

those natural resources impacted as a result of operations at the site. A restoration plan will be developed for public comment by the Trustees.

Under section 1113 of HSCA (35 P. S. § 6020.1113), the Department is publishing notice of this Amendment to Consent Decree Relating to Natural Resource Damages and will provide a 60-day period for public comment commencing with the date of this publication. Copies of the Amendment to Consent Decree Relating to Natural Resource Damages may be examined at the Palmerton Library located at 402 Delaware Avenue, Palmerton, PA or at the U.S. Department of Justice web site http://www.usdoj.gov/enrd/Consent_Decrees.html, (*U.S. v. Horsehead Industries, Inc.*). Written comments may be submitted within 60 days following the date of this Public Notice to Ronald Brezinski, Department of Environmental Protection Cleanup Program Manager, 2 Public Square, Wilkes-Barre, 18711-0790. Further information may be obtained by contacting James Kunkle of the Department at (610) 861-2070. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 645-5984.

The Department has reserved the right to withdraw its consent to the Amendment to Consent Decree Relating to Natural Resource Damages if comments submitted during the public comment period disclose facts or considerations which indicate, in the Department's discretion, that the Amendment to Consent Decree Relating to Natural Resource Damages and the Settlement is inappropriate or not in the public interest.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

Settlement under the Comprehensive Environmental Response, Compensation and Liability Act and the Hazardous Sites Cleanup Act

Notice of Settlement under HSCA and CERCLA Bishop Tube Site, East Whiteland Township, Chester County

The 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 an Amended Consent Order and Agreement (Agreement) with Johnson Matthey, Inc. (Johnson Matthey), Suite 600, 435 Devon Park Drive, Wayne, PA 19087 and with and the Whittaker Corporation (Whittaker), 1955 North Surveyor Avenue, Simi Valley, CA 93063, 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 US Route 30, in Frazer, East Whiteland Township, Chester County. From 1951 through 1999, the Site was owned and operated by various entities including a predecessor to Johnson Matthey and Whittaker and successors to Johnson Matthey and Whittaker.

In March 2005, a Prospective Purchase Agreement was reached between Constitution Drive Partners, LP, 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.

On August 18, 2008, the Department entered into a Consent Order and Agreement (CO&A) with Johnson Matthey for the performance of an environmental investigation and assessment of the Site. Performance of the Site environmental investigation and assessment has been underway, per the terms of the August 18, 2008, CO&A, as of its November 8, 2008, effective date.

The August 18, 2008, CO&A is now being amended to incorporate Whittaker. Both Johnson Matthey and Whittaker, under the terms of the Agreement, will conduct an environmental investigation and assessment that intends 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 (that is, 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 and Whittaker with a covenant not to sue, and contribution protection for the Site investigation and assessment performed under 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, PA, 19401 by contacting either Dustin Armstrong (484) 250-5723 or Lauren G. Rosen at (484) 250-5871. Dustin Armstrong and Lauren 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 Dustin Armstrong at the previously listed address.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results