



Pennsylvania Department of Environmental Protection

Office of Chief Counsel

2 East Main Street
Norristown, PA 19401

August 19, 2008

Southeast Regional Office

Telephone: (484) 250 - 5871

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Robert W. Thomson, Esquire
Babst, Calland, Clements and Zomnir, P.C.
Two Gateway Center
Pittsburgh, Pennsylvania 15222

RE: Bishop Tube HSCA Site
Johnson Matthey Inc. Consent Order and Agreement
Public Notice

Dear Mr. Thomson:

Pursuant to Section 1113 of HSCA, 35 P.S. § 6020.1113, enclosed please find a copy of the Public Notice for the Johnson Matthey Inc. – Department of Environmental Protection Consent Order and Agreement.

Sincerely,

Lauren G. Rosen
Assistant Counsel

Enclosure

cc: D. Armstrong, HSCA ECP
S. Dryer, Esquire





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Benjamin G. Stonelake, Jr., Esquire
Blank Rome, LLP
One Logan Square
18th & Cherry Streets
Philadelphia, PA 19103-6998

RE: Bishop Tube HSCA Site
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Public Notice

Dear Ben:

Pursuant to Section 1113 of HSCA, 35 P.S. § 6020.1113, enclosed please find a copy of the Public Notice for the Johnson Matthey Inc. – Department of Environmental Protection Consent Order and Agreement.

Sincerely,

Lauren G. Rosen
Assistant Counsel

Enclosure

cc: D. Armstrong, HSCA ECP
S. E Coburn, Esquire



NOTICE OF SETTLEMENT UNDER HSCA AND CERCLA

Bishop Tube Site, East Whiteland Township, Chester County

The Pennsylvania Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA), 35 P.S. §§ 6020.101-6020.1305, and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C.A. §§ 9601-9675, has entered into a Consent Order and Agreement (Agreement) with Johnson Matthey Inc. (Johnson Matthey), Suite 600, 435 Devon Park Drive, Wayne, Pennsylvania 19087, for an environmental investigation and assessment of the Bishop Tube HSCA Site (Site).

The Site consists of 13.7 acres located on Malin Road, south of U.S. Route 30, in Frazer, East Whiteland Twp., Chester County. From 1951 through 1999, the Site was owned and operated by various entities including a predecessor to Johnson Matthey.

In March 2005 a Prospective Purchase Agreement was reached between Constitution Drive Partners, L.P., the present owner of the Site, and the Department for the remediation of soils contamination at the Site. Concurrently, the Department has been conducting partial characterization of soil, surface water, and groundwater. The Department's investigation indicates that hazardous substances, such as chlorinated solvents, are present at significant levels in the groundwater underlying the Site.

Pursuant to the terms of the Agreement, Johnson Matthey will conduct an environmental investigation intended to characterize the following: 1) Groundwater contamination contained within the bedrock originating from the former Bishop Tube Property; 2) Contaminated groundwater contained within the overburden (i.e. above the bedrock zone) originating from the former Bishop Tube Property, and occurring on properties down-gradient from the former Bishop Tube Property; 3) The vapor intrusion pathway resulting from migration of contaminants from the former Bishop Tube Property; 4) The groundwater to surface water pathway, to determine whether, and if so where, contaminated groundwater resulting from the Bishop Tube Site may be entering Little Valley Creek or other surface water features; 5) Performance of a Risk Assessment, and 6) a Feasibility Study (if necessary). The Department has agreed to provide Johnson Matthey with a covenant not to sue, and contribution protection for the Site investigation performed pursuant to the Agreement.

This notice is provided under Section 1113 of the HSCA, 35 P.S. §§ 6020.1113. The Agreement may be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, 2 East Main Street, Norristown, Pennsylvania, 19401 by contacting either Mr. Dustin Armstrong (484) 250-5723 or Ms. Lauren G. Rosen at (484) 250-5871. Mr. Armstrong and Ms. Rosen may also be contacted electronically at darmstrong@state.pa.us and lrosen@state.pa.us, respectively. A public comment period on the Agreement will extend for a period of 60 days from the date of publication of this notice. Interested persons may submit written comments regarding the Agreement within 60 days from the date of publication of this notice to the Department by submitting them to Mr. Dustin Armstrong at the previously listed address.