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NJMC Brings Fight for Consistent Solid Waste Regulation to a Successful Conclusion

LYNDHURST, N.J. – The Board of the New Jersey Meadowlands Commission voted today to authorize an agreement requiring a rail-side waste processor in North Bergen to come into full compliance with New Jersey's laws, ending outstanding litigation against the processor. This follows the passage of the Federal Railroad Safety Improvement Act of 2007 by the House of Representatives on October 17, reaffirming the consistent role of state and local regulation over solid waste, despite recent claims by some waste processors to be exempt from oversight due to their utilization of federally regulated railroads.

"Our residents deserve to go to bed at night and send their children off to school the next morning without worrying that a solid waste company will start up a dump in their backyard with nobody watching," said Joseph V. Doria, Acting Chairman of the NJMC and Acting Commissioner of the New Jersey Department of Community Affairs.

"Thanks to the dogged determination of North Bergen Mayor and State Senator Nicholas Sacco, who brought this issue to the national stage through his vigorous defense of his community's rights, as well as the efforts of Senators Frank Lautenberg and Robert Menendez, Congressmen Frank Pallone, Frank Lobiondo, Albio Sires and Steven Rothman, NJDEP Commissioner Lisa Jackson and Attorney General Anne Milgram, we are seeing national action in defense of our families and their right to health, safety and a clean environment."

"I am very pleased that all parties support this groundbreaking settlement which recognizes that the health and safety of our families must always come first," said Mayor Sacco. "On behalf of our residents, I want to thank the Meadowlands Commission and the Governor for their leadership on this issue. Without their efforts, this agreement would not have been possible."

Under the proposed settlement, approved by the Board today, Westside Transload LLC of North Bergen would agree to follow all applicable regulations for solid waste processing sites. Specifically this would apply to a facility Westside Transload is constructing on the property of the New York Susquehanna and Western Railroad at 43rd Street in North Bergen. NYS&W is headquartered in Cooperstown, New York. The

settlement will be concluded through the Attorney General's office which has managed the suit on behalf of the NJMC and the New Jersey Department of Environmental Protection.

The NJMC was granted a temporary injunction on this particular site on July 21, 2006, by the State Superior Court in Jersey City. The railroad in question, NYS&W, had sent notice to the NJMC on July 10 notifying the agency that the railroad would commence construction immediately on a rail-side waste operation at 43rd Street in North Bergen despite not having submitted all proper building code and planning documents to the agency, including fire suppression plans or adequately addressing complications presented by an underground oil pipeline at the site.

Problems with rail-side waste operations in the region had been highlighted by fires at an operation adjacent to New York & Greenwood Railway Co. rails in Passaic, a fire on an NYS&W train carrying solid waste from a non-permitted waste facility in North Bergen, illegal wetlands fill at another NYS&W rail-side waste site in North Bergen, the tripping of a circuit on a PSE&G high-power line by a piece of heavy equipment at an NYS&W-related waste operation in North Bergen and numerous other incidents across the state and Northeastern part of the country.

The NYS&W is currently in federal court to dispute a \$2.5 million fine by NJDEP for failing to meet basic health, safety and environmental standards and safeguards at rail-side waste sites across the Meadowlands portion of North Bergen, though not for the later Westside Transload facility which is the subject of this proposed settlement.

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