pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

SOUTHEAST REGIONAL COUNSEL

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PROGRAM ECB/HSCA
FAC NAME Bishop Tube Co.
COUNTY 15
MUNICIPALITY 925
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Re: Bishop Tube HSCA Site

Dear Deb and Ben,

First, thank you for coming in with the Bishop Tube Project Team (i.e., the Defendants under the existing Consent Decree) to meet with my clients last Wednesday to discuss the present status and future action at the Bishop Tube Site in East Whiteland Township. While we thought the meeting was generally productive, we cannot stress strongly enough how important it is that implementation of source control action at the Site be resumed at once.

As you know, Roux has been continuing to move forward with complete delineation of the areal extent and depth of groundwater contamination pursuant to the existing Consent Decree between the parties. While this process has taken longer than anyone would like, we are nonetheless generally satisfied with the extensive efforts that Roux and its subcontractors have made thus far and with their proposed schedule for additional activities under the Consent Decree. As we discussed, it appears at this time that the final RI/FS report will not be completed until next summer at the earliest. Once that is complete, the Department intends to secure remedial action through the decision making process set forth in the Hazardous Sites Cleanup Act.

However, because there are such exceedingly high levels of contamination in the source areas at and beneath the defunct Bishop Tube facility, we issued a Statement of Decision ("SOD") in September of 2007 for a prompt interim response under HSCA. In this SOD, the Department selected a program of "physical, biological, and/or chemical treatment of contaminated saturated soil and groundwater source area beneath the former Plant #8 degreaser area [which] may involve one or more of the treatment methods, . . . [including] amendments designed to stimulate biological degradation of site contaminants."

During this same time period, we entered into a Prospective Purchaser Agreement ("PPA") for the Site with Constitution Drive Partners, LLC ("CDP"), which had purchased the Site. Under this PPA, CDP, in conjunction with the Department, constructed a piping network in the Plant #8 degreaser area consistent with the SOD and began operating a Soil Vapor Extraction and Air Sparging (SVE/AS) system. This action proved to be partially successful in the removal of mass quantities of TCE. However, for reasons outside the scope of this letter, we ultimately agreed to assume operational responsibility for the response action in exchange for a cash settlement, all of which was formalized in an Amendment to the PPA with CDP.

You will recall that my clients then contacted the Bishop Tube Project Team over a year ago to request that the Team assume operational responsibility of the SVE/AS system. While all parties agreed that resumption of such operations would likely lead to some further reduction in source contamination, your clients suggested that an alternative approach, using augmented anaerobic processes to enhance the biodegradation of the TCE, might prove more effective and requested permission from the Department to perform a bench scale study. My client agreed, and the Team has since performed such study, the results of which confirm that conditions at the Site lend themselves to effective response action in the form of biostimulated and bioaugmented natural attenuation of TCE to ethene.

The primary purpose of last week's meeting was to discuss the Team's willingness to further implement the SOD through the design, construction and operation of such anaerobic technical processes in the Plant #8 area. We recognize that this will involve certain design work, potential modification of the existing pipe network (some of which may be funded by insurance proceeds presently being held by CDP for damage to the liquid boot and piping network), and the performance of field-scale testing in order to maximize the efficiency and minimize any negative effects of the response action. We are also of the view that this source control program would lend itself well to remediation in both the deeper aquifer zones and the areas outside of Plant #8. In that regard, expansion of that program into these areas now could prove to be cost effective in the long run given the impact that such a program might have on reducing

groundwater contamination and impacts to the stream. As stated above, I cannot stress strongly enough how important it is to my clients that active response be implemented in the sources areas of the Site without further delay.

By this letter, we are notifying the Team that the Department now intends to go forward with continued implementation of the SOD through the anaerobic processes demonstrated by the Team's bench scale study. In that regard, my client is willing to permit the Team to conduct that action under the Department's oversight with appropriate amendment to the Consent Decree. By assuming this responsibility, the Team would avoid potential enforcement or cost recovery actions relating to the SOD and would continue the successful public/private partnership that has brought us to this point. In addition, we will shortly provide comments on the state of the Remedial Investigation and what it will take to bring that investigation to a close.

As you are aware, I am required to submit to Judge Dalzell a Status Report on this matter on October 1, 2012. In that Status Report, I intend to apprise Judge Dalzell of these recent events and the likelihood that the Team will continue its cooperative approach towards resolving the environmental problems at the Bishop Tube Site. Consequently, and following up on our discussion of last Wednesday, my clients request that the Team provide a formal response to this offer by September 30, 2012, so that I may provide the Judge with an appropriate update.

Please do not hesitate to contact me if you have further questions or comments, and thank you for your attention to this matter.

Very truly yours,

Anderson Lee Hartzell
Regional Supervising Counsel

cc: Mr. Sinding
Mr. Patel
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