



New Jersey Pinelands Commission **PRESS RELEASE**

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Construction of proposed trash transfer station in the Pinelands halted; Matter pending in federal court

NEW LISBON, N.J. – The Pinelands Commission, the Southern Railroad Company of New Jersey and the Waszen family have agreed to a Consent Order that halts construction of a solid waste transfer station in the Pinelands until litigation regarding the proposal is heard in federal court.

Judge Jerome B. Simandle of the U.S. District Court, District of New Jersey in Camden signed the Consent Order today.

Under the order, construction activities related to the proposed trash transfer facility in Mullica Township, Atlantic County are on hold, pending the outcome of litigation between the railroad, Steven Waszen Sr., Steven Waszen Jr. and the state. A hearing on the case is scheduled for July 5th.

“This Consent Order reflects the importance of the matter at hand,” Pinelands Commission Chairman James J. Florio said. “It also sets the stage for the court to consider the uniqueness of the Pinelands in reaching a decision that is protective of the Pinelands.”

“This Consent Order is good news for New Jersey and an important first step in our fight to protect the Pinelands from unregulated garbage facilities,” said Acting Governor Richard J. Codey. “The Pinelands and the health of our residents are too important to put at risk. We will do all within our power to protect the Pinelands from waste facilities that refuse to meet with state standards.”

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Press Release continued

The Consent Order allows the Waszens to clean up the 20-acre property in question as expeditiously as possible and in accordance with prior municipal court orders. It also prohibits them from disturbing or excavating soil, clearing existing vegetation or bringing in any additional material not used for cleanup onsite.

Moreover, the order requires that all waste from the site be handled and removed in compliance with the New Jersey Solid Waste Management Act and other applicable law, with documentation concerning all removed waste provided to Mullica Township.

Southern Railroad has refused to seek approvals to operate a solid waste transfer station as required by the Pinelands Commission under the Pinelands Comprehensive Management Plan. The firm contends that the Commission's regulations are pre-empted by federal railroad laws and has filed legal papers seeking to prevent the Commission from interfering with its plans.

Acting on behalf of the Pinelands Commission and in conjunction with Acting Gov. Richard J. Codey, the state Attorney General's Office filed an Answer and Counterclaim seeking injunctive relief against the Southern Railroad Company of New Jersey, Magic Disposal, Inc., Steven Waszen Sr. and Steven Waszen Jr.

The Pinelands Commission asserts that federal railroad laws, specifically the Interstate Commerce Commission Termination Act, do not override its state and federal authority to protect the unique and valuable resources in the Pinelands. The Commission's detailed state and federal regulatory scheme was established by the National Parks and Recreation Act of 1978, the Pinelands Protection Act and the Pinelands Comprehensive Management Plan.

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