Commonwealth of Pennsylvania Department of Environmental Protection

ADMINISTRATIVE RECORD DOCKET

Bishop Tube East Whiteland Township, Chester County

Remedial Response Action

Opened for public comment date: September 25, 2021 Comment period closed date: January 31, 2022¹

Hard copies of the Administrative Record are available for review in DEP's Southeast Regional Office and the East Whiteland Township Municipal Building. An electronic copy of the Administrative Record is available on DEP's website for the Site:

- * Notation indicates that this information is incorporated into the administrative record only in the electronic version on DEP's website.
- ** Notation indicates that this information is incorporated into the administrative record electronically on DEP's website, and the hard copy is only in DEP's Southeast Regional Office.

Part I. Initial Investigation/Site Discovery

<u>Date</u>	Description
1968-1970, 1972 & 1973	Historical facility records, including, but not limited to, PA Department of Health ("DOH") PA Department of Environmental Resources ("DER") Waste Discharge Inspection Reports, National Pollutant Discharge Elimination System ("NPDES") Permits, Correspondence, and Sample Results ("DEP Microfiche Files").*
<u>February 28, 1969</u>	Agreement and Plan of Reorganization Between Matthey Bishop, Inc. (and its Subsidiary Bishop Tube Co.) and Whittaker Corporation (and its Subsidiary Whittaker Enterprises, Inc.). *
<u>April 9, 1973</u>	Engineering Report with a cover letter, dated April 27, 1973, prepared by Gilbert Associates, Inc. for Whittaker Corporation ("Whittaker").
<u>1974</u>	DEP Microfiche Files *
October 1974	Consent Order and Agreement ("CO&A") between PA DER and Christiana Metals Corporation.

¹ On November 6, 2021, DEP extended the time period for review of the administrative record and submission of public comment from January 3, 2022 until January 31, 2022.

Part I. Initial Investigation/Site Discovery

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<u>Date</u>	<u>Description</u>
<u>1974-1976</u>	Plant Improvements and Pollution Incident and Prevention Reports submitted by the Bishop Tube Company, on November 1, 1974, and related correspondence.*
1975-1978	DEP Microfiche Files *
<u>1977</u>	Preliminary Report submitted by the Bishop Tube Company on February 8, 1977, and related correspondence. *
February 1978	Health Hazard Evaluation Determination Report, Bishop Tube Division, Christiana Metals, Inc. prepared by U.S. Department of Health, Education, and Welfare, Center for Disease Control, National Institute for Occupational Safety and Health.
1979	DEP Microfiche Files *
<u> 1979 - 1981</u>	Communications related to the initiation of a groundwater study. *
May 1, 1980	DER Aquatic Biology Investigation – Stream: Little Valley Creek Watershed (1.15.0), Chester County, November 27, 1979.
<u> 1980 - 1981</u>	DEP Microfiche Files *
<u>July 1981</u>	Communications related to the Air Quality Incidents that occurred on June 9 and 10, 1981. *
October 1981	Hydrogeologic Investigation for Bishop Tube Corp., prepared by Betz, Converse, and Murdoch, Inc., ("BCM"), including USGS water quality analysis from a groundwater sample, collected June 6, 1981.
<u>1981 - 1983</u>	Pollution Prevention and Contingency Plan, prepared by Resource Management International, Inc., for Bishop Tube Company, July 20, 1981, updated by Bishop Tube Company, December 1982 and October 1983, related correspondence. *
1982	DEP Microfiche Files *
June/August 1982	DER comments and response letter of <i>BCM's Hydrogeologic Investigation</i> and Bishop Tube Company's August 17, 1982 response letter.
<u>1983</u>	DEP Microfiche Files *
November 29, 1983	DER Potential Hazardous Waste Site Identification and Preliminary Assessment (EPA Form).
<u> 1983 - 1991</u>	DER Hazardous Waste Inspection Reports and related Correspondence. *
<u> 1984 - 1987</u>	DEP Microfiche Files *
June 25, 1985	Site Inspection of Bishop Tube Company prepared by NUS Corporation on behalf of the Environmental Protection Agency ("EPA"). **

