



Pennsylvania
Department of Environmental Protection

April 9, 2026

via email

Anneke L.W. van Rossum
Advocacy and Advancement Coordinator
Delaware Riverkeeper Network
925 Canal Street, 7th Floor, Suite 3701
Bristol, PA 19007

Re: Proposed Consent Decree - Public Comment Period
Bishop Tube HSCA Site
East Whiteland Township, Chester County

Dear Ms. van Rossum:

Thank you for your letters, dated March 27, 2026, requesting that the Pennsylvania Department of Environmental Protection (DEP) extend the 60-day public comment period for the proposed consent decree and a proposed Qualified Settlement Fund Agreement between DEP, Whittaker Corporation (Whittaker), Johnson Matthey, Inc. (JMI), Marcegaglia USA, Inc. (Marcegaglia), and Constitution Drive Partners, L.P. (CDP) implementing and funding the Hazardous Sites Cleanup Act remedial response at the Bishop Tube HSCA Site (Site). The Delaware Riverkeeper Network (DRN) is requesting that DEP extend the public comment period on the consent decree to six months and convene public hearings and meetings regarding the proposed settlement.

Your letter conveys concern that a 60-day comment period will not provide adequate opportunity to secure scientific and legal analyses and to review the large amounts of data and the strategies that the parties are proposing. However, no work plans or data are contained in the proposed consent decree, and the proposed consent decree does not change the remedy that DEP selected in 2022. DEP offered an extended comment period in 2021–2022 on that proposed remedy at the request of DRN. DRN and many others commented on the remedy at that time. Accordingly, DEP believes that the 60-day public comment period is sufficient to analyze the funding, framework, and schedule for implementing the remedy chosen in 2022 as set out in the proposed consent decree. This will allow the cleanup of the Site to commence as soon as possible following the response to comments and subject to Court approval.

Although we are not extending the comment period, consistent with Section 1113 in HSCA, DEP is committed to transparency throughout the remediation process. DEP will be routinely sending community update emails and updating our website as reports and work plans become available. DEP also plans to hold a public meeting this summer following the completion of the ongoing pre-design investigation. In addition, as we have discussed, DEP is committed to holding

additional public meetings and/or informal public comment opportunities at various stages throughout the remediation process.

Sincerely,

Patrick L. Patterson

Patrick L. Patterson
Regional Director
Southeast Regional Office

cc: Senator Katie Muth
Steve Brown, East Whiteland Township
Scott Lambert, Chair, East Whiteland Township
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