Entity's sole responsibility to coordinate with Governmental Authorities so that the Project is in compliance with all Federal, State and local Environmental Laws.

#### **A.6. Initial Submission of Environmental Management Plan**

Section B of this Volume requires the submission of an Annual Environmental Management Plan by the Development Entity to the Department for Approval by the Department. The Development Entity must submit the Environmental Management Plan to the Department for Approval no later than 120 days after the Closing Date, as defined in the PPA, unless otherwise agreed to by the Department and the Development Entity.

The Development Entity must submit all plans required by other Governmental Authorities as required by each Governmental Authority.



## **CHAPTER B: ENVIRONMENTAL MANAGEMENT PLAN**

### **B.1. Definitions**

The definitions, acronyms and abbreviations contained in Volume III are incorporated herein.

**BMP:** Best Management Practice **CFR:**

Code of Federal Regulations

**Consent:** A permit, license, authorization or other approval required by any Governmental Authority.

**Emergency:** An unforeseen occurrence or combination of circumstances, that calls for immediate action or remedy.

**Environmental Law:** Any Federal, State, or local, law, regulation, ordinance or other requirement pertaining to the environment.

**EPA:** Environmental Protection Agency

**E&SPC:** Erosion and Sediment Pollution Control

**Incident:** An occurrence or event, natural or man-made, requiring a response to protect life or property.

**ISO:** International Organization for Standardization **NPDES:**

National Pollutant Discharge Elimination System

**PADEP:** Pennsylvania Department of Environmental Protection

**PCSM:** Post Construction Stormwater Management

**PennDOT:** Pennsylvania Department of Transportation

**PSP:** Pennsylvania State Police **PWS:**

Public Water Supply

**Section 102 Permit:** NPDES and E&S

permits

**SPCC:** Spill Prevention, Control and Countermeasure **UST:**

Underground Storage Tanks

**WHPP:** Wellhead Protection Program

## **B.2. References**

The following comprises a partial list of Environmental Laws and publications that may apply to Operations and other projects and activities undertaken by the Development Entity. Environmental Laws and documents applicable to the Development Entity are the most current versions of those stated herein.

- Publication 10: “Design Manual Part 1 – Transportation Project Development Process”, PennDOT.
- Publication 24: “Traffic Noise Handbook”, PennDOT.
- Publication 321 “Project Level Air Quality Handbook”, PennDOT.
- PennDOT Publication 324: “Agricultural Resources Handbook”, PennDOT.
- Publication 546: “Threatened and Endangered Species Desk Reference”, PennDOT.
- Publication 584: Drainage Manual
- “Strike-Off Letters”, PennDOT.
- Section 4(f) of the Department of Transportation Act
- Bald and Golden Eagle Act
- Clean Air Act, as amended in 1990
- Clean Water Act of 1977
- Endangered Species Act of 1973
- Farmland Protection Policy Act
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
- Hazardous and Solid Waste Amendments of 1984
- Hazardous Materials Transportation Act
- International Organization for Standardization (ISO) 14001 (2015 revision)
- Management Directive 210.5 Amended, Department of PA Governor’s Office
- National Ambient Air Quality Standards
- National Environmental Policy Act
- National Historic Preservation Act
- Stormwater Management Act of 1978 (Act 167)
- Pennsylvania Act 120
- 17 Pennsylvania Code Chapter 45, Conservation of Pennsylvania Native Wild Plants
- 25 Pennsylvania Code Chapter 92, NPDES Permitting, Monitoring and Compliance
- 25 Pennsylvania Code Chapter 93, Water Quality Standards
  
- 25 Pennsylvania Code Chapter 105, Dam Safety and Waterway Management
- 25 Pennsylvania Code Chapter 106, Floodplain Management

- 25 Pennsylvania Code Chapter 124, National Emission Standards for Hazardous Air Pollutants
- 25 Pennsylvania Code 131, Ambient Air Quality Standards
- Pennsylvania Fish and Boat Code
- Pennsylvania Game Code
- Pennsylvania Hazardous Site Cleanup Act
- Pennsylvania Hazardous Material Emergency Planning and Response Act
- Pennsylvania History Code
- Pennsylvania Source Water Assessment and Protection Program
- Pennsylvania Storage Tank and Spill Prevention Act
- Pennsylvania Wild Resource Conservation Act
- Resource Conservation and Recovery Act of 1976
- Safe Drinking Water Act
- Solid Waste Management Act
- Superfund Amendments and Reauthorization Act of 1986
- Title 40 CFR Part 131 Water Quality Standards
- Title 40 CFR, Part 112, Oil Pollution Prevention
- Title 50 CFR Chapter 1 Part 17 Endangered and Threatened Wildlife and Plants
- United States Department of Agriculture, Soil Conservation Service Soil Survey