Part I. Initial Investigation/Site Discovery

<u>Date</u>	Description
January 1990	BCM Results of Implementation of Groundwater Remediation Work Plan Phase 1, prepared for Christiana Metals Corp. **
<u>June 29, 1990</u>	DER letter to Bishop Tube Co., Alloy Steel Corp., receipt for storage tank registration.
<u>June 12, 1991</u>	Philadelphia Suburban Water Company letter, reporting residential water supply analytical results.
<u> 1993 - 1999</u>	DEP Microfiche Files *
November 19, 1997	Environmental Audit of Damascus/Bishop Tube, Frazer, PA Facility, prepared by Enviroplan Consulting for Damascus/Bishop Tube. *
February 5, 1999	O'Brien & Gere Engineers, Inc. letter offering to install a residential carbon wellhead treatment system.
May 1999	Interim Remedial Action Workplan, prepared by O'Brien & Gere Engineers, Inc. for Christiana Metals Corp. **
June 10, 1999	February 1999 Groundwater Sampling Results, submitted by O'Brien & Gere Engineers, Inc.

Part II. Further Investigation

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<u>Date</u>	<u>Description</u>
<u>January 11, 2002</u>	Phase I Site Characterization Report and Appendices, Soils, Sediment, Surface Water, and Shallow Groundwater, Bishop Tube Site, prepared by Baker Environmental, Inc. for DEP ("Baker"). *
June 21, 2002	Baker Phase II Groundwater Investigation.**
June 30, 2003	Baker Phase III Supplemental Soil Investigation Report and Appendices.
August 27, 2003	DEP Little Valley Creek Surface Water and Spring Monitoring: Sampling Event Report.
<u>July 2, 2004</u>	Baker Phase III Supplemental Groundwater Investigation Report and Appendices.
August 27, 2004	Baker Final Soil Gas and Shallow Groundwater Sampling Report. **
January 28, 2005	DEP letter and enclosed residential indoor air quality sample results.
March 16, 2005	Phase I Environmental Assessment Report, prepared by Penn Environmental & Remediation, Inc. for O'Neill Properties Group, L.P. **
<u>April 2005</u>	DEP Surface Water Investigation – Data Summary, Upstream of Lancaster Avenue – Source Area Discharge.

Part II. Further Investigation

<u>Date</u>	Description
February 19, 2007	Weston Solutions Summary of the November 2006 Subsurface Soil Investigation and Results, Bishop Tube Site Letter Report.
February 2008	Baker Final Supplemental Site Characterization Report.
July 16, 2008	Health Consultation, prepared by Agency for Toxic Substances and Disease Registry ("ATSDR").
<u>September 11, 2008</u>	DEP <i>Indoor Air Quality Sampling Results – Bishop Tube Site</i> , Memorandum (text, tables and figures).
October 10, 2008	DEP April 2008 Surface Water Sampling Results – Bishop Tube Site Memorandum.
June 2009	DEP HRS Documentation Record.
<u>December 3, 2009</u>	Baker Final Shallow Groundwater Feasibility Study Report.
<u>December 9, 2010</u>	Remedial Investigation Report (Period of March 2009 to November 2010), prepared by Roux Associates, Inc. ("Roux") for the Bishop Tube Project Team (Johnson Matthey Inc. ("JMI") and Whittaker.)
August 31, 2015	Roux Remedial Investigation Report.
October 9, 2015	Roux Treatability Study Completion Report, the Former Bishop Tube Property.
March 31, 2017	Roux Preliminary FS Screening Memorandum.
April 25, 2017	Remediation Scope of Work for Targeted Soil Excavation, Bishop Tube Facility, Revision 2, prepared by Environmental Standards, Inc. for Constitution Drive Partners, L.P ("CDP"). **
January 15, 2019	Roux Progress Report #122, including surface water, soil, and groundwater analytical data summaries.
August 5, 2020	Final Remedial Alternatives Analysis, GTAC 7-1-342 – Bishop Tube HSCA Site, Version 1.0., prepared by Groundwater & Environmental Services, Inc. ("GES") for DEP.
November 10, 2020	GES Technology Assessment, GTAC 7-1-342 – Bishop Tube HSCA Site, Version 1.0 Memorandum.
<u>December 16, 2020</u>	Roux Former Bishop Tube Property, Additional Soil Investigation – Building 5 Area Memorandum.
<u>December 18, 2020</u>	Roux Former Bishop Tube Property, Feasibility Study Addendum, Remedial Alternative #8 – Basis of Design Memorandum.

