



September 29, 2020

East Whiteland Township Planning Commission

Municipal Building

209 Conestoga Road

Frazer, PA 19355

*Re: Comment and Expert Review Regarding Resubmission of Development Proposal for Bishop Tube site by Constitution Drive Partners*

Dear East Whiteland Township Planning Commissioners:

As you are aware, Constitution Drive Partners have resubmitted a Preliminary Land Development application to construct 92 townhomes on the Bishop Tube Site. DRN has already submitted a number of comments and expert reports regarding serious concerns given the contaminated environmental conditions at the Site and the prematurity of planning for a development bringing new residents to the Site in advance of full remediation. (We will resend all of our prior comments, as they still remain relevant notwithstanding any alleged change in the scope of the planned development).

### **History of Site Contamination and Health Harms Existing on the Site**

As you know, the 13.7 acre Bishop Tube Site (“Site”) is located in East Whiteland Township. The Site is bordered to the east by a residential neighborhood, the General Warren Village. Little Valley Creek, a designated Exceptional Value creek, runs through the property and Off-Site. From 1951 – 1999, the Site was used to manufacture alloy tubes and released hazardous chemicals including trichloroethene (TCE), tetrachloroethane, and a variety of heavy metals. The main contaminant of concern is TCE. The Federal Agency for Toxic Substance and Disease Registry (ATSDR) has explained the adverse effects of TCE as follows:

Trichloroethylene was once used as an anesthetic for surgery. People who are overexposed to moderate amounts of trichloroethylene may experience headaches, dizziness, and sleepiness; large amounts of trichloroethylene may cause coma and even death. Some people who breathe high levels of trichloroethylene may

develop damage to some of the nerves in the face. Other effects seen in people exposed to high levels of trichloroethylene include evidence of nervous system effects related to hearing, seeing, and balance, changes in the rhythm of the heartbeat, liver damage, and evidence of kidney damage. Some people who get concentrated solutions of trichloroethylene on their skin develop rashes. Relatively short-term exposure of animals to trichloroethylene resulted in harmful effects on the nervous system, liver, respiratory system, kidneys, blood, immune system, heart, and body weight. ...There is strong evidence that trichloroethylene can cause kidney cancer in people and some evidence that it causes liver cancer and malignant lymphoma (a blood cancer).

Public Health Statement for Trichloroethylene  
[www.atsdr.cdc.gov/phs/phs.asp?id=171&tid=30](http://www.atsdr.cdc.gov/phs/phs.asp?id=171&tid=30).

Levels of TCE as high as 10,754,000 ( $\mu\text{g}/\text{kg}$ ) were detected in the soil during previous site investigation. See the Department of Environmental Protections 2007 Statement of Decision on the need for an Interim Response. To put this in perspective, the Department's Statewide Human Health Standard for TCE in soil is 500  $\mu\text{g}/\text{kg}$  for the soil to groundwater pathway. Id. Thus, the TCE level reported was 20,000 times the Pennsylvania Statewide Health Standard. The TCE has also migrated in a ground water plume from the borders of the Site, with a prediction that it has moved 1.1 kilometers northeast of the Site. Notwithstanding the serious and contaminated conditions, the developer of the Site resubmitted plans to make a residential development on the Site, which remains contaminated. In 2016, the ATSDR has written to East Whiteland Township as follows:

**Given the presence of significant contamination at the site, other uses for the property besides residential should be considered.** If the site is developed for residential uses, ATSDR recommends implementing a number of steps to protect future residents from exposures at levels of health concern. It is important to note that even very low levels of trichloroethylene, the primary chlorinated solvent contaminant at the site, may be harmful and great care must be taken to not allow exposures to occur.

<http://files.dep.state.pa.us/RegionalResources/SERO/SEROPortalFiles/Community%20Info/Bishop%20Tube/ATSDR%20Evaluations/April%202016%20Letter%20from%20ATSDR%20to%20East%20Whiteland%20Twp.pdf>

### **Resubmission but no Cleanup or Final Remediation Plans**

Once again, CDP is requesting to develop on the still-contaminated Site. As recently as August 5, 2020, a contractor for the Department of Environmental Protect prepared Final Remedial Alternatives Analysis (GES, 2020),

[http://files.dep.state.pa.us/RegionalResources/SERO/SEROPortalFiles/Community%20Info/Bishop%20Tube/2020/GTAC-Bishop%20Tube%20HSCA%20Site%20\(7-1-](http://files.dep.state.pa.us/RegionalResources/SERO/SEROPortalFiles/Community%20Info/Bishop%20Tube/2020/GTAC-Bishop%20Tube%20HSCA%20Site%20(7-1-)

[342\)%20-%20Final%20Remedial%20Alternatives%20Analysis%208.5.2020.pdf](#). This analysis identified 7 volatile organic compounds and 9 metals at concentrations above DEP's residential standards with known exposure pathways and risks. It is extraordinarily premature to even consider a plan for the development of this Site for residential purpose; this, in advance of a full and comprehensive remediation, which includes groundwater contamination issues. In particular, DRN's engineer, Michele Adams in her September 29, 2020 Comment has stated that it is likely that the proposed earthwork and grading will create a condition of increased exposure of contaminants and violate East Whiteland Township Ordinance related to Erosion and Sediment Control, §159-14 Control Standards, as the proposed grading activities as shown on the plans will disturb areas of contamination and potentially endanger or damage public or private property and potentially cause damage or personal injury. See Attached 9 29 20 Report of Meliora Design.

Although significant time has passed since CDP's initial submission of plans for development, there has been no substantive cleanup of the Site, and the plans, which merely indicate the presence of contamination "to be remediated" by someone and at some undisclosed future time, are woefully inadequate. The health, safety, private property and public natural resources would be at risk with development in advance of full remediation. For this reason, the resubmission should be rejected or at very least determined to be premature for the Planning Commission's serious review and consideration. We incorporate all of our prior comments and the most recent comment dated September 29, 2020 by Meliora Design, which we include for your consideration.

With regards,



Maya K. van Rossum  
the Delaware Riverkeeper