



## New Jersey Pinelands Commission **PRESS RELEASE**

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### **Federal judge signs order permanently barring construction of proposed solid waste transfer facility in the Pinelands**

NEW LISBON, N.J. – A federal judge has signed a Consent Order that permanently bars the construction of a proposed solid waste transfer station on a 20-acre property in the Pinelands in Mullica Township, Atlantic County. Judge Jerome B. Simandle of the U.S. District Court, District of New Jersey signed the Consent Order on March 26.

Under the order, J.P. Rail and the Third-Party Defendants in the matter agree to be permanently prohibited from constructing and/or operating a solid or hazardous waste facility on the property in Mullica Township. They also agree to be precluded from “disposing, processing, dumping, transferring, transporting and/or handling solid or hazardous waste in any manner” on the property. Additionally, the Consent Order and its restrictions will run with the title on the land. Lastly, J.P. Rail agrees to dismiss its complaint against the Pinelands Commission regarding the property, as well as any claims that it or the Third-Party Defendants may have against the Commission or Mullica Township pertaining to the site.

“This order converts the court’s temporary protections into permanent restrictions and represents a major victory for the protection of the ecological treasure that is the New Jersey Pinelands,” said John C. Stokes, Executive Director of the Pinelands Commission.

In December 2005, Judge Simandle granted the Pinelands Commission’s request for a preliminary injunction that halted the construction of the proposed solid waste transfer station. The judge also denied J.P. Rail Inc.’s motion for a preliminary injunction that sought to prevent the Commission from regulating the construction of the facility. J.P. Rail had argued that the Commission was pre-empted by federal railroad laws and that the regulation of the proposed waste transfer station is exclusively within the jurisdiction of the federal Surface Transportation Board. The court, however, recognized the Pinelands Commission’s jurisdiction over the proposed facility.

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