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Part II. Further Investigation

<u>Date</u>	<u>Description</u>
January 13, 2021	Roux Remedial Investigation Report, Former Bishop Tube Property Volume 1 and Volume 2 1
<u>January 13, 2021</u>	Roux Feasibility Study Report, Former Bishop Tube Property.
<u>August 24, 2021</u>	Roux Former Bishop Tube Property, Soil Investigation for Certain Inorganic Constituents, Groundwater Investigation for VOCs and Certain Inorganic Constituents Memorandum.

Part III. General Correspondence

<u>Date</u>	<u>Description</u>
May 21, 1993	Richard W. Roeder, Esq. of Roeder & Rothschild ("Mr. Roeder") to DEP on behalf of the Electralloy Corporation, regarding its bankruptcy.
March 3, 1998	DEP 35 P.S. § 6020.503 ("HSCA Section 503") Information Request to Christiana Metals Corporation ("Christiana Metals").
March 18, 1998	Mr. John J. McAleese, III, Esq. of Morgan, Lewis, and Bockius L.L.P Response on behalf of Christiana Metals to DEP's HSCA Section 503 Information Request.
September 9, 2003	DEP HSCA Section 503 Information Requests to JMI, Whittaker, and Marcegaglia USA.
October 31, 2003	Mr. Robert W. Thomson, Esq. ("Mr. Thomson") of Babst, Calland, Clements, and Zomnir, P.C.'s Response on behalf of Marcegaglia USA to DEP's HSCA Section 503 Information Request.
January 29, 2004	Whittaker's response to DEP's HSCA Section 503 Information Request.
March 4, 2004	JMI's response to DEP's HSCA Section 503 Information Request. **
May 12, 2006	DEP letters, inviting Whittaker, and JMI, to a meeting to discuss HSCA liability and participation in response actions.
May 24, 2006	DEP letters (London, U.K. office and Wayne, PA office), inviting JMI to a meeting to discuss HSCA liability and participation in response actions.
<u>August 29, 2006</u>	DEP letter to Mr. Thomson, inviting Marcegaglia USA, Inc. to a meeting to discuss HSCA liability and participation in response actions.
October 10, 2006	DEP Follow-up letter to Mr. Thomson, inviting Marcegaglia USA, Inc. to a meeting to discuss HSCA liability and participation in response actions.

¹ Note: Appendix C & Appendix S (Attachments A & D) have not been uploaded due to their size. They are a vailable to review in hard copy at the Southeast Regional Office and upon request

