



Connecticut Department
of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

Stephen Goldblum
Newtown Transload, LLC
30 Hawleyville Road
Newtown, CT 06470

December 12, 2011

Re: Notice of Violation no. WEED WSWDS11075, issued on October 14, 2011, and WPED NOVRSW11147, issued on November 4, 2011, Solid Waste Facility, Newtown, Connecticut

Dear Mr. Goldblum:

The Department of Energy & Environmental Protection ("DEEP") has received your responses to the above referenced Notices of Violations, specifically letters to the Waste Engineering and Enforcement Division (WEED) and the Water Permitting and Enforcement Division (WPED) dated November 7 and November 17, 2011 respectively. DEEP has found that the responses, collectively, do 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., and Newtown Transload, Inc., 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 both WEED and WPED 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.:

- WPED WRSW10005, issued July 6, 2010;
- WEED WSWDS10081, issued on July 22, 2010;
- WEED WSWDS110075, issued October 14, 2011; and
- WPED WRSW11147, issued 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 additionally concluded we have reached a point of impasse on the negotiations of the proposed consent order with Housatonic Railroad 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,

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

cc: Attorney Franca DeRosa
Housatonic Railroad Company, Inc. / Attorney Ed Rodriguez