

January 8, 2018

NOTICE OF VIOLATION

Mr. Guy Wolfington
Constitution Drive Partners L.P.
2701 Renaissance Blvd, 4th Floor
King of Prussia, PA 19406

Mr. Stephan Brower
Environmental Standards, Inc.
1140 Valley Forge Road
P.O. Box 810
Valley Forge, PA 19482-0810

Re: Bishop Tube Site
Final Discharge Mitigation Plan

Dear Mr. Wolfington and Mr. Brower:

On November 30, 2017, the Pennsylvania Department of Environmental Protection (“DEP”) received the above-referenced plan submitted by Environmental Standards, Inc. on behalf of Constitution Drive Partners L.P. (“CDP”) for the former Bishop Tube site (“Site”). After review of this plan, DEP offers the following comments:

1. Because sealing the effluent side of the manway with an inflatable plug on August 24, 2017 did not resolve discharge of water from the pipe, further steps are necessary to prevent the release of flowable fill material or other residues to Little Valley Creek. As stated in previous communications, we suggest performing an additional inspection of the pipe (video survey) to evaluate its integrity. We don’t believe the utilization of a flash light will accomplish this goal.
2. Drummed water evacuated from the manway must be handled and disposed of properly.

We request that you incorporate the comments described above into a work plan, and arrange for the work to be completed within the next 30 days. DEP appreciates CDP’s efforts towards resolving the continued discharge from sanitary sewer pipe into the Little Valley Creek. However, DEP remains concerned that the neglected infrastructure, associated with the storm water drainage system, installed on the former Bishop Tube property, continues to deteriorate and is allowing contaminated groundwater to discharge into Little Valley Creek via the property’s storm water drainage system.

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Review of the historic monitoring well analytical data presented in the Phase III – Supplemental Groundwater Investigation Report (Baker, 2004), in particular, chemical analysis from monitoring well, MW-4, which was drilled adjacent to the pit/impoundment area near Plant No. 8, indicates that groundwater in the area between the former production areas (i.e., Plant No. 5 and Plant No. 8) contained dissolved concentrations of total chromium and nickel exceeding their respective Act 2 statewide health standards. Additionally, fluoride, dissolved aluminum and dissolved iron exceeded their respective statewide health standards as secondary contaminants. In the samples collected from the pipe discharge in May 2017, aluminum, nickel and chromium were also detected above Act 2 statewide health standards. These results and observations of flow rates during rainy and dry periods suggest that the water leaking from the corroded sanitary sewer pipe into Little Valley Creek is Site groundwater. Additionally, a corrugated metal pipe adjacent to the leaking sanitary sewer pipe also continues to discharge water, even after extended periods of dry weather.

Based on the recent surface water data, the DEP suspects that the piping described above is a groundwater to surface water pathway that results in a continuing release of hazardous substances into the waters of the Commonwealth within the meaning of Sections 102, 501, 1101, 1104 and 1108 of the Hazardous Sites Cleanup Act, 35 P.S. §§ 6020.102, 6020.501, 6020.1101, 6020.1104 and 6020.1108. The above referenced, unpermitted discharge to Little Valley Creek constitutes violations of Sections 301 and 307 of the Clean Streams Law, the Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. §§ 691.1 - 691.1001 (Clean Streams Law). Such violations also constitute unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611, and are subject to the enforcement provisions of Section 605 of the Clean Streams Law, 35 P.S. § 691.605 which includes the assessment of civil penalties.

At this time, DEP believes that immediate actions are necessary to mitigate this release into Little Valley Creek. Within 30 days of the date of this letter, please submit a report describing what actions CDP has taken to address this release to the Little Valley Creek. If additional measures are required that extend beyond 30 days, please outline those measures with an implementation schedule in the report.

We encourage CDP to cooperatively work with Roux Associates, consultant for Johnson Matthey, Inc. and Whittaker Corporation, to mitigate the release. We also suggest that the parties work cooperatively with Marcegaglia, and Christiana Metals Corporation who will be receiving similar letters.

DEP also remains concerned regarding Site security and preventing trespassers from entering the property. Previous efforts to secure the Site, which included inspecting the fencing and repairing the fence when breaches were detected, may be insufficient going forward. During multiple visits over the past year, DEP has observed breaches in the fencing and no apparent attempts by CDP to repair the fencing. More actions are likely needed to secure the property.

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This letter is neither an order nor any other final action of the DEP. It neither imposes nor waives any enforcement action available to DEP under any of its statutes. If DEP determines that an enforcement action is appropriate, you will be notified of the action.

If you have any questions, please feel free to contact me at darmstrong@pa.gov or by phone at 484.250.5723.

Sincerely,



Dustin A. Armstrong
Environmental Protection Specialist
Environmental Cleanup and Brownfields

Enclosures

cc: Mr. Nagel - East Whiteland Twp.
East Whiteland Twp. EAC
Mr. Martin, P.G. - Roux Associates
Mr. Pavia - Christiana Metals Corporation
Marcegaglia Corporation
Mr. R. Patel
Mr. Hartzell, Esq.
Mr. Magge
Ms. McClennen
Mr. Staron, P.G.
Mr. Schena, Esq.
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