



May 16, 2017

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

**Re: DEP May 12, 2017 letter**

Dear Mr. Hartzell,

I am writing in partial response to your letter of May 12, 2017. I am very disappointed to see your blatant mischaracterization of what the Delaware Riverkeeper Network has said about the remediation plans for the Bishop Tube site. Your letter falsely asserts that I and the Delaware Riverkeeper Network have suggested that the only work DEP is pursuing for remediation of the Bishop Tube site is this inadequate, partial clean-up plan being proposed by Constitution Drive Partners and O'Neill Developers.

Our letters to PA DEP very clearly lay out our position, concerns and questions regarding the partial clean up proposal for the near term and our efforts to redirect your energies towards pursuing the full clean-up plan instead. We have never stated that the current, inappropriate partial clean-up is your only effort at the site

That being said, it is very clear that DEP is currently pursuing an inadequate partial clean-up of the site in order to accommodate a massive residential development project without a plan for when, how and to what degree the site will be fully cleaned up. And in so doing, you are seeking a near term plan that will allow ongoing contamination to continue, that will exacerbate environmental degradation with the new development, and will be bringing new families (over 200 of them if the developer has his way) to this ongoing contamination.

Respectfully for the Record,

A handwritten signature in blue ink that reads "Maya K. van Rossum".

Maya K. van Rossum  
the Delaware Riverkeeper

DELAWARE RIVERKEEPER NETWORK  
925 Canal Street, Suite 3701  
Bristol, PA 19007  
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Cc:

Secretary Patrick McDonnell, PADEP

Regional Director Patrick Patterson, PADEP SouthEast Regional Office

Senator Andy Dinniman

Senator Daylin Leach

Representative Duane Milne

EPA Region III

Secretary Dennis Davin, DCED

Deanna Tanner, Attorney, Delaware Riverkeeper Network

Jordan Yeager, Curtin & Heefner, Counsel for the Delaware Riverkeeper Network

May 12, 2017

MAY 16 2017  
RECEIVED

Ms. Maya van Rossum  
Delaware Riverkeeper Network  
925 Canal Street, Suite 3701  
Bristol, PA 19007

Re: Bishop Tube HSCA Site  
East Whiteland Township, Chester County

Dear Ms. van Rossum:

Thank you for your letter dated April 19, 2017. We appreciate your concern regarding the proposed development of the Bishop Tube HSCA Site (Site) by the current owner of the property, Constitution Drive Partners L.P. (CDP).

While we understand that CDP is proposing residential development at the Site, CDP has not yet submitted any permit applications related to proposed development activities such as storm water management, etc. Moreover, we consider any local land development issues such as zoning or other local ordinance matters to be exclusively within the purview of East Whiteland Township. Please know that the Department takes no position with regard to how the Township responds to those issues, and we would respectfully suggest that any interest you may have in the end use for the property should more properly be directed towards CDP and the Township.

As you know, CDP has expressed its intent to partner with the Chester County Economic Development Council (CCEDC) to apply for a grant under the Industrial Sites Reuse Program (ISRP) administered by the Department of Community and Economic Development (DCED). The grant amount is for \$1 million, and, as a requirement, CDP must contribute at least a 25% match. The grant monies are proposed to be used by CCEDC and CDP to excavate the most highly contaminated areas of the Bishop Tube property, transport these contaminated soils to an off-site disposal facility, and backfill the areas with clean fill. In addition, the proposal includes demolition of the on-site abandoned buildings to facilitate safe and complete removal of the contaminated areas.

While DCED will ultimately decide whether or not to issue the grant, the Department's responsibility in this process is to review the Scope of Work (SOW) to determine if the proposed activities will comply with all of the environmental statutes that the Department administers. To date, we have reviewed and commented on versions of the SOW but have not yet issued any approval. On April 25, 2017, we received a revised SOW, which is currently under review. Please know that we will be closely scrutinizing the SOW to ensure that all activities, including such issues as fugitive dust emissions, are conducted in a responsible and lawful manner. In addition, if an ISRP Grant is awarded, the Department will be overseeing remediation work to assure that it is conducted in a manner that conforms to the approved SOW.

May 12, 2017

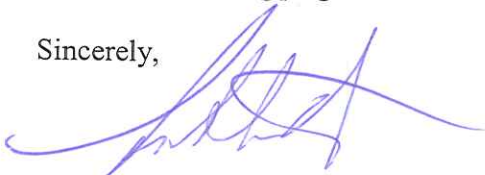
Please also understand that this grant project, if approved by DCED, will only constitute one step in the overall cleanup of the Bishop Tube Site. As you know, the Department is anticipating a final Remedial Investigation/Feasibility Study for the Site this summer and will then proceed to select a final remedial response action through the HSCA Administrative Record process. Once we have selected a remedy, we will proceed with implementing the remedy in a manner we deem most appropriate. Thus, to the extent that your comments suggest that work under the proposed grant will constitute the only cleanup work at the Site, please be advised that that is simply not the case.

One of the Department's top priorities is to provide an open and transparent information exchange with a wide variety of stakeholders. We continue to invite the general public to reach out to our HSCA program staff with questions as they pertain to this Site. Additionally, we encourage attorneys or those acting on their behalf to contact our project legal staff.

As part of our efforts to keep the public informed, we are pleased to inform you the Department has unveiled an informative webpage dedicated to Bishop Tube that we hope will provide a forum for public engagement and answer many of your questions. The page can be found by visiting: [www.dep.pa.gov/bishoptube](http://www.dep.pa.gov/bishoptube).

Thank you for your interest in this matter. I hope this information is helpful. If you have any questions or require additional information, please do not hesitate to contact Dustin Armstrong at 484.250.5723 or by email at [darmstrong@pa.gov](mailto:darmstrong@pa.gov) or Robert Schena, Esq. at 484.250.5865 or by email at [roschena@pa.gov](mailto:roschena@pa.gov).

Sincerely,



Anderson Lee Hartzell  
Acting Regional Director

cc: Senator Andrew Dinniman  
Representative Duane Milne  
Senator Daylin Leach  
Mr. Nagle - East Whiteland Twp.  
East Whiteland Twp. EAC  
Chester County Health Department  
Kinshasa Brown - U.S EPA Region III  
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