

Newsroom: Press Releases

Press Release of Senator Lautenberg

Legislation Requiring Clean Up Of Rail Solid Waste Sites Becomes Law

Lautenberg, Menendez, Pallone Lead Effort to Close Dangerous Environmental Loophole

Contact: Lautenberg Press Office 202.224.3224

Monday, October 20, 2008

NEWARK, N.J. – Last week, legislation authored by U.S. Sen. Frank R. Lautenberg (D-NJ) to allow states to regulate solid waste processing facilities along rail lines was enacted into law. The law closes a federal loophole that prohibited states from enforcing environmental, health and safety regulations at these rail sites. The bill, the *Clean Railroads Act of 2008*, was included in a larger package of rail legislation signed by the President. It was cosponsored by Sen. Robert Menendez (D-NJ) and championed in the House of Representatives by Rep. Frank Pallone (D-NJ-06).

“Our law will save our backyards from becoming junkyards for industry. This is a major victory for New Jersey—it will allow our communities to protect residents from fire hazards and pollution caused by waste on rail sites,” Sen. Lautenberg said. **“I am proud we permanently opened the door for New Jersey to clean up this waste.”**

Sen. Menendez said, **“New Jersey is now back in charge of this New Jersey issue, just as it should be. When it comes to safety, health, environmental and waste transportation issues, we cannot allow the bureaucracy of Washington trump the well being of our citizens. This is an important achievement for our health and our environment.”**

“This new law sends a strong message that Washington is no longer going to allow the Surface Transportation Board to be the sole regulator of waste transfer facilities,” Rep. Pallone said. **“Thanks to this law, state and local governments will now have the authority to protect their communities and the environment by regulating these facilities that have flown under the radar for too long.”**

This federal loophole has allowed railroad companies to pile trash, largely consisting of construction debris, at times two stories high. These hazards represent serious health, safety and environmental risks to residents who live near these sites, including groundwater contamination and fires.

Courts and federal agencies have ruled against New Jersey’s regulators when trying to enforce the state’s public health, safety and environmental standards on rail sites. These rulings preserved the federal loophole by basically protecting the federal Surface Transportation Board (STB) as the only agency that can oversee rail waste sites; however, the STB does not actively regulate them. No federal safety or environmental standards exist for these sites and the agency has no inspectors. In fact, the STB has prevented any state from regulating rail solid waste sites within their borders.

The new law will ensure that New Jersey Department of Environmental Protection has the authority and leverage to oversee these waste sites.

Under the *Clean Railroads Act of 2008*:

- States are granted the permanent right to enforce their public health and safety and environmental laws at facilities that handle solid waste, regardless if they are located on a railroad;
- The STB may continue to site railroad facilities in order to maintain a unified interstate railroad system of transportation, but may not allow the operation or creation of a rail solid waste transfer site in environmentally-sensitive areas, including the Pinelands National Reserve or in protected areas of New Jersey's Highlands region; and
- Existing facilities will be required to come into compliance with applicable state laws within 90 days.

There are 9 existing sites in New Jersey:

- North Bergen, Hudson County (4);
- Paterson, Passaic County;
- Newark, Essex County;
- Passaic, Passaic County;
- Pleasantville City, Atlantic County; and
- Hainesport, Burlington County.

And at least seven more have been proposed in the State:

- Paterson, Passaic County;
- North Bergen, Hudson County (2);
- Winslow Township, Gloucester County;
- Red Bank, Monmouth County;
- Freehold, Monmouth County; and
- Mullica Township, Atlantic County.