

From: [Michael Kahn](#)
To: [EP, SERO ECB](#)
Subject: [External] Bishop Tube Public Comment
Date: Tuesday, January 18, 2022 10:52:10 AM

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Dear Mr. Armstrong

DEP's proposed remedial action plan fails our community. You must do better.

DEP must require that all contaminated soils be removed from the Bishop Tube site to remove a long-term source of contamination. In addition, all groundwater contaminants of concern must be removed, or rendered completely inert or immobile for an indefinite period, including in soil and bedrock on and off the site. In locations where this is impossible, the remedy must prevent any contaminant of concern from becoming or continuing to be a contamination source and continue to reduce its concentration. DEP also must insure that any remedy chosen protects and does not further degrade the Little Valley Creek. And DEP must ensure that any remedy selected address all toxic contaminants of concern identified including, but not limited to, Trichloroethene (TCE), Vinyl Chloride, and Hexavalent Chromium.

The remedial action plan repeatedly calls for additional data and study in order to determine the extent of contamination and the final remedial action steps to take place. In other words, this is not a final plan upon which the community or experts can comment as there is a wealth of outstanding information and decisions to be made.

The remediation proposal fails to protect residential development of the site. And yet, residential development of over 90 homes is not just proposed for this site, but a residential site plan has been approved by the Township. Based on current facts, the future use of this site will be residential. Therefore, remediation of the site should meet the highest standards available for protecting residential uses at the site. Anything less than protection for residential use risks putting future families at risk. While the community is 100% opposed to any development of this site and is demanding that all government officials work to ensure its protection as natural open space, in perpetuity, for the benefit of the community, currently the proposed-approved-use is residential and that must be the end goal of this remediation plan.

The reports relied upon by DEP for its proposed remediation plan are fundamentally flawed. The reports are based on the assumption that soil on the site will be removed, when that is not in fact being proposed, and fail to consider other potentially hazardous Volatile Organic Compounds (VOCs) known to be present in the pollution plume and of environmental and human health concern.

Little Valley Creek has been designated as "Exceptional Value" under Pennsylvania state law. Exceptional Value designation entitles Little Valley Creek and associated wetlands to a higher legal standard of protection. The proposed remediation fails to meet DEP's legal obligation, or that of the responsible parties, to meet the applicable Exceptional Value legal standards and protections that apply to the Little Valley Creek and associated wetlands. Rather than consider

these as mandatory legal standards to be achieved, the DEP considers them as standards simply “to be considered.” This is a violation of state law.

Underlying modeling assumes no continuing source of TCE present at the site, despite acknowledging the presence of dense nonaqueous phase liquids (DNAPL) in deep bedrock that will in fact be a continual source affecting the environment in an ongoing way. The DEP and the experts they are relying on are speaking out of both sides of their mouths and picking “facts” that are most convenient for the interpretation and decision it is looking to advance. Facts are facts. DEP needs to be truthful, accurate and consistent.

DEP’s evaluation of the growing pollution plume ignores the presence of vinyl chloride, a confirmed and potent cause of cancer in humans and other animals which has been found onsite, may be carried by groundwater, and spreads faster than TCE. Community members and the environment have been deeply impacted by the toxins at, and emanating from, the Bishop Tube site. It is a betrayal of trust for DEP to not fully evaluate all dangerous toxins and the implications of any proposed remediation on their presence or spread.

There is a lack of information on the risks to the biota (plantlife, wildlife and aquatic life) at this site, in and around Little Valley Creek and downstream, including in the receiving streams of Valley Creek and the Schuylkill River. The municipality’s technical expert stated at the East Whiteland public hearing on 11/5/21 that the chemicals, not specified to date, to be used to decontaminate the soils through chemical oxidation and/or in situ chemical reduction, coupled with soil mixing, could affect the environmental biota at the Bishop Tube site and downstream. This concern has received no attention in any DEP analyses and response reports. We have a right to know what the impact will be on the natural environment there.

DEP has failed to use full, accurate, and robust science to ensure a complete total site cleanup that will protect present and future residents at the site, downstream from the site, and in neighboring communities. DEP has failed our communities for far too long, all along prioritizing the goals, desires and profit objectives of the responsible industries and developer rather than the health and safety of our communities and environment, including those being affected today and those who can and will be affected in the future.

The proposal fails to discuss the true history of this site, including with regards to proposed development. The multiple Prospective Purchaser Agreements (PPA) with the proposed developer, the damage to equipment installed to begin to address site contamination that was so detrimental it resulted in PADEP voiding key aspects of the PPA agreement, the changed/changing proposed (and now township approved) end use from commercial to residential, and the process and reason for the sweetheart deal struck with the proposed developer, are among the key historic facts not included in the proposed PADEP documentation. PADEP needs to provide full and fair information on the history and current proposal regarding site development.

