

**From:** [J P](#)  
**To:** [Armstrong, Dustin](#); [EP, SERO ECB](#)  
**Subject:** [External] Bishop Tube Public Comment  
**Date:** Monday, January 31, 2022 6:45:19 PM  
**Attachments:** [Letter to DEP\\_01-31-22.docx](#)


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Dear Mr. Armstrong:

Attached are my comments in response to the proposed remediation response action for the Bishop Tube site.

Sincerely,

John Preston  
29 Woodview Road  
Malvern, PA 19355  


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Malvern, PA 19355

January 31, 2022

Mr. Dustin A. Armstrong  
Environmental Protection Specialist  
Department of Environmental Protection  
Southeast Regional Office  
2 East Main Street, Norristown, PA 19401  
RE: Public Comment Period on Proposed Plan for Soil, Groundwater, and Surface Water Contamination at Bishop Tube Site

Dear Mr. Armstrong:

For decades, the Pennsylvania Department of Environmental Protection (DEP) has done nothing to resolve the extensive contamination at the Bishop Tube site in Malvern, PA. Frankly, your organization just sat there and did absolutely nothing.

More recently, over the past few years, DEP has continued to be extraordinarily negligent by attempting to:

- **Rubber stamp a dangerous, ineffective remediation plan** that – if approved – is merely to develop land vs. provide a safe, viable cleanup solution to the Bishop Tube site
- **Move forward with a remediation plan that presents enormous health and safety risks** to the residents of Pennsylvania and East Whiteland Township and environment – **all the while, your agency is attempting to punt the responsibility of monitoring and protecting the safety to a township that lacks the budget, knowledge, resources, and capacity to assume these responsibilities**
- **Provide a sweetheart deal / Covenant Not To Sue for powerful land developers** (Constitution Drive Partners and developer Brian O’Neill) to maximize profit off a land development while pursuing a disgraceful, alarming remediation plan that places enormous health and safety risks to the residents of East Whiteland Township
- **Hide – or “conveniently” forget to offer – a public comment period for earlier versions of the remediation plan, which has severely undermined public perceptions of your agency** and has created the following impressions for many residents in the community that: 1) your agency has actively attempted to hide information from the public to benefit a developer seeking to profiteer of a cheap land grab; 2) DEP decisions are driven by political influence in pursuit commercial profit for the politically influential and wealthy donors to politicians like said developers; and/or 3) DEP makes decisions to avoid litigation vs. making the right decisions for the health and safety of Pennsylvania residents as well as our environment; 4) DEP has a disdain for the public opinion of Pennsylvania residents and is more focused on commercial development than health risks to the public; 5) if DEP moves forward with the proposed remediation plan, it is a corrupt, ineffectual organization that fails in a promise to the community that existed on your website in 2017 – but has been conveniently removed:

- “DEP’s responsibility, under the Hazardous Sites Cleanup Act, is to select and assure a remedy that is protective of human health and the environment and otherwise complies with all statutory and regulatory requirements.”<sup>1</sup>
- **Failed to listen, recognize or adapt to the concerns from Pennsylvania residents** over multiple remediation plans that are **outright negligent and dangerous**

I will again list my concerns as a Pennsylvania and East Whiteland resident, which I had provided in a letter addressed to you in 2017. The proposed remediation plan includes an unacceptable cleanup of the Bishop Tube site. This plan:

- **Places the residents of East Whiteland Township in direct and imminent danger from exposure to extremely high levels of toxic airborne particles and vaporous contaminants including, but not limited to, trichloroethylene, a chemical substance known by multiple agencies of the United States government to be a likely cancer-causing carcinogen.**<sup>2</sup> The levels of trichloroethylene at the Bishop Tube site far exceed an acceptable level of exposure. Further, DEP has not considered or conducted any exploration of wind patterns from the Bishop Tube site, and as such has not considered where toxic soil particles and vapors may land during excavation. Frankly, **if contaminated soil or particulate during remediation on nearby lawns, the DEP is directly responsible and negligent after failing to address concerns from the community. If the land is developed for housing and children get cancer from exposure to dangerous contamination, the DEP is directly responsible.**
- **Reflects a partial cleanup of contaminated soil on only a portion of the property, and neglects other contaminated parts of the landsite.**
- **Completely neglects cleanup of highly contaminated saturated soils and bedrock, and would effectively allow for highly toxic carcinogens to remain on the property and contaminate groundwater and neighboring residential areas in perpetuity.** If DEP truly intends to consider a long-term cleanup solution for the Bishop Tube land site, then that plan should be established and approved by the public before any consideration of development; otherwise, a full cleanup will be undermined / prohibited by any development.
- **Places cleanup and technology management, under the responsibility of a real estate developer who is seeking to be absolved from all public accountability, including pursuit of a covenant not to sue in the event of failure, neglect, or mismanagement.** Further, **you have alluded to East Whiteland Township being responsible for oversight of the cleanup when – as mentioned above – the township that completely lacks the budget, knowledge, resources, manpower, expertise, and capacity to assume these responsibilities.** As a reminder, the developer previously displayed gross negligence in management of a AS/SVE system by damaging a liquid boot and potentially exacerbated the existing contamination of the site in 2014, requiring the DEP to come in and bail out the developer from mismanagement of the system. Based on this history, the applying developer is not qualified / cannot be trusted with safe, effective remediation of soil – especially under such dangerous conditions for the public.

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<sup>1</sup> Pennsylvania Department of Environmental Protection website  
<http://www.dep.pa.gov/About/Regional/SoutheastRegion/Community%20Information/Pages/Bishop-Tube.aspx>

<sup>2</sup> Agency for Toxic Substances & Disease Registry: Division of Toxicology and Human Health Services. “Public Health Statement for Trichloroethylene.” November 2016.

Family, neighbors, friends, pets and wildlife – and little children – live in this area. We are at risk because of this negligent plan, and if this “remediation” begins and a potential plume of contaminated, cancer-causing particulate flies with the wind in our yards and lungs – your agency wants no responsibility from the outcome. Coupled with the entire narrative of DEP’s behavior that I’ve noted above, what does that say about DEP and its focus on decisions for Pennsylvania residents?

If it’s this easy for developers with a multibillion-dollar real estate portfolio to get their way with DEP – even when it presents severe long-term health and environmental risks to the community – this state and our residents are in grave trouble. It’s time for your agency to honor its commitment to the Pennsylvania residents who pay your salaries and you are obligated to serve.

Thank you for the opportunity to comment on this pending disaster. However, as a resident subjected to health risks from your decisions, I demand the re-consideration of proposed remediation response action for the Bishop Tube site. As I said in 2017, **this remediation plan has the potential to be a mini Chernobyl for Chester County – and a disaster that could entirely be avoided with more effective support from the broader PA Department of Environmental Protection.**

Sincerely,

John Preston  
29 Woodview Road  
Malvern, PA 19355