

From: [REDACTED]
To: [EP, SERO ECB](#)
Subject: [External] Bishop Tube Public Comment
Date: Monday, January 31, 2022 3:07:22 PM
Attachments: [20220131 Comments to DEP Bishop Tube.pdf](#)

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Dear Mr. Armstrong

Attached in .pdf format are my personal comments regarding the Bishop Tube Public Comment. I assume that the .pdf format is acceptable. If not I have copied in the MS Word file below.

Pete Goodman

Please note current email: [REDACTED]

Cell Phone: [REDACTED]

January 31, 2022

Dustin A. Armstrong
Environmental Protection Specialist
Pennsylvania Department of Environmental Protection
2 East Main Street
Norristown, PA
RA-EP-SEROECB@pa.gov

Re: Bishop Tube Public Comment

Dear Mr. Armstrong,

Although I do not know you, I must question if Bishop Tube, for you, is a career? I have mentioned this to others who do know you and they seemed to think that was not the case. But as an outsider looking in, I wonder if that might be the reason for this site to get such delayed attention. DEP has had this site as a HSCA site since 1999 and it has taken until 2021 to get a proposed Remediation Plan – even though it isn't a real plan. I'll go into that later. If it is not you that is the problem then it must be the agency that you work for. Do you not have the resources to do your job in a timely manner? Are you not getting the support from your agency to make the hard decisions that are required and execute those decisions? Can you not assess financial liability to responsible parties and owners and get on with a real plan? I understand that negotiations would be preferable to court, but at some point in time action needs to be taken as we are talking health risks here for a community that is as far as I can tell still undefined for the long term. These chemicals are not going away and are continuing to

cause health risks to the community.

The above discussion of course leads me to who actually is in charge? Is it DEP? If so, I am very concerned about that. I am concerned because of DEP's lack of leadership, commitment and effectiveness in dealing with this HSCA site. After reviewing all of the interactions DEP has had with Constitution Drive Partners, L.P. (CDP) it would appear to me that DEP has been out negotiated at every step of the process. DEP has been unable to hold CDP's feet to the fire. It would also seem that CDP has out played East Whiteland Township as they have been able to get a residential development plan approved on this toxic site. It is not only CDP who DEP is unable to manage but the responsible parties, Johnson Matthey, Inc. and Whittaker Corporation. DEP has seemingly been unable to coerce them to do what is necessary to have Bishop Tube cleaned up or even identify the extent of contamination. At this late point in time can you answer the following questions?

1. Why did it take so long to list the Bishop Tube site on the Pennsylvania Priority list of Hazardous Sites (PAPL)?
2. Why has it taken so long to get a proposed Remediation Plan?
3. Who has the responsibility to oversee, design and effect the Bishop Tube clean up?
4. What are CDP's responsibilities with regard to the clean up?
5. What are Johnson Matthey, Inc. and Whittaker Corporation's responsibilities with regard to the clean up? Individually? Collectively?
6. Is there a time line for when a remediation plan must be implemented?

I have been working as a stream and fresh water advocate for more than 20 years. 51 years ago, I lived along Little Valley Creek and was drinking water from a spring that fed the creek on Valley Store Station Farm, 169 Morehall Road. My young wife and I were probably drinking contaminated water at that time. I started following Bishop Tube in 2007 when I read a series of articles in the Daily Local. In my view nothing much of benefit to anyone who has been affected by the Bishop Tube contamination has happened since DEP took on the site from the EPA.

The first definition of a "plan" I came across is "a detailed proposal for doing or achieving something." The Remediation Plan that DEP has put forward is hardly a plan. Although the plan document is long in its number of words, even with its profane use of anachronisms, it lacks critical details in identifying the contaminates of the site, the expanse of the plume and concentration, the remediation chemicals to be used and the final cleanup standards to be achieved. It also fails to say who is responsible for what portions of what needs be done, who is going to do those things and who is going to pay for those things. So, I must ask more questions.