### **B.3. Policy for Environmental Management Plan**

#### *B.3.1. Objective*

The objective of the Environmental Management Plan is to ensure that the Development Entity has considered, trained, addressed and planned for situations that could be deemed as creating an endangerment to human health or the environment within or adjacent to the Project resulting from construction, operation, and maintenance of the Project.

#### *B.3.2. Responsibility of Development Entity*

It is the Development Entity's responsibility to establish, write and carry out a comprehensive Environmental Management Plan that addresses the protection of human health and the environment during operation of the Project, and to ensure that such Plan procedures are being implemented and enforced. This Chapter and its contents have been provided as a preparation guideline that addresses the minimum required criteria and is not intended to be all inclusive. The Environmental Management Plan must be updated and submitted annually to the Department for Approval. The Environmental Management Plan developed by the Development Entity should conform to ISO 14001, except that the Development Entity is not required to have the Environmental Management Plan approved by an independent certification body or registrar, although this is highly encouraged.

All appropriate Development Entity employees must be trained on and made aware of the Environmental Management Plan and all of the requirements under the applicable Federal, State, and local Environmental Laws.

This Chapter includes a general outline of the proposed Environmental Management Plan. This outline is intended only to provide guidance in the preparation of the Environmental Management Plan. This outline is intended only to provide guidance in the preparation of the Environmental Management Plan and is not intended to identify all of the environmental issues that must be addressed in the Environmental Management Plan. The Environmental Management Plan must be modified, revised or changed as appropriate to address specific issues, needs, improvements, or concerns related to the Project that develop over time or to incorporate any changes to the applicable Federal, State or local Environmental Laws.

Except for any remediation activities identified in the Development Entity and Lease Agreement, the Environmental Management Plan must reflect that contamination discovered on or emanating from the Project after the Closing Date must be the responsibility of the Development Entity.

### B.3.3. *Performance Time Frames*

The following table establishes the minimum frequency that the Environmental Management Plan is to be written and updated by the Development Entity and submitted to the Department for Approval. The Environmental Management Plan must be submitted annually for approval. The first annual update of the Environmental Management Plan must be submitted twelve months after the approval of the first Environmental Management Plan.

<b>Plan</b>	<b>Minimum Frequency of Occurrence</b>
Environmental Management Plan	Once Yearly

### B.3.4. *Acceptance Criteria*

The Environmental Management Plan will be considered provisionally acceptable for a particular year when the Plan has been written and updated by the Development Entity and submitted to the Department for comment and Approval. The Environmental Management Plan (and each update) will be considered final after the Development Entity has incorporated any comments made by the Department, and independent certification body and these changes have been approved by the Department and the independent certification body, as applicable.

## **B.4. Environmental Management Plan Preparation Requirements**

### *B.4.1. Introduction*

The Introduction Section of the Environmental Management Plan must contain a short introduction and must include a description of the persons or Governmental Authorities involved in the preparation of the Environmental Management Plan, a designated individual who is charged with the implementation and maintenance of the Environmental Management Plan and the overall goals and objectives of the Environmental Management Plan. At a minimum, this section must contain the following sub-sections:

- Purpose
- Scope and applicability
- The methodology used to develop and implement the Environmental Management Plan

### *B.4.2. General*

The General Section of the Environmental Management Plan must require the Development Entity to be responsible for all environmental Consents. The Development Entity must be listed as the operator on all Consents and must pay all environmental related fees, including permitting fees. The Department will be identified as the owner on all Consents. The Environmental Management Plan must include procedures and timetables for the Development Entity to apply for all environmental Consents as stated above.

### *B.4.3. Records*

The Environmental Records section of the Environmental Management Plan must require the Development Entity to maintain environmental records in accordance with Environmental Laws, including, but not limited to, the Department Records Policy as defined in Management Directive 210.5. The Environmental Management Plan must detail the required retention time periods for all for environmental records and provide the location of the record storage.

