



New  
Jersey  
Department of  
Environmental  
Protection

## COMPLIANCE ADVISORY

# Enforcement **Alert**

*Making You Aware of Anticipated Enforcement Activities*

Compliance and Enforcement

Issued: January 2010

#2010-01

## **Magic Disposal, Incorporated: Status of Authorization to Collect Solid Waste**

### **Who is affected by this initiative?**

All entities utilizing Magic Disposal, Incorporated (Magic) for solid waste collection services or which are providing disposal services for Magic are affected.

### **What is DEP doing?**

Except as described below, Magic is no longer authorized to provide solid waste collection services in New Jersey.

The Department issued a Notice of Revocation of Licensure and Debarment against Magic and Steven Waszen, Sr. in November 2006. Magic and Waszen challenged the Department's action in the Administrative Law court, which ruled in the Department's favor. The NJDEP Commissioner upheld the Administrative Law court's decision and issued a Final Decision revoking Magic's A-901 license, solid waste transporter registration and its CPCN and debarring Waszen from the solid waste industry on December 22, 2009.

Magic requested a stay of the Final Decision while it appealed the revocation and debarment. The Commissioner, the Appellate Division and the Supreme Court denied its request. With the Supreme Court denial of Magic's stay request, Magic is no longer authorized to perform solid waste collection activities in the State, except as authorized by DEP's Order for the Orderly Shutdown of Operations of Magic Disposal, Inc., including but not limited to authorization to Magic to remove all solid waste containers from its customers and dispose of any solid waste at appropriate disposal facilities. The Order is included at the end of this Alert.

### **What should I do?**

Current customers receiving solid waste collection services from Magic may contact a new solid waste company to obtain the most appropriate service and rate for its needs to avoid any disruption in service. Solid waste customers may click on this link at [www.nj.gov/dep/dshw/swr/cpcn.htm](http://www.nj.gov/dep/dshw/swr/cpcn.htm) for a list of solid waste collection companies authorized to provide service in their county or contact the Department at one of the telephone numbers below.

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Further, any solid waste collectors licensed by the Department that are interested in obtaining the list of solid waste customers serviced by Magic may call one of the telephone numbers below to arrange to pick up the list. Collectors may then contact any of these customers to offer collection services at a just and reasonable rate.

## **Who should I contact with questions?**

Please contact the Office of Local Environmental Management, Economic Regulation Unit's customer service line at (609) 984-2080 or (609) 984-6746, or Fax: (609) 292-3991.

NJDEP, Office of Local Environmental Management  
P.O. Box 422, Economic Regulation Unit  
Trenton, NJ 08625

## **Where can I get more information?**

**Visit the following Web site for additional information regarding this advisory:**

Solid & Hazardous Waste Regulation Economic Regulation Unit

[www.nj.gov/dep/dshw/swr/cpcn.htm](http://www.nj.gov/dep/dshw/swr/cpcn.htm)

**Visit the following Web site for general information:**

Contact NJDEP: <http://www.nj.gov/cgi-bin/dep/contactdep.pl>

**To comment on this advisory:**

<http://www.nj.gov/dep/enforcement/survey.html>

Please note this advisory is intended to be a summary explanation of a department initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the Enforcement number listed above.



State of New Jersey

Department of Environmental Protection

JON S. CORZINE
Governor

Mark N. Mauriello
Acting Commissioner

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL
PROTECTION, OFFICE OF LOCAL
ENVIRONMENTAL MANAGEMENT

Petitioner,

v.

MAGIC DISPOSAL, INC. AND
STEVEN WASZEN, SR.

Respondents.

ORDER FOR THE ORDERLY
SHUTDOWN OF OPERATIONS
OF MAGIC DISPOSAL, INC.

OAL DKT NO. ECESW 4990-07S
AGENCY REF. NO. PEA050004-135866

On December 22, 2009, the Commissioner issued a Final Decision of Partial Summary Decision which, among other things, revoked Magic Disposal, Inc.'s ("Magic Disposal") A-901 Approval, its solid waste transporter's registration, its certificate of public convenience and necessity, and which debarred Steven Waszen, Sr. from the solid waste industry. The order was subsequently made effective January 8, 2010 Magic and Waszen applied for a stay respectively from the Commissioner, the Appellate Division, and the Supreme Court of New Jersey. The Commissioner, the Appellate Division and the Supreme Court denied the stay requests. Thus, the Final Decision of Partial Summary Decision is now effective.

The Department is authorized pursuant to the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq. to ensure safe, adequate and proper solid waste disposal service throughout the State and thus, orders Magic to take the following measures for an orderly shutdown of its solid waste collection operations and to assist the transition of its customers to other properly qualified solid waste collectors within the time frames prescribed below:

By 5:00 PM, Tuesday, January 12, Magic shall issue written notices to all customers of its shutdown and shall notify DEP in writing of the location of all of its solid waste containers. Notice shall be sent to:

Michael DeTalvo  
New Jersey Department of Environmental Protection  
Office of Local Environmental Management  
9 Ewing Street  
P.O. Box 422  
Trenton, NJ 08625-0422  
(609) 984-2080  
(609) 984-9658 (fax)

Magic Disposal shall remove all solid waste containers from its customers within five (5) business days of the effective date of this Order and dispose of any solid waste at disposal facilities in accordance with each applicable District Solid Waste Management Plan.

Magic Disposal shall return all solid waste registration and scrape all solid waste registration decals from its solid waste vehicles and containers and return these decals to the Department no later than February 1, 2010.

Magic Disposal shall issue pro-rated refunds to any of its customers who made advance payments for solid waste collection services no later than February 1, 2010.

In the event that Magic Disposal abandons any of its solid waste containers on the property of its previous customers past five (5) business days of the effective date of this Order, the new solid waste collector is hereby authorized to remove the container to its storage yard and provide written notice to Magic Disposal to pick up the container within five (5) business days provided that Magic Disposal reimburses the new collector for any solid waste disposal fees and other appropriate costs.

IT IS SO ORDERED:



Wolfgang Skacel

Dated January 8, 2010