

August 28, 2017

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

Mr. Gregory D. Martin, PG
Roux Associates
402 Heron Drive
Logan Township, NJ 08085

Re: Bishop Tube Site
Pipe Discharge Mitigation Plan

Dear Mr. Wolfington and Mr. Martin:

On August 18, 2017, the Pennsylvania Department of Environmental Protection (“DEP”) met with representatives of Constitution Drive Partners L.P. (“CDP”), Roux Associates (consultant for Johnson Matthey, Inc. and Whittaker Corp.) and East Whiteland Township at the former Bishop Tube site (“Site”). As a follow-up to this meeting, CDP initiated the following actions to mitigate the pipe discharge:

1. On August 24, 2017, CDP sealed the pipes entering and exiting the manhole nearest Little Valley Creek utilizing inflatable plugs to stop the flow of water entering and exiting the manway.
2. As per the email dated August 21, 2017, CDP planned to monitor the pipe and the manhole on a weekly basis for a period of two weeks and periodically thereafter, and to check the manhole and pipe during storm or rain events. Please note that if water backs up in either manhole it should be characterized and disposed of properly.

As of August 28, 2017, it appears that CDP’s mitigation efforts did not completely abate this discharge. DEP believes that additional activities beyond those described above may be necessary to permanently abate this discharge to the stream. At this time, we are requesting the following actions:

1. Pursuant to Paragraph 5 of the 2005 Prospective Purchaser Agreement (PPA), which states that upon notice, the Developer shall immediately take steps to abate any such exacerbation in a manner approved by the Department, DEP has determined that additional abatement is necessary to address the discharge from this pipe. CDP should inspect the pipe by video surveying it to evaluate its integrity between the manhole and the discharge, and propose and implement steps to permanently mitigate this discharge.
2. Pursuant to Paragraph 5(b) of the 2008 Amended Consent Order, which requires Johnson Matthey and Whittaker to investigate groundwater to surface water pathways, Roux Associates should investigate the extent and location of pipe throughout the property. The Department considers the pipe to be a potential groundwater to surface water pathway into Little Valley Creek.

We suggest that CDP and Roux Associates work in cooperation to address and investigate the discharge from this pipe that is located on the property.

Please notify DEP and East Whiteland Township of your schedule for completing the above tasks and any additional tasks that you perform to investigate and mitigate this discharge. In addition, please keep DEP and East Whiteland Township informed on the results of the monitoring of both the plugged pipe and the manhole.

Our expectation is that a permanent solution related to the discharge associated with the pipe will be in place within 30-days of the date of this letter. 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

cc: Mr. Shankar, P.E.
Mr. R. Patel
Ms. Fields, P.E.
Ms. McClennen
Mr. Hartzell, Esq.
Mr. Schena, Esq.
Mr. Staron, P.G
Mr. Nagel - East Whiteland Twp.
East Whiteland Twp. EAC
Mr. Brower -Environmental Standards, Inc.
Re 30 (rc17ecb) 240.4