



Connecticut Department
of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

December 12, 2011

Attorney Edward J. Rodriguez,
Housatonic Railroad Company, Inc.
8 Davis Road, P.O. Box 687
Old Lyme, CT 06371

Re: Notice of Violation no. WEED WSWDS11076, issued on October 14, 2011, Solid Waste Facility,
Newtown, Connecticut

Dear Attorney Rodriguez:

The Department of Energy & Environmental Protection (“DEEP”) has received your response to the above referenced Notice of Violation, specifically a letter to the Waste Engineering and Enforcement Division (WEED) dated November 7, 2011. DEEP has found that the response does not satisfactorily demonstrate that all of the violations cited have been corrected. DEEP remains concerned that there seems to be an impaired relationship between Housatonic Railroad Company, Inc., (HRRC) and Newtown Transload, Inc., (NT) whereas the two parties cannot ensure compliant operations nor can they agree on who is responsible to ensure compliant operations of the solid waste facility in Newtown, Connecticut.

Based on a review of the active enforcement file for the operation of the subject solid waste facility, DEEP has concluded that violations cited by WEED after the passage of the Clean Railroads Act of 2008 (October 16, 2008), indicate there is a longstanding and continuing pattern of non-compliance including Notice of Violation nos.:

- WEED WSWDS09089, issued to HRRC on September 21, 2009,
- WEED WSWDS10074, issued to HRRC on July 7, 2010,
- WEED WSWDS11076, issued to HRRC on October 14, 2011,
- WPED WRSW10005, issued to NT on July 6, 2010,
- WEED WSWDS10081, issued to NT on July 22, 2010,
- WEED WSWDS11075, issued to NT October 14, 2011, and
- WPED WRSW11147, issued to NT November 4, 2011.

Responses received by DEEP from the Housatonic Railroad Company and Newtown Transload have not satisfactorily demonstrated that the violations have been expeditiously corrected, nor is there a recognizable system in place to prevent additional or recurring violations.

DEEP has received and reviewed your letter dated December 7, 2011 and we also concluded that we have reached a point of impasse on the negotiations of the proposed consent order with Housatonic Railroad Company and Newtown Transload. At this point the DEEP will be assessing other remedies as needed and appropriate to resolve this matter.

If you have any questions regarding this letter, please contact me at (860) 424-3264 or by email at robert.isner@ct.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Isner', with a long horizontal flourish extending to the right.

Robert C. Isner, Director
Waste Engineering and Enforcement Division
Bureau of Materials Management and Compliance Assurance

cc: Attorney David Monz
Newtown Transload, LLC
Attorney Franca DeRosa