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Delaware Riverkeeper Network Defeats Soil Safe Motion To Dismiss Claims that Facility Poses Imminent and Substantial Endangerment, Is Threat to Communities and Environment

Camden, NJ – On June 12, 2014, Judge Renee M. Bumb of the United States District Court, District of New Jersey, rejected a motion by Soil Safe Inc. that sought to have her dismiss legal claims by the Delaware Riverkeeper Network asserting that Soil Safe operations located in Logan Township, NJ may be contributing to an imminent and substantial endangerment to human health and the environment.

The complaint filed by Delaware Riverkeeper Network's Senior Attorney Dan Mulvihill asserts that Soil Safe has unlawfully handled, stored and disposed of contaminated soil at the Soil Safe Facility, as well as the nearby Logan Equine Park, also known as DREAM Park, located at U.S. Route 130 South, Logan Township, Gloucester County, New Jersey. According to the legal filing the soil safe operations and disposal of contaminated soils pose an imminent and substantial endangerment to human health and the environment, and as such is in violation of the Federal Resource Conservation and Recovery Act.

"The contaminated soils being processed at Soil Safe contain levels of arsenic, beryllium, cadmium, lead, nickel, zinc, polycyclic aromatic hydrocarbons (PAHs) and total PCBs" states **Maya van Rossum, the Delaware Riverkeeper**. "Soil Safe accepts soil from contaminated properties in several states, including over 300,000 tons of soil removed from the Newtown Creek Superfund Site in New York City. Exposure to PAHs, including benzo(a)pyrene, heavy metals and other contaminants found in the soil safe materials can cause serious health problems. The parks where soil safe dumps their materials in Gloucester County New Jersey, are busy places in the summer with recreational and competitive horses riding, Cub Scout camping weekends and many other activities. To have those park users and area residents exposed to these contaminants is just unacceptable. It is distressing that Soil Safe would prefer to litigate this case rather

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than protect communities and the environment by fixing their operations” added van Rossum.

“Additionally, PAHs are absorbed by and bioaccumulate in fish, crustaceans, and mollusks.”

“The judge’s ruling means the case will proceed to the next step whereby the Delaware Riverkeeper Network will be able to produce evidence and experts to demonstrate that Soil Safe’s operations are not complying with the law or protecting our communities and environment” said **Dan Mulvihill, Senior Attorney for the Delaware Riverkeeper Network** and lead attorney on the case.

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