

Interoffice MEMORANDUM

DEPARTMENT OF ENVIRONMENTAL PROTECTION

To: Frank P. Gagliardo, Supervising Environmental Analyst
Waste Engineering & Enforcement Division
Bureau of Materials Management & Compliance Assurance

From: Bethany McWade, Environmental Analyst
Waste Engineering & Enforcement Division
Bureau of Materials Management & Compliance Assurance

Subject: Inspection of 30 Hawleyville Road, Newtown
Housatonic Railroad Company, Inc.
on 07/16/09

Date: 07/22/09

On the morning of July 16, 2009, Calin Tanovici (Sanitary Engineer, DEP), Laurene McEntire (Sanitary Engineer, DEP) and I (Environmental Analyst, DEP) inspected the Housatonic Railroad Company, Inc. located on 30 Hawleyville Road in Newtown ("the site"). We were accompanied by George Benson from the Town of Newtown's Land Use and Planning Department and Steve Dahlem from the State Department of Public Health's Asbestos Program. While on site we spoke with Rick Kowaleski and Bret Northrop from Strategic Disposal, LLC and Bob Greenwood from Shepaug Distribution Services, LLC, a handler of commodities in a separate area of the site. There was no representative from the Housatonic Railroad Company, Inc., or from Newtown Transload, LLC during the site inspection.

Note: On the current Department of Environmental Protection ("DEP") permit application number 200901096, Housatonic Railroad Company, Inc. is listed as the applicant and Newtown Transload, LLC is listed as the operator.

BACKGROUND

The Department received numerous complaints and concerns about the recent permit application received from Housatonic Railroad Company, Inc., submitted in April 2009, to expand current solid waste operations at the site. Opposition of expansion has been expressed by local citizen groups, local officials and government representatives. In July 2007, the Town of Newtown issued

wetlands violation (violation # 07-11) to the existing facility handling commodities and solid waste for allegedly filling wetlands and regulated wetland areas. Residents and officials are concerned about the potential for soil and water contamination from the filling of wetland areas, expansion of the site, and the proposed handling of ash, contaminated soil, sludge and asbestos.

OBSERVATIONS

We arrived on site at approximately 11:45 a.m. and met with Mr. Kowaleski, who walked a majority of the site with us. Weather conditions during the inspection were overcast, temperatures in the mid-eighties, with a storm front moving through the area approximately forty-five (45) minutes into the inspection. There was a significant amount of dust observed prior to the storm.

Shepaug Distribution Services, LLC, (Shepaug Reload) a lumber yard, is located on the southern area of the property with a main warehouse located in the center of the property. Strategic Disposal, LLC is located to the north of the warehouse and currently uses a ninety by sixty (90x60) foot covered area of the existing warehouse for their solid waste operations (see pictures B-6, B-7 and L-7).

There was no sign for Strategic Disposal, LLC located at the Route 25 street entrance of the property. However, there was a sign posted at the solid waste area entrance from the access driveway (see pictures B-2, B-3, L-1, and L-2.) Upon entering the site, I observed an excavator removing land clearing debris from a depression and adding it to an approximately seventy-five (75) cubic yard pile (see pictures B-4, B-5, B-23, B-25-B-28, B-31, L-3, L-16-L-18). The total on-site land clearing debris observed equaled approximately one-hundred and twenty-five (125) cubic yards.

According to Mr. Kowaleski, Strategic Disposal, LLC is currently taking in and loading for transport approximately one-hundred (100) tons per day (tpd) of C&D waste. However, due to recent press surrounding the solid waste facility's operations, they are only taking in roughly nineteen (19) tpd of C&D. Solid waste is tipped indoors (under cover) and then transferred with a loader from the building to the railcar for off-site transport. During the time of inspection, material was observed stored outside of the existing ninety by sixty (90x60) foot semi-enclosed area dedicated to solid waste operations. Approximately twenty-five percent (25%) of waste observed in the tipping area during the time of inspection consisted of recyclables and MSW. This twenty-five (25) percent included, but was not limited to, cardboard, packaging materials such as styrofoam, plastics (a lawn chair, kid slide, etc.), discarded mailers and manuals, and plastic garbage bags (see pictures B-6-B-13, L-7-L-10).

