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**Subject: Bishop Tube Public Comment**

September 24, 2021, after over 3 decades of inaction, the Pennsylvania DEP released a public notice announcing a public comment period regarding a proposed remedial response action for the Bishop Tube HSCA Site to address soil, groundwater, surface water, and a residential drinking water supply contaminated by chlorinated solvents and/or inorganic contaminants of concern (COCs). The PA Bulletin Notice stated that the administrative record will be open for comment from September 25, 2021, until January 3, 2022 and set a public hearing for November 9, 2021 during which only those who registered at least 24 hours in advance would be provided 3 minutes to testify.

With all due respect, the DEP has shown a callous disregard to the East Whiteland community and the Little Valley Creek Watershed community; investing more time in crafting a deal that favors a developer than working to address the dangerous contamination and spreading pollution plume at/from the Bishop Tube site. The health, lives, peace of mind, and safety of impacted communities have been put at risk and damaged by the industrial activities and resulting toxic contamination at this site. DEP gave the residential developer, eager to make profits by constructing residential homes on a toxic site, incalculable hours and access to DEP staff over nearly 2 decades to make their case for residential development despite ongoing contamination and now you want to give the impacted community less than 2 months and just 3 minutes to assess a complicated remedial response plan and make their case to you at a public hearing regarding whether your proposed action is satisfactory for protecting their health, safety, environment and community. And you top it all off with a written comment period that ends on January 3, 2022, the day after the biggest holiday season of the year. It is notable and striking that DEP staff ensured that their holiday season was protected from this schedule; i.e. a hearing well before Thanksgiving and a comment review process that only begins after the year-end holiday season, while ensuring that the communities impacted by the toxic contamination of the site and its proposed residential development received the full blow of emotional, economic, and time pressure this punishing schedule will inflict. DEP's leadership should be ashamed of

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themselves for this schedule – a schedule clearly designed to punish impacted communities for having the gall to stand up and demand government undertake protective action.

It is time to show the East Whiteland and Little Valley Creek community the regard, respect and care they deserve by providing a more appropriate review, comment and hearing schedule and access to ask questions and get answers essential for informing their understanding of the proposal and perspective regarding what is being proposed.

We would like to see the review, hearing and comment process revised as follows:

- November 9, 2021 date changed from a hearing to a presentation where DEP presents to the community the details of its remedial action plan and answers questions posed by the community regarding what is being proposed.
- A public hearing and written comment deadline in late January so communities have a full period of time to review what is being proposed and to consider their comments that is not impacted by year-end holidays and are scheduled no earlier than January 31, 2022.
- The public given a more rational amount of time to testify at the public hearing; 3 minutes is wholly inappropriate given the highly detailed and technical proposal at issue and given the serious and significant impacts suffered by the community. Seven minutes is more rational. And DEP should remove all suggestion that community groups and organizations should feel constrained in offering testimony with limitations that only one person from a group can speak – community members are organized and united and a part of several groups; to suggest that a resident should not be entitled to speak because they are part of an organization from which another person has already testified, or to suggest that an organization that has multiple technical experts should not be given the time to allow each of those experts to testify in order to ensure a fully informed DEP and present public is simply inappropriate and unacceptable. In addition, one week should be provided between the hearing and the end of the written comment period to allow residents to benefit from what they have heard and learned during the public hearing process.

We would like you to announce a decision to change the November 9<sup>th</sup> meeting from a hearing to a public information session ASAP and no later than October 27, 2021, and announce an extended comment process within that same time frame.

The toxic conditions at this site are serious and need immediate attention and action and so this process needs to continue to advance apace; but it cannot and should not do so at the expense of ensuring the public has a full and fair opportunity to consider the detailed and highly technical information provided and to be meaningfully heard.

With regards,



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the Delaware Riverkeeper