The public hearing DEP held to allow residents to bring forth verbal comment was nothing short of abusive. The hearing was held November 9, 2021, a mere 45 days after release of the plan. Given the voluminous and highly technical remediation proposal, this was not enough time for full and fair community or expert review. There was no rational reason for a hearing to be held so early in the public comment process. The inequity of this short time in the one and only DEP hearing was compounded by the fact that residents were forced to testify to a blank computer screen that had nothing but a counting down clock. They could not see others

who were in attendance, and they could not see if the officials they were supposedly testifying to were in fact paying attention or simply cooking dinner, cleaning their office or folding laundry. The people of East Whiteland deserved to be able to speak, face to face, with the decision makers to whom they were testifying, and to see who was in the room and listening to what they had to say. The process selected by DEP was intimidating and not conducive to securing meaningful public comment.

PADEP should have agreed to the community request that it host a presentation and question & answer session for the community to discuss the remedial alternatives presented early in the process and certainly prior to any scheduled hearing. The video provided does not serve this purpose. The site developer and responsible parties have had unfettered access to DEP officials for decades. All the community has been seeking as part of this open comment period is a 3 hour public meeting to be able to ask questions and secure answers. To date, DEP has held only one public meeting years ago, which did not address the current proposed remedial action plan and therefore did not serve to inform the community in a way helpful to the current public comment process.

There is deep concern that the proposed remediation plan has many 'holes' in it and will exacerbate the pathways of the contaminants at the site including allowing toxins to become airborne as well as contaminating Little Valley Creek, growing the pollution groundwater plume and affecting our neighbors downstream.

We are concerned that the PADEP, in its cleanup proposal, mentioned unnamed chemicals would be used to break down toxins at the Bishop Tube site but have failed to consider, let alone expose, the health and environmental effects of these yet to be determined and/or unnamed chemicals.

The community is concerned that access via Village Way in General Warren Village will be required for the equipment needed to complete the cleanup and therefore an access road will be constructed that cuts through our community for this purpose. Construction of an access road, and using our community as a temporary or permanent cut through will inflict tremendous harm. An access road used for advancing this remediation will harm our community and environment; compromise the health and safety of our community through the remediation activities next door as well as from increased heavy traffic on our little local road in our small village; bring air and noise pollution from increased traffic into our now quiet community; put at risk our 'village' designation; harm the safety and joy of our kids playing in our community including in the now existing cul-de-sac. The use of our community as a cut through for advancing the remediation will greatly disrupt our quiet Village and be a danger to the children who play in our streets as well as the pets and walkers.

Bishop Tube is less than 1.5 miles from a DEP Environmental Justice area, and return of the site to a natural park, to blend into the forest around it and to protect Little Valley Creek, would provide Environmental Justice to those designated communities.

DEP itself acknowledges that its proposed remediation does not protect our environment or community. Mr. Dustin Armstrong of the DEP stated that:

People could come into contact with contaminated soil. Construction and utility workers could be exposed when working on the property. Vapor intrusion can migrate from soil or groundwater and enter occupied buildings. If buildings are constructed over or near soil contamination, a vapor intrusion (VI) exposure pathway could be opened. Vapor can intrude

through cracks in the foundation of homes. Contaminants can migrate into rainwater and into groundwater (as has been already found here, though the extent is not known). The DEP's recommended remedial actions might not treat all the soil at this site. Contaminants can be transferred from soil and migrate further into groundwater as rainwater moves downward. Contaminants can also be trapped in the soil only to be released into groundwater for the long term. TCE is the primary contaminant of concern in ground water and is found further away from the source than any other contaminant. Based on TCE concentration from some monitoring wells, residual free product could act as a long term source of groundwater contamination, and also discharge to Little Valley Creek.

The constant production of vinyl chloride that results from the breakdown of TCE in the groundwater, continuous discharges from the site into surface water, and continuous leaching of contaminants from the soil into the creek is not addressed in the cleanup plan.

The issues of the long term heavy metals effects on aquatic life is not discussed.

In general, the process of formal discussion of this site has always defended the use of the property for residential housing to produce monetary benefits to the developer and the township of East Whiteland, and has never directly addressed the many problems the people and other agencies (County Planning Comm., township EAC, federal ATSDR) have expressed about the risks to human and environmental health. This silence from DEP and East Whiteland Supervisors has been truly deafening, and its consistency, intransigency, and duplicity by the government to protect the welfare of the people is shattering. At no time has the actual reason for the refusal to protect this site been explained. The discussions and hearings describe a result that has been written in stone from the beginning – this is disturbing and both legally and morally wrong. It is heartless that the DEP and local government officials remain obdurate and uncaring, not even willing to explain or apologize for their decisions and willingness to put the health of the people and the environment at risk of both near-term and long-term harm.

East Whiteland Township paid for the open space evaluation from Natural Lands. That evaluation recommended the Bishop Tube site as permanent open space. DEP should comply with existing recommendations from the township and county and do their part to bring these plans to fruition. Submit Comments to PADEP over your concerns about the remediation of the contaminated Bishop Tube site

Sincerely,
Michael Kahn



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