Mr. Kowaleski informed us that Strategic Disposal, LLC is currently not handling asbestos, but did indicate that in the future they would like to handle non-friable asbestos sorted from C&D waste and asbestos containing materials (ACM) such as floor tiles and roofing shingles. Proposed asbestos handling will include transport from lined roll-off containers to lined railcars. Mr. Dahlem and Mr. Tanovici informed Mr. Kowaleski and Mr. Northrop that "friable" or "non-friable" asbestos must be properly handled as asbestos at a specifically designed and separately permitted processing facility. Asbestos must be loaded off-site in sealed containers suitable for direct transfer from truck to railcar in order to be approved for on-site handling. No source separated or bagged asbestos can be handled or consolidated at the volume reduction facility. Records and a detailed description of past asbestos activities were requested by Mr. Dahlem. When asked for disposal and receipt records, especially as they pertain to asbestos handling, we were informed that Mr. Edward Rodriguez and Mr. F. Colin Pease, both from Housatonic Railroad Company, Inc., would be able to provide such documentation. Mr. Kowaleski and Mr. Northrop informed us that they have only been with Strategic Disposal, LLC for less than a month.

Mr. Kowaleski explained that the proposed facility plans included a new one-hundred by one-hundred foot (100x100 ft) building which will include a tipping floor, processing area, and an adjacent rail car loading ramp and enclosure. Rail cars will be loaded under cover within the building. The existing railroad tracks will be extended to where the new building is being proposed as marked by a green stake (see pictures B-21 and B-22). The tipping floor area in the existing building will remain as a "back-up" tipping area as part of the solid waste facility. According to Mr. Kowaleski the waste materials to be received at the volume reduction plant (VRP) include: steel, metals, plastic, cardboard, tires, C&D waste, paper, clean wood, etc. Mr. Kowaleski also told us that Strategic Disposal, LLC intends to use Lakin Tire East, Inc. for tire disposal.

Approximately one (1) to two (2) acres of land, which closely borders and appears to encroach upon wetlands (see pictures B-20, B-29, B-30, B-32, B-34-B-36, L-12, L-13, L-15, L-19, L-20 and L-22), has been filled with material appearing to be clean fill with de minimis amounts of rebar and scrap metal mixed in (see pictures B-19, B-23, B-24, B-37 and B-40). It appears that at least one area of wetlands located in the center of the proposed expansion area, as depicted by engineer drawing no. C-1 entitled "Existing Conditions Housatonic Railroad Company Inc. Shepaug Terminal 30 Hawleyville Road (Route 25) Newtown, Connecticut", prepared by JPGA, John Paul Garcia and Associates, P.C. Engineers and Surveyors, dated 4/6/09, has already been filled.

Due to the onset of inclement weather conditions, we conducted the remainder of our inspection and exit meeting inside one of the office trailers on site. During this time Mr. Tanovici explained the permit process. Mr. Kowaleski asked if

during the permit process, construction of the new building could in fact not take place to which Mr. Tanovici explained that "Yes", they could not start construction of the new building until they have received the appropriate permits from the Department. Mr. Dahlem again asked for records pertaining to asbestos disposal that the Housatonic Railroad Company, Inc. and or Strategic Disposal, LLC may have.

cc:

- George Benson, Town of Newtown Land Use and Planning Department, 31 Pecks Lane, Newtown, CT 06470
- Stephen P. Dahlem, State Department of Public Health Asbestos Program, 410 Capitol Avenue, Hartford, CT 06134
- Strategic Disposal, LLC, 30 Hawleyville Road, Newtown, CT 06470
- Mr. F. Colin Pease, Housatonic Railroad Company, Inc., 8 Davis Road West, PO Box 687, Old Lyme, CT 06371

Attachment:

- Inspection pictures