



For Immediate Release:
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Concerned Residents Oppose Development of Toxic Bishop Tube Site

East Whiteland Township, Chester County, PA: Over 200 residents turned out for a June 7 public meeting, to challenge PA Department of Environmental Protection's (PADEP) apparent support of proposed development at a highly contaminated brownfields site. The 13.7 acre Bishop Tube site was originally a metal processing plant, but has since been abandoned and the forest has regrown. Studies done on the site have shown groundwater, soil and surface water to be contaminated with TCE, which is classified as a human carcinogen by the EPA. The proposal involves a partial remediation plan followed by development of over 200 new homes. The development plan will cut trees; damage the Little Valley Creek, an Exceptional Value stream; and includes only partial remediation of contamination. The question of when, how and to what degree the site would be fully remediated remains unanswered.

At the meeting, in response to questioning, the PADEP admitted that a crucial element of its deal with the developer, a covenant not to sue them, was voided years ago and the PADEP had not notified the Township about this fact. In a January 2014 letter the PADEP wrote the developer to say:

"In the early summer of 2011, a contractor for CDP destroyed the liquid boot while performing metals recovery activities within Building 8. Needless to say, **this action interfered with or impaired the SVE/AS system** that DEP had implemented **and potentially exacerbated the Existing Contamination at the**

site in violation of the PPA and its two Amendments. DEP requested that CDP repair the liquid boot to allow for the continued operation of the SVE/AS system. This was never done, in continued violation of the PPA and its two Amendments.”

“This is to advise you that **DEP now considers** the CDP's violation of the PPA to **void the Covenant Not To Sue** set forth in Paragraph 7....”

The void determination came just 6 months prior to the township changing the zoning in such a way as to allow for residential development of the site. “Had the PADEP notified the Township of this significant determination, perhaps the Township would have realized that a change of zoning to residential was unwise,” said Maya van Rossum, the Delaware Riverkeeper, during the meeting.

In addition, there was discussion of an April 6, 2017 letter submitted to the Township from the Agency for Toxic Substances and Disease Registry, an arm of the U.S. Dept. of Health and Human Services, in which the agency wrote:

“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.*”

The Community made clear its opposition to the proposal and demanded that the Township and State support their effort to secure full clean up of the site and its protection as natural open space.

Delaware Riverkeeper Network has been working with the community to organize their opposition, and to provide evidence and information on the risks of developing the site.

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Delaware Riverkeeper Network (DRN) is a nonprofit membership organization working throughout the four states of the Delaware River Watershed including Pennsylvania, New Jersey, Delaware and New York. DRN provides effective environmental advocacy, volunteer monitoring programs, stream restoration projects, public education, and legal enforcement of environmental protection laws.