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To: **Mayor and Members of Bernards Township Committee**

From: **Bill Allen**

Subject: **Quarry Rehab Plan: Proposal to Reduce Security**

I submitted a letter to you on 11-22-17 entitled “Quarry Rehab Plan: Report on Current Status” and in which I requested a status report. I have received no response to this request.

You adopted Resolution 2014-0186 on 04-29-14. This approved a settlement agreement that included the approval of the 2011 quarry rehab plan. This plan had been reviewed by the Planning Board, and the board submitted a report with recommendations to you on 05-07-13. Your approval included all the recommendations in the board’s report, except for those explicitly noted and amended in the settlement agreement.

One recommendation not noted and not amended in the board’s report is Item 14. It begins: “As water under the Lake Management Plan is triggered once the lake starts to fill, then next recommendation relates to such testing. Dr. Souza made a series of recommendations … to increase the frequency of sampling to at least 4 times annually. …” It ends: “The Board recommends that the Township Committee impose as a condition of the IRP that the frequency of characterization surveys be as suggested by Mr. Souza, …”

The lake has started to fill. My conclusion from the above documents is that MQI has a responsibility **today** to perform quarterly sampling of the lake water and that township officials have a responsibility to enforce this requirement. So I have these questions:

Is MQI doing the required water testing? And if not, why and when will it begin?

Experts retained by both MQI and the township testified during the Plan 2011 hearings that, in their opinions, the harmful substances found in the material (mostly semi-volatile organic compounds, SVOCs) that was imported and that is now in the MOA embankments, will not leach into the lake in sufficient quantity to adversely affect the water quality. But doubt remains. **We must confirm by specific tests of the lake water that its quality will be suitable for fishing and swimming**. **That testing should be done now and continue until some years after the lake is full.**

(over)

The lake is filling today from precipitation, and there has been little time for it to become contaminated by leachate from the MOA embankments. Testing now will establish concentration baselines for the SVOCs and anything else that might cause concern. Then, if these concentrations start to creep up, that will be a signal that there is a problem that must be addressed. We don’t have to wait until the lake is full--several years down the road--to learn this.

I personally have hope and some confidence in what the experts have said, that the MOA embankments will not leak harmful substances into the lake. But they may be wrong. What then could be done? Resident Richard Huckins has suggested capping the MOA embankments with clay. This is a common strategy where leaching is a concern. The Pill Hill landfill has a clay cap.

To execute this strategy, it would be necessary to pump the lake dry, bring in cap material (probably clay), spread it over the MOA embankment surface, and start filling the lake again. If this will be necessary, the sooner the work begins the better.

There may be other strategies for dealing with a leaching problem.

This work will be expensive, and the cost will, of course, be the responsibility of MQI.

On the agenda for your meeting on April 10 is Resolution 2018-0214. If adopted, it will reduce the security for rehab from about $8.4 million to $3.4 million. In view of the real possibility that further remediation in the MOA area will be required, I believe it will be a mistake for you to reduce the security at this time. I urge you to not do this.

Bill Allen