



Bishop Tube HSCA Site

Consent Decree Key Provisions

March 6, 2026

- The Settlers have agreed to establish a qualified settlement trust fund (the trust) to fund the remedial response action at the Site, as follows:
 - JMI and Whittaker, jointly, have agreed to pay \$7,335,000;
 - CDP has agreed to pay \$1,250,000; and
 - Marcegaglia has agreed to pay \$400,000.
- JMI, Whittaker and Marcegaglia have agreed to establish a financial assurance fund totaling \$2,500,000 to serve as a financial reserve for any additional remedial response action activities that DEP deems necessary to address known contaminants in any area of previously unknown contamination that are discovered during the Data Gap Pre-Design Investigation.
- CDP has agreed to serve as a Settlor Work Party, using the money in the trust with DEP oversight to perform remedial response action activities in accordance with DEP's Statement of Decision (SOD) for the Site.
- The Consent Decree establishes deadlines for the submittal of work plans, remedial designs, reports, and a Post Remedial Care Plan, summarized in Table 1, below.
- In the event a reason exists to modify or replace the response actions selected in the SOD, DEP may reopen the administrative record for public comment.
- In the event it is anticipated that funds in the trust will be depleted before the remedial response actions will have been fully performed, CDP shall submit a written Declaration of Inability to Complete the Remedial Action report to DEP that requests a certification of completion of the remedial response actions. If, after review of the written report submitted by CDP, DEP determines that the remedial response action activities have been implemented in accordance with the SOD and there are insufficient funds to complete the remedial response actions, DEP will provide to CDP a Statement of No Further Remedial Action Obligations under this Consent Decree, and DEP will perform the remaining remedial response activities.
- The Consent Decree provides DEP access to the source property and any other property owned by CDP necessary to perform remedial response activities related to the source property.
- CDP will execute the Environmental Covenant, attached to the Consent Decree as Appendix E, and record it on the deed of the source property with the Chester County Recorder of Deeds, assuring certain engineering controls and institutional controls for the source property.

- Prior to the occupancy of any structures at the source property or any parts of the property, CDP, shall install (or require a third party to install) and confirm the proper operation of any engineering controls and any institutional control required in order to be protective of the health of occupants of the structures, which also shall be in accordance with the Environmental Covenant recorded on the deed of the source property or any parts of the property.
- Within 7 calendar days of receipt, CDP shall submit to the DEP electronic copies of the laboratory reports of all sampling or tests.
- On a monthly basis, CDP shall submit electronic copies of each progress report to DEP and to East Whiteland Township.
- DEP shall review and approve all cost estimates and invoices associated with the remedial response activities work.
- In the event that the DEP determines that CDP has failed to fulfill any obligations as required under the Consent Decree or that CDP is performing any of the remedial response activity inconsistent with the SOD. DEP may declare CDP to be in default of the Consent Decree, and DEP may proceed to undertake the performance of that work with the remaining funds in the trust.
- JMI, Whittaker, CDP, and Marcegaglia receive limited liability protections through the Consent Decree and agree to certain covenants not to sue each other.
- DEP agrees not to sue Settlers for costs and damages related to the Site subject to certain conditions.
- The Consent Decree resolves CDP of further liability or obligations under the 2005 Consent Order and Agreement (Prospective Purchaser Agreement) entered into between CDP and DEP.
- Any person considering taking legal or equitable interest of the source property may communicate directly with DEP at least ninety (90) days prior the contemplated transfer of the source property to inform DEP of its intent to acquire such interest in the source property and, provided that such person meets the terms and conditions set forth in the draft Consent Order and Agreement (Prospective Purchaser Agreement), attached hereto, at Appendix F, DEP may enter into that Prospective Purchaser Agreement with that buyer, providing it, with, among other considerations, limited liability protection, in exchange for other consideration, including financial payment to DEP for its response costs, possibly performing remedial response activities, access rights, and implementing, operating, and maintaining engineering controls and institutional controls.
- For sixty (60) days until May 14, 2026, DEP will receive comments relating to the consent decree and the trust agreement for its consideration. The Consent Decree shall be effective upon the date of entry by the Court after DEP has filed a response to any significant written comments, should DEP proceed to finalize the Consent Decree after its review of comments and responding to them.

Table 1: Consent Decree Timeline

Who	Consent Decree Paragraph Reference	Activity	When
CDP	9	Submit Preliminary Institutional Control/Engineering Control & OU1 remedial design investigation (“RDI”) work plan (“WP”)	within 7 days of the Effective Date of the Consent Decree
DEP	11	Review Preliminary IC/EC RDI WP	within 60 days of its receipt
CDP	13	Implement and complete the IC/EC RDI work	within 100 days of DEP's approval IC/EC RDI WP
CDP	14	Submit a Preliminary IC/EC RDI Report, coupled with the OU1 Soils Basis of Design (BOD) (i.e., 30% design)	within 30 days of completing the work
DEP	16	Review the Preliminary IC/EC RDI Report, coupled with the OU1 Soils BOD	within 80 days of its receipt
CDP	17	Submit OU1 Soils 90% Remedial Design	within 60 days of DEP's approval of the Preliminary IC/EC RDI Report and written comments on the OU1 Soils BOD
DEP	18	Review OU1 Soils 90% Remedial Design	within 110 days of its receipt
CDP	19	Submit OU1 Soils Final Remedial Design (100%)	within 30 days of DEP's comments on the 90% OU1 Soils Remedial Design
DEP	20	Review OU1 Soils 100% Remedial Design	within 45 days of its receipt
CDP	21	Implementation of the soil remedial action	within 90 days of DEP's approval of the 100% OU1 Soils Remedial Design
CDP	22	Submit OU1 Soils Final Report	within 30 days of completing the work
DEP	23	Review the OU1 Soils Final Report	within 80 days of its receipt
CDP	24	Submit OU2 Groundwater RDI WP	within 30 days of DEP's approval of the OU1 Soils Final Report
DEP	25	Review of OU2 Groundwater RDI WP	within 60 days of its receipt
CDP	27	Implementation and completion of OU2 Groundwater RDI	within 45 days of DEP's approval of the OU2 Groundwater RDI WP
CDP	28	Submit the OU2 Groundwater RDI Report	within 60 days of completing the work

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CDP	29	Submit OU2 Groundwater BOD	within 30 days of submitting the OU2 Groundwater RDI Report
DEP	30	Review of OU2 Groundwater RDI Report and BOD	within 60 days of its receipt of the OU2 Groundwater BOD
CDP	31	Submit OU2 Groundwater 90% Remedial Design	within 90 days of DEP's comments on the OU2 Groundwater BOD
DEP	33	Review of OU2 Groundwater 90% Remedial Design	within 120 days of its receipt
CDP	34	Submit OU2 Groundwater 100% Remedial Design	within 30 days of DEP's comments on the OU2 Groundwater 90% Remedial Design
DEP	35	Review of OU2 Groundwater 100% Remedial Design	within 45 days of its receipt
CDP	36	Implement and complete the groundwater remedial action work	within 120 days of DEP's approval of the OU2 Groundwater 100% Remedial Design
CDP	36	Submit Final Report & Post Remedial Care Plan	within 60 days of completing the work
DEP	90	Review of Final Report & Post Remedial Care Plan	within 90 days of its receipt