

March 27, 2026

**To: Governor Josh Shapiro
Elected to Serve The People of Pennsylvania
501 North 3rd Street
508 Main Capitol Building
Harrisburg, PA 17120**

**Dustin A. Armstrong
Environmental Protection Specialist
Pennsylvania Department of Environmental Protection
2 East Main Street
Norristown, PA 19401**

From: We The People

Re: Bishop Tube Consent Decree Public Comment

Since 1985, the Pennsylvania Department of Environmental Protection (PADEP) has known that the Bishop Tube Site located in East Whiteland Township, Chester County, PA was dangerously contaminated. Over the decades, the seriousness of the contamination and its dangers for the community and environment has been increasingly revealed as data has been collected and workers at the site have shared the horrifying disregard of site owners for the environment. Rather than take swift action to enforce existing laws and secure full cleanup of the site, the State allowed the site to languish in its toxic condition.

All the while, children played in the creek taking in the site's toxic contribution; neighbors naively enjoyed life unaware of the dangers located just next door; downstream communities fished and played in the flowing waters of Little Valley Creek, Valley Creek, and the Schuylkill River; and the people of Chester County and Pennsylvania naively believed their state environmental agency was looking out for the best interests of the people and environment of Pennsylvania, rather than the interests, profits, and goals of industry and developers.

Our eyes were opened in 2017 when we learned of an illegal sweetheart deal the state entered into with a developer seeking to construct more than 200 homes, bringing over 200 families, including children, to this toxic site while it remained in its toxic condition with no plan for its remediation. Worse yet, the deal was cut with a developer who, documents revealed, had

itself contributed to the site's ongoing toxic condition by damaging infrastructure that had been installed in an attempt to clean up at least some of the toxins there.***¹

Thanks to the vigilance and curiosity of Larry Stauffer, the first member of the General Warren Village community to notice activity at the site and start to question what was happening, and with the help of the Delaware Riverkeeper Network and Green Amendments For The Generations, the community exposed, challenged, and ultimately defeated the sweetheart deal with Constitution Drive Partners. Notably, Delaware Riverkeeper Maya van Rossum, the Delaware Riverkeeper Network, and 13 to-be-named neighbors were the target of a SLAPP suit by the developer, seeking to silence our opposition. In the end, justice prevailed and both the sweetheart deal and the SLAPP suits failed.

Imagine our surprise and disgust when, 8 years later, the community and environment were once again, the last to know and the ones sacrificed as PADEP sought to strike another sweetheart deal benefiting the corporations and developer responsible for the contamination at the Bishop Tube site.

With this foundation, **We The People of General Warren Village, East Whiteland Township, Chester County, the Schuylkill River Watershed, and Pennsylvania – write to urge, implore, plead and demand that PADEP – on its own or directed by Governor Shapiro who says he puts “People before Power” – give a more rational, realistic, and meaningful time for public comment** on the proposed consent decree with Whittaker Corporation (Whittaker), Johnson Matthey Inc. (JMI), Marcegaglia USA, Inc. (Marcegaglia), and Constitution Drive Partners, L.P. (CDP) to fund remediation efforts of the Site.

The comment period should 1) last at least a full 6 months for written comment, and 2) include at least 2 public meetings within the first 60 days of the comment period at which PADEP will present the proposed plan directly to the community; and 3) hold 2 public hearings at which concerned residents of the Commonwealth can speak directly via verbal testimony to PADEP, with a full transcript captured by a professional court reporter accompanied by a video recording of the hearings to be made public live during and after the hearing.

¹ *** This developer hired a contractor who, in the words of DEP, “destroyed the liquid boot while performing metals recovery activities within Building 8. Needless to say, **this action interfered with or impaired the SVE/AS system** that DEP had implemented **and potentially exacerbated the Existing Contamination at the site** in violation of the PPA and its two Amendments. DEP requested that CDP repair the liquid boot to allow for the continued operation of the SVE/AS system. This was never done, in continued violation of the PPA and its two Amendments.”

The Bishop Tube toxic contamination has been under study for decades. And for at least the past decade and largely driven by community demand, the PADEP has been researching, considering, and developing approaches and plans for remediation of the site's toxic contamination.

Because of advocacy and legal action led by impacted community members, including the family of Larry and Kate Stauffer, the Delaware Riverkeeper Network, and Delaware Riverkeeper M. van Rossum, a remediation plan is finally being put forth.

However, at a glance, we find this plan severely and sorely lacking:

- It fails to ensure full remediation of the site that is driven by science, environmental protection, and the near term and long term safety of our community - instead it is a plan that is driven by dollars, political, and business objectives;
- It fails to fulfill the legal obligations of state law and the Pennsylvania Green Amendment, Article 1 Section 27, that protects our RIGHT to pure water, clean air, a quality environment and natural resources for present and future generations;
- It prioritizes persons and businesses with a vested interest in securing a quick outcome, rather than a full and protective clean up.

While PADEP, the responsible corporations, and the developer have had years to discuss, assess, debate, and negotiate the current remediation plan, *We The People* are being given a mere 60 days to review all the data and plans, and put forth meaningful and informed comments on an outcome that will impact the rest of our lives.

The toxic contamination at the Bishop Tube site has had irreversible impacts on our environment and devastating consequences for real people. The stories of health impacts coming from former Bishop Tube workers and neighboring families is heart wrenching.

Just on its face – without the time or opportunity to secure the expert and legal reviews essential for full, fair, and responsible review of a remediation and development proposal (and yes, this is very definitely a proposal for development, not just clean up) – the proposed consent decree puts the fox in charge of the henhouse, providing tremendous economic benefit and legal protection to the perpetrators of the harm and those who have economically benefitted from it at our expense. Providing for those who have every reason to shortcut the toxic cleanup process and expedite site development regardless of the ramifications for real people, real children, and our cherished environment.

And so, We The People of General Warren Village, East Whiteland Township, Chester County, the Schuylkill River Watershed and Pennsylvania who will bear the

environmental, health and economic burdens of a failed remediation and development plan at the Bishop Tube site demand:

- 6 months - not just 60 days – to secure expert review and analysis, and provide full and informed comment on the proposed consent decree with Whittaker Corporation (Whittaker), Johnson Matthey Inc. (JMI), Marcegaglia USA, Inc. (Marcegaglia), and Constitution Drive Partners, L.P. (CDP) to fund remediation efforts of the Site; and
- We should be provided with at least 2 public meetings where PADEP presents to us what is being proposed; and
- 2 public hearings where concerned residents of the Commonwealth can speak directly via verbal testimony to PADEP, with a full transcript captured by a professional court reporter accompanied by a video recording of the hearings to be made public live during and after the hearing.

Respectfully the undersigned individuals and organizations,

Senator Katie Muth, Representing District 44 in Pennsylvania

Kate & Larry Stauffer

Elizabeth Stauffer (Brain Tumor Survivor)

Nicholas Stauffer

Cayley Dittmer

Michael, Jessica and Holly (their 1 year old daughter) Stauffer

Maureen Connolly

Eileen Ryan Romano

Joseph Romano

Barbara D. Arnold

Carol Rapp

Maya K. van Rossum, the Delaware Riverkeeper & Green Amendments Founder

Delaware Riverkeeper Network

Green Amendments For The Generations

Debra & Nick Mobile

Peggy & Ron Miros

Rhonda Funk

Deanna Fedor

Baily Funk

Pete & Judy Goodman

Sharon Connor

Carol L. Armstrong