### *B.4.4. Operator's Consents*

The Operators' Consents Section of the Environmental Management Plan must require that the water treatment plants and wastewater treatment plants be operated by appropriately licensed and certified operators. These Operators, whether they work for the Development Entity or the Development Entity's Contractor, must meet all current Consent requirements required by Environmental Laws. Such Operators must be a Certified Operator with the correct certification class and subclass to operate the appropriate system. The Environmental Management Plan must include a list of Development Entity's operators and their license and certification information.

**B.4.5. *Environmental Facilities' Consents***

The Environmental Facilities' Consents section of the Environmental Management Plan must require the Development Entity to meet all current Federal, State and Local environmental Consent requirements for all facilities and operations including, but not limited to, the water treatment plants, non-transient water supplies, wastewater treatment plants and underground storage tanks (USTs). The Environmental Management Plan must include a list of each Consent required for operating and maintaining the Project.

**B.4.6. *Hazardous Materials Management/Response to Hazardous Materials Emergencies***

The Hazardous Materials Management/ Response to Hazardous Materials Emergencies section of the Environmental Management Plan must identify all materials (including wastes and other substances) that are or could potentially be harmful if released into the environment. The Development Entity must specify the appropriate management of these materials and substances in order to prevent an impact to the environment, in keeping with applicable provisions of the PennDOT Design Manuals, Hazardous Materials Transportation Act, Resource Conservation and Recovery Act of 1976, Superfund Amendments and Reauthorization Act of 1986, Clean Water Act, Pennsylvania Hazardous Material Emergency Planning and Response Act, and all other applicable Environmental Laws.

The Environmental Management Plan must include the steps required to respond to and report releases of hazardous materials to appropriate Federal, State, and/or local Governmental Authorities. There are generally two (2) different types of hazardous material surface spills that may occur within the Project. Hazardous materials incidents can be caused by vehicles on the Project or by spillage of materials used by the Project. Incidents on the Project could be due to vehicle fuel spills or spills of bulk or containerized materials that are being transported by over-the-road vehicles. Example response/ remediation policies are included in Exhibit A of these Technical Provisions.

The Environmental Management Plan must also include the decontamination procedures provided for in Volume II, Chapter E, "Snow and Ice Control Plan", of the Technical Provisions.

In accordance with Environmental Protection Agency (EPA) Oil Pollution Prevention Regulation at Title 40 of the CFR, Part 112, the Development Entity must implement and maintain (i.e., have reviewed and certified by a Professional Engineer licensed in the Department of Pennsylvania every five (5) years) the Spill Prevention, Control and Countermeasure (SPCC) Plans as part of the Environmental Management Plan. The Environmental Management Plan must address how these SPCC plans will be updated, implemented and maintained.. A copy of the entire SPCC Plan must be maintained at the facility and the plan must be available to EPA for on-site review and inspection.

#### B.4.7. *Air Permitting*

The Air Permitting Section of the Environmental Management Plan must include procedures to ensure that the Development Entity's Project operational and maintenance activities either remain under air permitting thresholds or the required air Consents are obtained for operation or maintenance activities. Portions of the Project are located in non-attainment areas of the Department. Operation of the Project may require air Consents, although the current operation of the Project is exempt because the calculated emissions do not trigger the need for a Consent to be obtained. The Environmental Management Plan must specify the procedures that will be taken to ensure that projects or operations meet all applicable Environmental Laws with respect to Air Permits.

#### B.4.8. *Herbicides and Pesticides*

The Herbicides and Pesticides Section of the Environmental Management Plan must specify, and require the Development Entity to follow, the proper storage and application of all herbicides and pesticides in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and in accordance with manufacturer's instructions.

#### B.4.9. *Wastewater Treatment*

The Wastewater Treatment Section of the Environmental Management Plan must identify all Consents applicable to wastewater treatment activities. This Section must require the Development Entity to comply with all conditions and limitations contained in all Consents issued by PADEP pertaining to wastewater activities and to obtain, maintain and replace, if necessary, any and all Consents required by any Governmental Authority.

The Development Entity must meet all wastewater treatment plant operational Consent conditions. The discharge monitoring reports must be submitted to PADEP by the Development Entity. The Environmental Management Plan must indicate the procedures that will be taken by the Development Entity should an exceedance of the discharge Consent occur. The Environmental Management Plan must require the solids generated from wastewater treatment plants be land applied in accordance with Consents issued by PADEP or other applicable Governmental Authority unless alternative means of disposal are approved by the applicable Governmental Authority.



