



June 20, 2017

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

Re: Bishop Tube Site
Pipe Leak/Discharge to Little Valley Creek

Dear Mr. Wolfington:

On May 2, 2017, the Department of Environmental Protection (DEP) collected samples from a liquid dripping from a rusted pipe which crosses Little Valley Creek (LVC) on the former Bishop Tube HSCA Site and from the stream upstream and downstream from the pipe discharge. The samples were tested by DEP's Bureau of Laboratories for volatile organic compounds and metals. I have enclosed copies of the sample results for your reference.

The samples were collected after an area resident reported observing the pipe was leaking into the LVC. Historically, this pipe had not been leaking when observed by DEP personnel. This pipe has now rusted through. On June 5, we provided you with a copy of the analytical laboratory reports for the samples. As you know, the sample results reveal elevated concentrations of Total Chromium, Total Nickel, and Total Aluminum, among others. Please be advised that DEP considers this leak to be an unpermitted discharge of an industrial waste to waters of the Commonwealth in violation 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 (the 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.

Within 30 days of the date of this letter please submit a plan for mitigating the discharge described above.

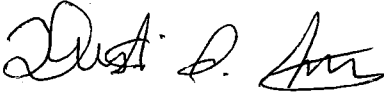
Also, please note that soil analytical data contained in reports prepared by Baker Environmental and Roux Associates, indicates that the metals detected in the pipe discharge are also present in subsurface soils in areas of the site once used for acid waste processing or disposal. While subsurface soils (i.e., > 2 ft. below ground surface) containing inorganic contaminants may not be considered a direct contact exposure risk under nonresidential exposure scenarios, they may require additional characterization and/or remediation to meet a residential standard under Act 2.

In addition, DEP has reviewed the recent East Whiteland Township Zoning Hearing Board decision regarding CDP's request for a variance to Township's steep slopes requirements. Please advise, as to the effect of this decision upon plans, as outlined in the April 25, 2017 Scope of Work (SOW), for Targeted Soil Remediation, to utilize native soils from unaffected areas of the property to replace contaminated soils removed under the SOW.

This letter is neither an order nor any other final action of DEP. It neither imposes nor waives any final action or enforcement action available to DEP under any of its statutes.

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

Sincerely,



Dustin Armstrong
Environmental Protection Specialist
Environmental Cleanup and Brownfields

cc: Mr. Nagle - East Whiteland Twp.
East Whiteland Twp. EAC
Ms. Baganski - CCEDC
Mr. Brower, P.G -Environmental Standards, Inc.
Mr. Spergel, Esq. - MGKF
Mr. Patterson
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