Part III. General Correspondence

<u>Date</u>	Description
October 19, 2006	Mr. Thomson's response on behalf of Marcegaglia USA, Inc.'s to DEP's October 10, 2006 letter.
February 9, 2007	DEP letter to George Pavia, Esq., ("Mr. Pavia") of Pavia & Harcourt, LLP, concerning Christiana Metals and an acknowledgement of phone call from Mr. Pavia and enclosed February 9, 2007 HSCA Section 503 Information Request from DEP to Christiana Metals.
<u>February 12, 2007</u>	Mr. Pavia's response to DEP's HSCA Section 503 Information Request, concerning Christiana Metals.
April 17, 2007	Mr. Donald W. Hedges' ("Mr. Hedges") response to DEP's April 4, 2007 HSCA Section 503 Information Request, concerning Christiana Metals.
May 21, 2007	Mr. Hedges' letter, providing further response DEP's HSCA Section 503 Information Request, concerning Christiana Metals.
June 29, 2007	DEP HSCA Section 503 Information Request to the Chester County Economic Development Council ("CCEDC") and Central and Western Chester County Industrial Development Authority ("CWCCIDA").
July 25, 2007	CWCCIDA response to DEP's HSCA Section 503 Information Request.
January 30, 2008	DEP HSCA Section 503 Information Request to Safety-Kleen, Inc.
<u>February 7, 2008</u>	DEP HSCA Section 503 Information Requests to Keith Hartman ("Mr. Hartman") and David Worst.
<u>February 14, 2008</u>	Mr. Hartman's response to DEP's HSCA Section 503 Information Request.
<u>February 15, 2008</u>	DEP letter to Mr. Thomson, regarding evidence of TCE purchase by Marcegaglia USA.
<u>February 27, 2008</u>	Safety-Kleen, Inc.'s response to DEP's HSCA Section 503 Information Request.
March 10, 2008	DEP HSCA Section 503 Information Request to C&W Mechanical Inc.
March 18, 2008	DEP HSCA Section 503 Information Request to Brenntag Northeast, Inc.
March 24, 2008	Mr. Thomson's letter to DEP, regarding Marcegaglia USA's liability.
October 7 - 8, 2008	Email exchange between DEP and East Whiteland Township, regarding treated groundwater discharge to the municipal sewer system.
August 16, 2010	DEP letters to Whittaker and JMI, regarding DEP's intent to initiate further operation of the interim remedial response soil and groundwater remediation system.

Part III. General Correspondence

<u>Date</u>	Description
May 25, 2011	DEP letter to Whittaker and JMI, regarding further implementation of the interim remedial action.
<u>September 25, 2012</u>	DEP letter to counsels for Whittaker and JMI, regarding further implementation of the interim remedial action.
October 5, 2012	Whittaker and JMI's joint response to DEP Letter, dated September 25, 2012 with their proposal to perform a treatability study.
March 8, 2016	DEP letter to Marcegaglia USA, Inc.'s counsel Mr. Thomson, regarding its February 15, 2008 letter.
March 8, 2016	DEP HSCA Section 503 Information Request to Christiana Metals.
March 23, 2016	Mr. Thomson's letter to DEP, regarding prior communications between Marcegaglia USA and DEP and Marcegaglia USA's prior use of trichlorethylene at the Bishop Tube Site.
April 6, 2016	U.S. Department of Health and Human Services, ATSDR letter to East Whiteland Township regarding the Health Consultation.
May 31, 2016	DEP letter to JMI and Whittaker, requesting preparation of a Feasibility Study.
<u>September 24, 2018</u>	DEP HSCA Section 503 Information Request to Liberty Mutual Insurance Company.
October 19, 2018	Resolute Management, Inc. (on behalf of Liberty Mutual Insurance Company) response to DEP's HSCA Section 503 Information Request (without enclosures).

Part IV. Notifications and Public Participation

<u>Date</u>	<u>Description</u>
May 5, 2000	DEP 35 P.S. § 6020.501(a) ("HSCA Section 501(a)") Notices sent to Alloy Steel Corporation, Cristiana Metals Corp., Marcegaglia USA Damascus Division, Whittaker, and JMI.
May 17, 2000	Mr. Roeder's response to DEP's HSCA Section 501(a) Notice sent to Alloy Steel Corporation.
April 9, 2005	Notice of Settlement with CDP under HSCA and CERCLA, <i>PA Bulletin</i> , Volume 35, Number 15.
September 5, 2007	DEP Response to Public Comments.
August 19, 2008	DEP 35 P.S. § 6020.1113 ("HSCA Section 1113") Settlement Notices sent to Mr. Thomson. and Mr. Benjamin G. Stonelake, Esq.