The Environmental Management Plan must also require the Development Entity to operate, maintain and replace if necessary the septic tanks currently in operation and any other septic tanks required by the operation of the Project. In addition, the Development Entity must operate, maintain and replace if necessary any lift stations required by the operation of the Project. These lift stations are either in combination with a septic system or a connection to a municipal wastewater collection system.

The Development Entity must require in the Environmental Management Plan that if a septic system can be replaced with a connection to a municipal wastewater collection system, the connection will be made.

#### B.4.10. *Water Supply and Treatment*

The Water Supply and Treatment section of the Environmental Management Plan must require the Development Entity to operate and maintain public water supplies (PWS) as necessary for the operation of the Project. The Environmental Management Plan must require any public water supplies that may exist to be operated within regulatory limitations and standards and must specify those regulatory limitations and standards. The required analyses must be conducted and submitted to PADEP by the Development Entity. The Environmental Management Plan must indicate the procedures that will be taken should results from the analyses be outside regulatory limits.

The Development Entity must operate, maintain, and replace if necessary any drinking and/or irrigation water wells not co-located with a public water supply and any and all additional drinking wells necessary for the operation of the Project.

The Development Entity must require in the Environmental Management Plan that if a connection to a public water supply can be made to replace a non-PWS well, the replacement will be made.

#### B.4.11. *Community and Private Water Supply*

The Community and Private Water Supply section of the Environmental Management Plan must provide for the procedures for addressing potential groundwater quality issues. Pennsylvania's Wellhead Protection Program (WHPP) is a proactive effort designed to apply proper management techniques and various preventative measures to protect groundwater supplies thereby ensuring public health. EPA approved Pennsylvania's WHPP in March 1999. The WHPP is the cornerstone of the Pennsylvania Source Water Assessment and Protection Program, which is required under the Safe Drinking Water Act.

Private citizens or public water supply representatives may contact the Development Entity regarding ground water quality, including groundwater potentially impacted by de-icing chemicals. The Environmental Management Plan must require the Development Entity to inform PADEP and Department upon notification of potential groundwater quality issues.

The Environmental Management Plan must specify, and require implementation of, the steps that will be taken by the Development Entity, in general order of implementation, in response to the contact or question about ground water quality adjacent to the Project. Suggested steps are as follows:

- Determine, if possible, regional (background) concentration of the constituent(s) of concern for salty drinking water including sodium, chloride, and bromide; Establish from existing sources, general groundwater flow

direction;

- Locate and evaluate the well log(s) for the well(s) in question and those within one-half ( $1/2$ ) mile of the well(s) in question;
- Determine geology in general area as shown by located well logs;
- Determine general drainage pathways based on United States Geological Survey seven and one-half (7.5) minute series maps;
- Review the United States Department of Agriculture, Soil Conservation Service Soil Survey for the County; and
- Determine if any oil or gas wells are or have been in operation within two (2) miles of the well(s) in question (operation of these type wells may include introducing brine water into the subsurface).

After careful review of the information gathered, the Development Entity must make a recommendation to the PADEP as to whether to continue in the investigation of the complaint. If the decision to close the investigation is made by the PADEP, the person originating the complaint will be notified in writing. If the decision is made to continue the investigation, the Development Entity and the PADEP must perform a cooperative effort to outline additional steps.

#### B.4.12. *Storm Water Management*

The Storm Water Management Section of the Environmental Management Plan must address storm water management issues and Laws, and the Development Entity must obtain and comply with any Consents necessary to operate the Project including, but not limited to, a National Pollutant Discharge Elimination System (NPDES) permit. The Development Entity must comply with all Consent terms and conditions of any required NPDES permit. The Environmental Management Plan must require the Development Entity to maintain any existing Best Management Practices (BMP) and install additional BMP as required by Environmental Laws.

#### B.4.13. *Community Right To Know*

The Community Right-To-Know section of the Environmental Management Plan must require the Development Entity to prepare and submit Community Right-To-Know documentation on an annual basis. Tier II forms must be submitted in all cases in lieu of Tier I forms. Submission of Tier II forms are required by Title III of the Superfund Amendments and Reauthorization Act of 1986, Section 312, Public Law 99-499, codified at 42 U.S.C. Section 11022, if so requested by a Department emergency response commission, a local emergency planning committee, or a fire department with jurisdiction over the facility.