1. What are the chemical contaminates on the Bishop Tube site? Is it not true that there are several contaminates that exist on site that are of concern and need to be remediated or removed before the site is safe for human habitation – a residential standard?
 - a. What of the presence of dense nonaqueous phase liquids (DNAPL) in deep bedrock?
 - b. What about the potentially dangerous Volatile Organic Compounds (VOCs) known to be present in the plume and on site?
 - c. Vinyl chloride - What is the plan supposed to do with this carcinogen?
 - d. Won't DNAPL be a continual source of contamination affecting the environment in an ongoing manner?

- e. What about PFAS and PFOS? They are being monitored downstream of Bishop Tube in Valley Creek? Is Bishop Tube a source? What is proposed to be done about these chemicals?
- f. What about the potential for production of daughter compounds?
- g. What about heavy metals? Are they being dealt with at all in your plan?
2. When will DEP know the extent of the contamination plume?
3. How will you determine the extent of the plume?
4. Will you make the extent of the plume public knowledge?
5. When will DEP have a Final Plan?
6. Will the Final Plan address clean-up to a residential standard? Will it be to the strictest human health standard?
7. Will The Final DEP Plan plan address all of the issues raised in this letter?
8. The writer is assuming that DEP has the ultimate responsibility to construct a remedial action plan. Is that correct?
 - a. If correct, then we need answers to the following questions to include 1) who or what entity is responsible for performing the task, 2) who will actually be performing the task, 3) who will be supervising the performance of the task, 4) who will be performing assessments of the progress and completion and finally 5) who is paying for the task and will that funding be adequate to fully fund the task?
 - b. Who is responsible for evaluation of emerging contaminants, delineation of soils to residential standards, and completion of horizontal and vertical delineation of ground water impacts, particularly with respect to deep bedrock?
 - c. Who is to remove the existing crumbling structures?
 - d. Who is to remove the hot spot contaminated soil?
 - e. Who is to do the "DEP's proposed remedy which includes In Situ Chemical Oxidation and/or In Situ Chemical Reduction ("ISCO/ISCR"), coupled with soil mixing to address unsaturated and saturated soils impacted by Site COCs; in situ injection of ISCO, ISCR or bioremediation amendments in the two primary chlorinated solvent source areas..."? And why just two areas when CDP was to remove soil from three hot spot areas in a prior plan?
 - f. Who will be the entity that will oversee and pushes the plan to successful conclusion?
 - g. Once the site is remediated to a standard, who is going to monitor the site and plume for completeness of task and to assure the local community of no further chemical contamination?

DEP's plan is flawed due to assumptions made that cannot stand up to scrutiny. The plan is based on reports with assumptions that the soil on site will be removed when in fact that is not what is in the Plan. The underlying modeling assumes no continuing source of TCE present at the site despite acknowledging the presence of dense nonaqueous phase fluids (DNAPL) in the deep bedrock that will be a continuing source of contamination.

DEP must require that all contaminated soil be removed from the site to eliminate a long-term source of contamination. Ground water contaminants must be removed or rendered inert or immobile including soil and bedrock on and off of the site.

Little Valley Creek is a headwater tributary to Valley Creek. The entire Valley Creek Watershed is designated as Exceptional Value. As the state's gate keeper for environmental protection, you know that a stream can only be as good as its headwaters. Little Valley Creek is being continuously contaminated by the contamination of Bishop Tube. You are not doing your job to protect Valley Creek. Where is your analysis of what the impacts of the chemicals on site and those proposed to be used on site are and will be on the flora, fauna and aquatic life of Bishop Tube and its plume. How will Little Valley Creek be protected during the remediation

process?

The PA Constitution guarantees us, the residents of PA, the right to clean air, clean water, and a healthy environment. Your inaction to date delivers three for three – potential dirty air, dirty water and a much less than a healthy environment. The DEP delays in moving forward without a “time is of the essence” mind set has exposed countless residents to long term exposure to toxic chemicals. This is a grave health issue.

DEP has a responsibility to communicate with the community which is affected by the Bishop Tube contamination. Thus far in the process it has failed to adequately communicate its work, its decision, and even follow its own rules when public input was required. DEP must do better. It must proactively ensure the safety of residents and clearly communicate how these efforts will be developed and executed. DEP needs to ensure an adequate opportunity for public input into remedial decisions as additional information becomes available.

Respectfully Submitted,

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