Part IV. Notifications and Public Participation

<u>Date</u>	Description
August 30, 2008	Notice of Settlement with JMI under HSCA and CERCLA, <i>PA Bulletin</i> , Volume 38, Number 35.
August 22, 2009	Notice of Settlement with JMI and Whittaker under HSCA and CERCLA, <i>PA Bulletin</i> , Volume 39, Number 34.
March 9, 2010	DEP HSCA Section 501(a) Notice sent to CWCCIDA.
March 10, 2010	DEP 35 P.S. § 6020.502(c) ("HSCA Section 502(c)") Pre-Listing Notices sent to JMI, Whittaker, Marcegaglia USA, and CWCCIDA.
March 16, 2010	DEP HSCA Section 502(c) Pre-Listing Notice sent to CDP.
<u>September 11, 2010</u>	Notice of Listing on the Pennsylvania Priority List of Hazardous Sites for Remedial Response; Hazardous Sites Cleanup Act. <i>PA Bulletin</i> , Volume. 40, Number 37.
October 11, 2010	Written Comments on the September 11, 2010 Notice of Listing, prepared by Saul Ewing LLP on behalf of JMI. **
October 12, 2010	Roux Written Comments on the September 11, 2010 Notice of Listing and the contents of the select documentation provided on CDROMs, compiled by Roux and Environmental Alliance.*
March 8, 2016	DEP HSCA Section 501(a) Notice to Christiana Metals.
<u>September 23, 2021</u>	DEP HSCA Section 506(b) Notice Letters sent to CDP, CWCCIDA, JMI, Whittaker, Marcegaglia USA, and Christiana Metals.
<u>September 25, 2021</u>	Notice of Proposed Remedial Response Language for publication in the <i>PA Bulletin</i> and <i>Daily Local News</i> .
November 6, 2021	Notice of Proposed Remedial Response (Comment Period Extension) published in the <u>PA Bulletin</u> and <u>Daily Local News</u> .
September 8, 2022	DEP Response to Public Comments, Part II, and Appendices.

Part V. Decisional and Investigation Response Documents

<u>Date</u>	<u>Description</u>
March 13, 2000	DEP Response Justification Document – Bishop Tube Site.
March 17, 2005	Prospective Purchase Agreement between the DEP and CDP.
<u>September 5, 2007</u>	DEP <i>Statement of Decision</i> – Bishop Tube Site - Contaminant Source Area Remediation.
August 18, 2008	Consent Order and Agreement ("CO&A") between DEP and JMI. **

Part V. Decisional and Investigation Response Documents

<u>Date</u>	Description
November 6. 2008	DEP letter to Saul Ewing LLP, stating CO&A with JMI is final and effective. **
August 4, 2009	Amended CO&A between DEP, JMI, and Whittaker.
October 23, 2009	DEP letter to Blank Rome, LLP and Saul Ewing LLP, stating Amended CO&A with JMI and Whittaker. is final and effective.
<u>January 11, 2010</u>	DEP SERO Pennsylvania Priority List Request Memo, Determination to List, and Site Summary.
February 1, 2010	DEP Authorization to Place Site on the Pennsylvania Priority List Memo to K. Reisinger Acting Deputy Secretary for Waste, Air and Radiation Management and M. Sherman Deputy Secretary for Field Operations from G. Hartenstein, Chief Division of Remediation Services.
April 26, 2019	DEP Bishop Tube Site Cost Recovery Report May 19, 2000 through April 1, 2019.
August 17, 2021	DEP Analysis of Alternatives and Proposed Response for the Bishop Tube Site – Remedial Response Action.
August 27, 2021	DEP Bishop Tube Site Cost Recovery Report April 2, 2019 through April 30, 2021.
<u>September 12, 2022</u>	DEP Statement of Decision for the Bishop Tube Site – Remedial Response Action.

Part VI. References

The following information is incorporated into this administrative record by reference, in accordance with 25 PA Code Section 3.12(c).

U.S. Geological Survey. *Effect of Urbanization on the Water Resources of Eastern Chester County*, Pennsylvania. R. A. Slotto. 1987.

ARC View Web App https://nrcs.maps.arcgis.com/apps/webappviewer/.

USDA Soil Series Description and Classification https://soilseries.sc.egov.usda.gov .

ATSDR Toxicological Profiles A-Z https://www.atsdr.cdc.gov/ToxProfiles/tp.asp?id=173&tid=30.