B.4.14. *Solid Waste Management*

The Solid Waste Management section of the Environmental Management Plan must specify procedures for proper management, including treatment, storage, and disposal, of solid waste in compliance with Environmental Laws, including but not limited, to the Resource Conservation and Recovery Act of 1976 (RCRA), Hazardous and Solid Waste Amendments of 1984, Pennsylvania Solid Waste Management Act, and Pennsylvania Hazardous Site Cleanup Act. Procedures must include, but not be limited to the procedures for proper hazardous waste-stream determination in accordance RCRA. All appropriate notifications and documents must be prepared and submitted to the appropriate Governmental Authorities by the Development Entity. The Plan must indicate how potential disposal facilities will be evaluated prior to shipment of any solid waste, whether non-industrial, industrial, or hazardous. The Environmental Management Plan must also include procedures to manage road kill wastes.

B.4.15. *Chemical Supply and Choice*

The Chemical Supply and Choice section of the Environmental Management Plan must include a section regarding the responsible choice of chemicals purchased for use to minimize hazardous waste generation.

B.4.16. *Training*

The Training Section of the Environmental Management Plan must include the training requirements and certifications for all appropriate personnel, whether they are personnel of the Development Entity or its Contractors. In addition, this section must require that the personnel have completed the most current training, possess the proper and current license or certification and qualifications to operate the particular equipment.

The types of training required include, but are not limited to:

- Contingency Plan/SPCC Plan
- RCRA Hazardous Waste Training
- Updates and training on new or revised regulations
- Continuing education as required by personal certifications and licensing
- UST Training

**EXHIBITS:**

- A. Process for Remediation of Hazardous Material Spill on Paved Areas
- B. Process for Remediation of Hazardous Material Spill on Grass Maintained Areas

**EXHIBIT A: PROCESS FOR REMEDIATION OF HAZARDOUS MATERIAL SPILLS ON PAVED AREAS**

In the event a spill occurs on the Project that affects paved areas or other non-paved surfaces, the company or party responsible for that spill must do the following:

**SPILL RESPONSE PROCEDURE FOR PAVED AREAS**

The Development Entity must require the remediation of any spill, of any quantity, be conducted by the company or person responsible for the spill. Upon the occurrence of a spill, the responsible party must immediately perform the following:

- Contact all applicable local, state and federal Governmental Authorities in order to report the spill and also immediately notify the Development Entity;
- Assess the situation to identify the material spilled and determine whether an immediate health or safety threat is present;
- Take all precautionary measures to eliminate any health or safety risks and notify the Development Entity personnel or Local and/or Pennsylvania State Police (PSP) if a need to secure the area is necessary; and
- Take steps to immediately contain the spill and prevent it from migrating further. Spill

reports must be made to the following:

- PADEP Regional Office  
Southcentral Region (717) 705-4705
- National Response Center (800) 424-8802
- The Local Emergency Response Center

Other contacts may include, but not be limited to:

- Pennsylvania Emergency Management Agency (717) 651-2001
- Pennsylvania State Fire Marshall (717) 787-4713

## REMEDIATION ACTIVITIES FOR PAVED AREAS

In conducting remediation activities, the remediation company selected by the responsible party must follow the set of guidelines set forth below:

- The remediation company will contact the Development Entity prior to entering the Project to start clean-up.
- Based upon the material involved, the remediation company must identify any specific precautions that must be taken in performing a remediation.
- The remediation contractor to contact Development Entity personnel if there is a question as to whether a pavement needs to be removed.
- Pavement areas that have been impacted by the spill will be evaluated by competent Development Entity personnel to determine if the pavement needs to be removed. Development Entity personnel may request the assistance from the remediation contractor in making the evaluation.
- If pavement needs to be removed competent Development Entity personnel will determine the length, width and depth of such removal as well as the type of asphaltic material to use.
- It will be the responsibility of the remediation contractor to secure the assistance of a milling and paving contractor to perform the pavement replacement operations.
- The remediation contractor and sub-contractors to schedule the repairs in a timely manner and to notify Development Entity personnel when such repairs are scheduled.
- All contaminated material to be removed from the Project at the time of cleanup, unless other arrangements have been made acceptable to Development Entity personnel.

