



AMERICAN LITTORAL SOCIETY

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Future Mining Hearing**

Indian Trail Testimony

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The Littoral Society opposes the proposed mining operation and industrial recycling facility along Indian Trail Road. It is a project that is completely incompatible with an established neighborhood, a federal Refuge and natural resources of international importance.

The wildlife and natural lands within Middle Twp and along Indian Trail Road were important enough to create a National Wildlife Refuge. Its wetlands, which encompass Indian Trail Swamp – represent one of only 17 internationally designated Ramsar wetland sites in the United States.

There is no doubt in our mind that the ongoing efforts of the Refuge and the Nature Conservancy to acquire enough land create an ecological whole would be severely undermined by this proposal.

The DEP has mapped this area as being within two of the State's most-important Natural Heritage Priority Sites, because the forest and swampland serves as ground-zero for many threatened and endangered species, which occur in Indian Trail Swamp and its upland environs.

In addition, the forest that runs the spine of the County and through this parcel serves as a superhighway for tens of thousands of migratory songbirds – and represents perhaps the most important stop-over point along the entire Atlantic Flyway. As such - it is a conservation priority of global importance.

It is for this reason that the Nature Conservancy mapped the Cape May Forest as one of the top 5 most-important natural areas in all of NJ.

This project would destroy approximately 253 acres of critically-important woodlands and turn 100 acres into massive 30 foot deep pits – carved deep into the groundwater table. This would function as an open window for any contaminants entering sensitive groundwater supplies.

The proposed uses are not environmentally clean industries – just because they may operate within allowable state thresholds for noise, dust and air contaminants - doesn't mean for a second that there won't be adverse impacts to public health, quality of life, water resources and the environment.

The town should share concerns about polluted run-off entering ground and surface-water supplies. For one thing – dust from pulverized asphalt is readily mobilized in the environment when exposed to the elements – to air and water, and contains a laundry-list of known and suspected carcinogens and toxic compounds – some of which have yet to be adequately studied.

Therefore, an important question is whether the resultant runoff from dust treatment and stormwater will be collected, or ultimately discharged to groundwater.

It is a big deal, because asphalt contains over 100 different chemicals known as Polycyclic Aromatic Hydrocarbons, or PAHs. Many PAHs build-up in the body over time and accumulate in aquatic organisms. The enormous open-water pits would provide an open window for these and other contaminants entering groundwater, wells and wetlands.

Many PAHs are carcinogenic and can cause kidney and liver damage, as well as tumors, reproductive disorders and birth defects. And PAHs can easily enter the human body is through breathing, ingestion and physical contact.

While on-site safety procedures may keep contaminated dust within allowable thresholds for daily usage - we're talking about crushing, which is likely to go on for years, or even decades.

The applicant has also stated that there will be an estimated 200 heavy diesel truck trips through the community per day.

That's 200 additional sources of lung-damaging particulate-matter and emissions containing over 40 substances, which the EPA lists as hazardous air contaminants.

This is why the EPA now proposes to classify diesel exhaust as a probable human carcinogen. To make matters worse - what is to prevent the applicant from significantly increasing the number of diesels to meet additional capacity?

Many residents homes are situated right up against the road – imagine if it was your front porch...your kids playing next to roaring heavy diesel truck spewing chemicals across your yard.

The Board must consider the adverse impacts from cumulative exposure over time from “all” these contaminants and recognize that these are not uses to be located in the midst of an established residential community and national refuge. This Board should try and visualize how close these dirty diesel trucks will be from people’s front porches – from residents who prize their environmental quality of life.

Middle Township should already know how important this area is because its own ERI specifically identifies the forest along Indian Trail Road as being environmentally sensitive and a conservation priority.

So too did the County in its Open Space Prioritization Report of 2002, which specifically identified the area for its “critical aquifer recharge value” and location near a prime waterway – Green Creek, for which this site is a headwater.

I reviewed the Applicant’s Environmental Impact Statement. It was beyond a doubt the most inadequate EIS I have ever reviewed.

Also inexcusable is their refusal to address legitimate environmental concerns raised by the public, environmental professionals and the FWS.

By refusing to answer important questions - the public is left to presume that applicant’s avoidance is an attempt to prevent egregious impacts from coming to light.

How is the Board supposed to protect the community and the environment against adverse impacts if the Applicant thinks he’s somehow immune from questions he doesn’t like, or want to answer?

Since the applicant has gone on record claiming there won’t be any impacts to the environment then he should be required to reasonably substantiate his claims.

This puts the Board in a difficult position, which they should take into account when acting on this proposal. For in the absence of being able to measure what the adverse impacts could be, the Board has insufficient knowledge necessary to making an informed decision.

- How can we take their word when the EIS goes so far as to state that, there is no known contamination on the site, or that groundwater recharge will actually be increased through mining? Such totally absurd statements cut deeply into the applicant’s credibility – especially when they can offer no supporting documentation or evidence.
- Have they accounted for the evaporative effect of 30 acres of open water?
- Will water be exported off-site from the hauling of wet sands with each outgoing load? If so, we’re talking about the millions of gallons per year. (Consumptive water use is hauling wet sand off-site and is typical to this industry)

- What about when the land use is converted to residential use and dominated by sod which is almost as impermeable as concrete and a wasteland for wildlife?
- With such unanswered questions and concerns, is the Board really prepared to rest its decision on an empty promise that there's nothing to worry about?

This county is a water-supply crisis from loss of recharge soils, over-pumping and salt-water intrusion. The DEP and USGS state in their Water-Resources Investigations Report that the optimal location for future water supply development is along the axis of the peninsular part of the county – that's right here in forested areas that haven't been developed. (2002)

Considering the awesome scale and intensity of the proposed uses, destruction of habitat, impacts to groundwater, and proximity to an established neighborhood and federal Refuge – we believe this project jeopardizes the public interest and poses unacceptable risk for adverse impacts.

This is especially so, because it represents uses, which were never articulated to the Board by this Applicant in their initial request for a Use Variance. Indeed, this proposal far exceeds what was originally described to the Board and as such - now poses unreasonable risks and impacts to both the community and refuge. (conceptual plan was for an operation that was much more limited than the mammoth proposal they came back with at site plan stage (2 years later).

We also argue that the Board should require the Applicant to follow the Twp's Design Standards under its (Article VII of Chap 128) Subdivision of Land & Site Plan Review, which states that, "all improvements shall be installed in accordance with the design standards of this article and with all other applicable, municipal, county, state and federal regulation."

The State Mining Use Rule (NJAC 7:7E-7.8) requires, "a minimum buffer area of 500 feet to existing residential development." This site plan is obviously not in conformance and the Board doesn't have to accept it.

Finally, our Refuge represents all Americans. Its future depends on whether or not town governments like yours recognizes the responsibility it has in being a proactive steward. The Refuge is not an island – if you allow incompatible land uses and wholesale habitat destruction along its borders, one of the nation's most-important Refuges will fail in a mission the public has invested millions in.

For these reasons we urge the Planning Board to deny this project. We urge the Applicant to pursue a different course – one that preserves the entire site for conservation. The Nature Conservancy has expressed interest in this site in the past and this option should be revisited in order to leave a legacy that everyone can be proud of.

Thank you...