

**FOR IMMEDIATE RELEASE - 10/19/2009**

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**STATEMENT REGARDING THE QUARRY'S DECISION TO CONDUCT UNANNOUNCED 'AT RISK' SOIL TESTING - OCTOBER 17, 2009**

The Bernards Township Committee has sought to protect the health of our citizens by its continual insistence that the quarry conduct full and proper testing of the soil and water on the entire site. The quarry has unfortunately failed to accept this responsibility. They filed a plan for testing with the DEP without prior discussion and as an end run around the court-ordered mediation. The plan they filed was inadequate in the view of the Township and its environmental engineer. Fortunately, the DEP agreed with the Township and its environmental engineer and found the quarry's testing plan inadequate. The DEP will require enhanced testing as part of a formal approval of the testing plan.

The Bernards Township Committee has recently learned that the quarry owners and operators decided to commence some testing of some of the soil on the property without DEP approval. They did not give the Township or its professionals details of how and what they will test for, nor even the common courtesy of advising us or the mediator that they are pursuing this approach, even though they are fully aware of broad community interest and concern and the directive of the court to act in good faith.

The DEP has advised us that they do not object to such testing, but has told us that they have advised the quarry that without a DEP approved plan, such testing is at the Quarry's risk.

The Township has today decided to engage its environmental professional, Behran Turan of Icon Engineering, to oversee this "at risk" testing. As each sample is drawn, it will be split in half and the Township will have an independent laboratory analyze every split sample. This is an expensive but necessary step to ensure that the community can accept the test results, as the quarry has been unwilling to agree to a mutually acceptable engineer and test protocol.

We are disappointed with the quarry's continuing adversarial attitude and approach. We once again call upon the quarry to act reasonably, responsibly and cooperatively and act as a good corporate citizen. We will act similarly, but we will not compromise the health of our residents.

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