pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHWEST REGIONAL OFFICE

RECEIVED 3/22/13

March 19, 2013

Mr. Bernard Lockard.
Bernard III Land Company, Inc.
PO Box 128
Indiana, PA 15701

Re: Site Characterization/Remedial Action Plan Approval
Facility I.D. 32-32708
Bernard III Land Company Indiana Site
4470 West Pike Road
Armstrong Twp.
Indiana County

Dear Mr. Lockard:

The Department of Environmental Protection (Department) has reviewed the Site Characterization Report (SCR) dated June 11, 2012 and the Remedial Action Plan (RAP) dated November 30, 2012 submitted by DMS Environmental Services, Inc. The SCR was received June 13, 2012 and the RAP was received December 4, 2012. The release at this facility was originally confirmed on December 30, 2009. The SCR/RAP identifies each of the specific regulated substances involved in the release.

Our review confirms that your analyses for compounds of potential concern (COPCs) were based on the short list of parameters that was published in the Technical Guidance Manual subsequent to March 15, 2008. Section 4.5 of the RAP indicates that soil excavation is proposed for site remediation. Subsequent soil and groundwater analyses will be evaluated to determine if Statewide Health or Site Specific Standards will be applied at this site.

Please note that figure 4.3 in the RAP indicates that the area proposed for excavation will include a PENNDOT Right-Of-Way. Department approval of this RAP does not constitute approval to excavate in the PENNDOT Right-Of-Way.

This RAP is hereby approved by the Department, contingent upon PENNDOT approval to excavate in the above referenced Right-Of-Way. This approval is based upon specific information supplied by your consultant. Remediation goals will determined upon evaluation of data subsequent to the proposed excavation and are based upon chemicals of concern listed in your RAP. If you wish to modify this RAP, you must request approval for such a change with written correspondence to the Department.

Please note the Uniform Environmental Covenants Act (Act 68 of 2007) Title 27, Pa C.S. Chapter 65 (UECA), which became effective on February 19, 2008, provides a standardized process for creating, documenting and assuring the enforceability of activity and use limitation on contaminated sites involving most engineering controls used to achieve Act 2 standards. For

Storage Tank cases that require an environmental covenant, the remediator shall provide the environmental covenant to the Department no later than thirty (30) days after the receipt of written approval from the Department of a Remedial Action Completion Report. The Department will have to review and approve/disapprove such covenants within ninety (90) days of the receipt of the environmental covenant. Within ninety (90) days after the environmental covenant has been approved and signed by the Department, the person who submitted the covenant shall provide the Department with proof of recordation of the approved environmental covenant, unless the Department agrees to an extension of time. It is strongly recommended that a draft covenant be submitted for review prior to the submission of a Remedial Action Completion Report. A non-refundable of $500 shall be submitted to the Department with each environmental covenant appropriately signed by all parties, other than the Department. Further information about UECA may be found on the Department's web site at http://www.depweb.state.pa.us, under the key word Land Recycling.

If you have any questions, please contact me at mhartley@state.pa.us or telephone number 412-442-4085.

Sincerely,

Michael Hartley, PG
Licensed Professional Geologist
Storage Tank Section
Environmental Cleanup & Brownfields

cc: William Hoffman, P.G.
Gerald Hawk
Robert Breakwell