

## **McClennen, Bonnie**

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**From:** Tamar Dick [REDACTED]  
**Sent:** Wednesday, January 12, 2022 11:41 AM  
**To:** EP, SERO ECB  
**Subject:** [External] Request to Modify Bishop Tube Public Comment Process

**ATTENTION:** *This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA\_SPAM@pa.gov.*

Dear Mr. Armstrong

We the undersigned are community members impacted by and concerned about the toxic contamination at the Bishop Tube site, the spreading pollution plume, the proposal to develop the site as residential development, the impacts of the site contamination on our communities, environment, and exceptional value streams and wetlands. The public comment period and hearing date proposed in the PA Bulletin is unfair and unacceptable and we therefore urge you to modify the public comment process to ensure a full, fair and informed opportunity for public comment and engagement.

Pennsylvania DEP released the public notice announcing a public comment period regarding its proposed remedial response action for the Bishop Tube HSCA Site to address soil, groundwater, surface water, and a residential drinking water supply contaminated by chlorinated solvents and/or inorganic contaminants of concern (COCs) on September 24, 2021. The Notice stated that the administrative record will be open for comment from September 25, 2021 until January 3, 2022 and set a public hearing for November 9, 2021 during which only those who registered at least 24 hours in advance would be provided 3 minutes to testify.

Our communities have been impacted by the contamination at the Bishop Tube site for decades and DEP has known about this contamination since at least the mid-1980s. Throughout that time you have interacted with the responsible parties and the proposed residential developer, as well as their experts and your experts, with regularity. Community engagement with DEP has been limited at best. The documents and proposed remedial response action you developed over many years and have now been released for public review and comment are voluminous and highly technical. The review, comment and hearing process you have provided us is punishing and fails to provide the time and opportunity necessary for full, fair, informed and engaged public review and comment.

⇒ It is demonstrably unfair to provide the public a mere 46 days in which to review these materials in time to make informed comments at the November 9, 2021, hearing.

⇒ Our communities and environment have been deeply impacted by the toxic contamination at this site. The responsible parties and proposed developer have had tremendous access to DEP staff in order to make their case for why limited remediation of the site and development of the site in its toxic condition should be allowed. Therefore, it is fundamentally inequitable and morally wrong to limit our community members to a mere 3 minutes of public comment each and to further seek to limit our engagement at the public hearing by suggesting that only one person from any concerned organization be allowed to speak. We have important information to share with you and many of us belong to the same and similar organizations; as a result, neither limitation is appropriate.

⇒ We are deeply disturbed that the public comment period ends the day after the biggest holiday season of the year when many of our families are celebrating Hanukkah, Christmas, Kwanzaa and New Years. During the comment period, our families will also be hoping to spend time with family and friends over Thanksgiving. While the staff of DEP will be able to enjoy these holidays unencumbered by the burden of a toxic site and crafting informed, meaningful and persuasive written comments, you are punishing our communities with the exact opposite, leaving us still impacted by

the toxins at Bishop Tube and the emotional, intellectual, and time burden of this one chance to put together meaningful comments that will hopefully persuade DEP to ensure a clean, green and safe cleanup and open space outcome for Bishop Tube and our communities.

Therefore, we join with the Delaware Riverkeeper Network to say it is time for PADEP to show the East Whiteland and Little Valley Creek community the regard, respect and care we deserve by providing a more appropriate review, comment and hearing schedule, and access to ask questions and get answers essential for informing our understanding of the proposal.

We would like to see the review, hearing and comment process revised as follows:

- The November 9, 2021 date changed from a hearing to a presentation where DEP presents to the community the details of its remedial action plan and answers questions posed by the community regarding what is being proposed.
- A public hearing and written comment deadline in late January so communities have a full period of time to review what is being proposed and to consider their comments that are not impacted by year-end holidays and are scheduled no earlier than January 31, 2022.
- A 10 minute per person opportunity to speak at the public hearing that is ultimately scheduled and no limitation on who can speak regardless of organizational affiliations.

We would like you to announce a decision to change the November 9th meeting from a hearing to a public information session ASAP and no later than October 29, 2021, and announce an extended comment process within that same time frame.

PADEP has let our community down for far too long. It is high time you stood with the people and our environment rather than the responsible parties, the proposed developer and the personal preferences of your staff.

Sincerely,  
Tamar Dick



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