In the event that there is not a PSP unit on scene, it is the duty of the Development Entity to contact the PSP when there is a spill of any quantity. In the event of PSP presence, they will be in charge of all accidents/ incidents and will contact the company or persons responsible for the spill and inform them that they are to contact a remediation company. PSP may notify all applicable federal, state and/or local Governmental Authorities of the spill; however, it is the responsibility of the person or entity that caused the spill to make the required reports to the appropriate Governmental Authorities. In the event a PSP unit is not on the scene, Development Entity personnel will notify the company or persons responsible for the spill and inform them that they are to contact a remediation company and to notify all applicable federal, state and/or local Governmental Authorities of the spill.

The remediation contractor must provide a full report to the Development Entity for each Incident and the Development Entity must provide a full report to the Department within seven (7) Business Days following each Incident.

**EXHIBIT B: PROCESS FOR REMEDIATION OF HAZARDOUS MATERIAL SPILLS  
ON GRASS MAINTAINED AREAS**

In the event a spill occurs on the Project that affects grass maintained areas or other non-paved surfaces, the company or party responsible for that spill must do the following:

**SPILL RESPONSE PROCEDURE FOR GRASS  
MAINTAINED AREAS**

The Development Entity must require the remediation of any spill, of any quantity, be conducted by the company or person responsible for the spill. Upon the occurrence of a spill, the responsible party must immediately perform the following:

- Contact all applicable local, state and federal Governmental Authorities in order to report the spill and must also immediately contact the Development Entity;
- Assess the situation to identify the material spilled and determine whether an immediate health or safety threat is present;
- Take all precautionary measures to eliminate any health or safety risks and notify the Development Entity personnel or PSP of a need to secure the area if necessary; and
- Take steps to immediately contain the spill and prevent it from migrating further. Spill

reports must be made to the following:

- PADEP Regional Office  
Southcentral Region (717) 705-4705
- National Response Center (800) 424-8802
- The Local Emergency Response Center

Other contacts may include, but not be limited to:

- Pennsylvania Emergency Management Agency (717) 651-2001
- Pennsylvania State Fire Marshall (717) 787-4713

## REMEDIATION ACTIVITIES FOR GRASS MAINTAINED AREAS

In conducting remediation activities, the remediation company selected by the responsible party must follow the set of guidelines set forth below:

- The remediation company will contact the Development Entity prior to entering the Project to start clean-up, even if there will be no operational impact.
- Based upon the material involved, the remediation company must identify any specific precautions that must be taken in performing a remediation.
- All contaminated soil must be removed from the Project.
- All soil removed must be replaced with black dirt or topsoil that will grow grass.
- The area must be restored to the original grade so that a low spot or hollow area is not created.
- A PennDOT seed mixture must be used for seeding the affected area.
- The topsoil must be covered with an erosion control mat after seeding to control erosion and to promote the growing of the grass.
- All contaminated soil and material must be removed from the Project and properly disposed of at the time of cleanup, unless other arrangements have been made acceptable to Development Entity personnel.
- The remediation company and the responsible party must at all times cooperate with all local, state and federal officials involved in the spill response and remediation.

In the event that there is not a PSP unit on scene, it is the duty of the Development Entity to contact the PSP when there is a spill of any quantity. In the event of PSP presence, they will be in charge of all accidents/ incidents and will contact the company or persons responsible for the spill and inform them that they are to contact a remediation company. PSP may notify all applicable federal, state and/or local Governmental Authorities of the spill; however, it is the responsibility of the person or entity that caused the spill to make the required reports to the appropriate Governmental Authorities. In the event a PSP unit is not on the scene, Development Entity personnel will notify the company or persons responsible for the spill and inform them that they are to contact a remediation company and to notify all applicable federal, state and/or local Governmental Authorities of the spill.

## ALL OTHER NON-PAVED AREAS

In the event that a spill affects an area that is not grass maintained but is non-paved, the remediation process will be the same as for Grass Maintained Areas except that all of the contaminated material will be removed and clean like material replaced to the original grade. Topsoil, seed and erosion control mats will not be required.

The remediation contractor must provide a full report to Development Entity for each Incident, and the Development Entity in turn will provide a full report to the Department within seven (7) Business Days following each Incident.