



April 5, 2017

Anderson Hartzell  
Acting Regional Director  
Pennsylvania Department of Environmental Protection  
2 E. Main St.  
Norristown, PA 19401

Dear Mr. Hartzell,

According to a June 20, 2016 email from Jonathan Spergel of Manko Gold & Katcher law firm to PADEP employee Sachin Shankar and former employee Cosmo Servidio, Bishop Tube has sought advance agreement from PADEP for the following for its proposed development project:

“c. Relief Required:

- i. Managing volume for 2-year 24-hour storm on-site
  1. Need relief from infiltration on at least the bottom 2/3ds of site;
  2. Such relief cannot come at the expense of requiring utilization of slow-release BMPs that would reduce townhome units.
- ii. Riparian buffers – CDP can remain outside of the 100-foot buffer, but CDP simply cannot secure the required amount of density without disturbing 100’ to 150’. Further, it is impossible for CDP to satisfy the current Department equivalency demonstration worksheets for disturbance between 100’ and 150’. These worksheets are not regulation, and the Department should allow CDP to make an alternative, more qualitative equivalency demonstration. **Anti-degradation requirements would still be satisfied.”**

In addition, in the same email, Spergel sought requests, on behalf of Constitution Drive Partners,

- “3. Rescission of covenant not to sue termination letter. CDP is fully committed to trying to successfully redevelop and remediate the site, and in fact has identified the real possibility

DELAWARE RIVERKEEPER NETWORK  
925 Canal Street, Suite 3701  
Bristol, PA 19007  
Office: (215) 369-1188  
fax: (215) 369-1181  
dm@delawareriverkeeper.org  
www.delawareriverkeeper.org

of securing a \$1 Million grant, as well as agreeing to contribute up to \$500,000 of private matching funds. CDP believes it is time to rescind the letter, which has been a further stigma for the project.”

None of these requests are appropriate for a project that is already fraught with so much negative environmental and community impact. What is PADEP’s current stance on these issues?

In this same June 24, 2016 email it is asserted that the limit of CDP’s commitment to remediate the site is \$1.5 million with \$1 million of that being in the form of a grant from the State and only \$500,000 being from CDP itself. Anything above the \$500k commitment from CDP seems, as suggested by the email, to be out of bounds, and instead CDP is asking if DEP can secure any additional needed funds from other parties involved with this contaminated site. Can you please provide the status of these conversations regarding funds?

We note that according to a January 22, 2016 email from Jonathan Spergel of Manko Gold & Katcher, there was a threat of a claim of taking if PADEP took the position that full remediation of the site would be required prior to development. This is, of course, a spurious and charged claim. What position has PADEP taken on this false legal claim?

We will be submitting comments to you as new and concerning information emerges and comes to our attention. Given the speed with which PADEP is suddenly seeking to advance this project in partnership with CDP, and given the severity of the concerns at issue, we feel this is the most appropriate and responsible path for us to take.

With regards,



Maya K. van Rossum  
the Delaware Riverkeeper

cc:

Senator Andy Dinniman  
Representative Duane Milne  
PADEP Acting Secretary Patrick McDonnell