Part VI. References

COC	ATSDR Toxicological Profile
CVOCs	A TOBIC TOXICOTOGICAL T TOLLIC
TCE	https://wwwn.cdc.gov/TSP/ToxFAQs/ToxFAQsDetails.aspx?fagid=172&toxid=30
1,1,1-TCA	https://wwwn.cdc.gov/TSP/substances/ToxSubstance.aspx?toxid=76
	https://wwwn.cdc.gov/TSP/ToxFAQs/ToxFAQsDetails.aspx?fagid=795&toxid=15
1,1,2-TCA	5
1,1-DCA	https://www.atsdr.cdc.gov/toxfaqs/TF.asp?id=717&tid=129
1,1-DCE	https://www.atsdr.cdc.gov/toxfaqs/TF.asp?id=721&tid=130
1,2-DCA	https://wwwn.cdc.gov/TSP/ToxFAQs/ToxFAQsDetails.aspx?faqid=591&toxid=11
	<u> </u>
Carbon	https://www.atsdr.cdc.gov/toxfaqs/TF.asp?id=195&tid=35
Tetrachloride	
Chloromethane	https://www.atsdr.cdc.gov/toxfaqs/TF.asp?id=586&tid=109
Methylene Chloride	https://wwwn.cdc.gov/TSP/ToxFAQs/ToxFAQsDetails.aspx?faqid=233&toxid=42
cis-1,2-DCE	
(same as trans-	https://www.atsdr.cdc.gov/toxfaqs/TF.asp?id=463&tid=82
1,2-DCE)	TITLES :// WWW.atsur.cuc.gov/ toxiaqs/ 11 :asp: iu=403&tiu=02
PCE	https://wwwn.cdc.gov/TSP/ToxFAQs/ToxFAQsDetails.aspx?faqid=264&toxid=48
trans-1.2-DCE	https://www.atsdr.cdc.gov/toxfaqs/TF.asp?id=463&tid=82
Vinyl Chloride	https://wwwn.cdc.gov/TSP/ToxFAQs/ToxFAQsDetails.aspx?faqid=281&toxid=51
Other Organic Co	
1,2,4-	
Trimethylbenzene	https://cfpub.epa.gov/ncea/iris/iris_documents/documents/subst/1037_summary.pdf
1,4-Dioxane	https://www.atsdr.cdc.gov/toxfaqs/TF.asp?id=954&tid=199
Benzene	https://www.atsdr.cdc.gov/toxfaqs/TF.asp?id=38&tid=14
Bromomethane	https://www.atsdr.cdc.gov/toxfaqs/TF.asp?id=821&tid=160
MTBE	https://wwwn.cdc.gov/TSP/ToxFAQs/ToxFAQsDetails.aspx?faqid=227&toxid=41
Inorganics	
Antimony	https://www.atsdr.cdc.gov/ToxProfiles/tp.asp?id=332&tid=58
Arsenic	https://www.atsdr.cdc.gov/ToxProfiles/tp.asp?id=22&tid=3
Cobalt	https://www.atsdr.cdc.gov/toxfaqs/TF.asp?id=372&tid=64
Fluoride	
(Hydrogen	
Fluoride,	https://www.atsdr.cdc.gov/ToxProfiles/tp.asp?id=212&tid=38
Fluoride, and	
Fluorine)	
Hexavalent	https://www.atsdr.cdc.gov/toxfaqs/tf.asp?id=61&tid=17
Chromium	
Lead	https://wwwn.cdc.gov/TSP/ToxFAQs/ToxFAQsDetails.aspx?faqid=93&toxid=22
Manganese	https://wwwn.cdc.gov/TSP/ToxFAQs/ToxFAQsDetails.aspx?faqid=101&toxid=23
Nickel	https://www.atsdr.cdc.gov/ToxProfiles/tp.asp?id=245&tid=44
Thallium	https://wwwn.cdc.gov/TSP/ToxFAQs/ToxFAQsDetails.aspx?faqid=308&toxid=49
Vanadium	https://wwwn.cdc.gov/TSP/ToxFAQs/ToxFAQsDetails.aspx?fagid=275&toxid=50

 $^{^1}$ Information was unavailable on ATSDR's website. Information was obtained from EPA's Integrated Risk Information System website.