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NJMC to Draft Special Report on Rail-Side Waste Operations and Assist Congress

LYNDHURST, N.J. – At the direction today of New Jersey Meadowlands Commission Chairwoman Susan Bass Levin, the NJMC has commenced drafting a special report on the spread of under-regulated solid waste operations along rail lines. In addition, the Chairwoman has directed the NJMC to aid Congress in clarifying the legal status of rail-side waste operations in the coming months.

“In partnership with the entire Meadowlands community and fellow state agencies, we are united in our effort to keep the days of unregulated waste processing in the past and ensure that the environment is protected from these rail-side waste operations,” said Levin. “Giant two-story piles of garbage that sat out on the ground, in one case on an apparently illegally filled wetland, cannot be allowed to come back. Basic issues such as fire suppression and respect for the International Building Code must be observed. We will work with our leaders in the US Senate and Congress to set to rest any confusion over whether the laws of the land afford these waste heaps cover from proper oversight.”

“It took us decades to change the Meadowlands from the garbage dump it was into the recovering ecosystem that it is today,” said Hackensack Riverkeeper Captain Bill Sheehan. “After all that we’ve done, I’m not going to sit back and watch the river be dragged back to the dirty days of yore.”

“The Meadowlands and the Hudson-Raritan Estuary has been pulled back from the edge of destruction by the engaged and informed public,” said New York – New Jersey Baykeeper Andrew Willner. “Baykeeper supports the efforts of state and federal lawmakers to protect our last and largest urban wilderness.”

The special report - supported by environmental advocates such as the Hackensack Riverkeeper and NY/NJ Baykeeper - will be presented to the NJMC Board of Commissioners, and given to members of the US Senate and Congress to aid in their efforts to clarify federal law with regard to a state’s right to regulate solid waste.

US Senator Frank R. Lautenberg and Congressman Frank Pallone Jr. reintroduced Senate bill S.719 and House of Representatives bill H.R.1248 on February 28th in both houses of Congress to recognize states’ traditional right to regulate solid waste. The bills are co-sponsored by US Senators Robert Menendez of New Jersey, Edward Kennedy of Massachusetts and Jack Reed of Rhode Island, and Congressmen Frank A. LoBiondo of New Jersey and Maurice D. Hinchey of New York. The bills have been referred to the

Senate Commerce, Science, and Transportation Committee and House Committee on Transportation and Infrastructure.

The Meadowlands Commission report will review a series of issues presented by rail-side waste operations – some of which attempt to use their proximity to railroad tracks to claim federal immunity from state environmental protections that apply to all solid waste processing operations.

In the Meadowlands the NJMC and New Jersey Department of Environmental Protection have filed suit against waste processor Westside Transload and Connecticut-based hedge fund Plainfield Asset Management LLC on the grounds that a pending facility at 43rd Street in North Bergen is subject to state regulation required for solid waste transfer stations. Also, an appeal by the agencies of a US District court decision that runs counter to a state’s ability to exercise its proper oversight over solid waste processing is pending.

Other recent events include ongoing court actions in the Pinelands region, national attention on cases in Massachusetts and elsewhere, and past measures taken by the Township of Saddle Brook and City of Paterson against the New York Susquehanna and Western Railway (NYS&W) for handling solid waste in recreational and residential areas.

The New Jersey Meadowlands Commission is the state planning and zoning authority in the Meadowlands District and is charged with protecting the delicate balance of nature in the region and providing for orderly economic growth.

The Hackensack Riverkeeper is a regional environmental advocacy group which has adopted the mission of providing representation for the natural living resources of the Hackensack River. The NY/NJ Baykeeper's mission is to protect, preserve, and restore the ecological integrity and productivity of the Hudson-Raritan Estuary - the most urban estuary on the planet. Hackensack Riverkeeper is a member, and NY/NJ Baykeeper is a founding member of the international Waterkeeper Alliance.

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