

Hawleyville Environmental Advocacy Team

HEAT A grassroots group of local citizens concerned with keeping Hawleyville clean, green & safe.

PO Box 171
Hawleyville, CT 06440

August 8, 2009

Mr. Joseph E. Borst, First Selectman
Town of Newtown
Edmond Town Hall
45 Main Street
Newtown, CT 06470

Dear First Selectman Borst,

It has been 780 days since Newtown Land Use Agency issued their first notice of wetlands violation to the Housatonic Railroad, Inc. (HRRC). We were informed that Newtown Land Use Agency Office has decided to extend the deadline (August 7, 2009) for producing a permit or filing a wetlands application an additional 10 days and possibly as long as to August 31, 2009, making it 819 days since town officials first took an initiative on the community's behalf.

We, members of Hawleyville Environmental Advocacy Team, are alarmed by any extension beyond the ten day Notice of Violation as it pertains to our wetlands and the Pond Brook watershed, our primary water supply for the community.

As stated, June 18, 2009, at the Housatonic Resources Recovery Authority (HRRRA) meeting, in the presence of and supported by, our town representative, Selectman Herb Rosenthal, we stand by our request for a moratorium on all activity by the HRRC. We believe the town has the authority to act on this violation as stated in Section 22a-42 of the Inland Wetlands and Watercourses Act, "To carry out and effectuate the purposes and policies of sections 22a-36 to 22a-45, inclusive, it is hereby declared to be the public policy of the state to require municipal regulation of activities affecting the wetlands and watercourses within the territorial limits of the various municipalities or districts".

In addition, it appears that no permit has ever been issued by the federal Surface Transportation Board nor the CT Department of Environmental Protection for the current operation at 30 Hawleyville Road. Strategic Disposal, LLC advertises the acceptance of the following materials, all of which can have a negative impact on our water supply:

- Construction and demolition debris
- non-friable asbestos containing materials
- Contaminated soils
- Roofing materials
- Dredging materials

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- Industrial wastes
- Street sweepings
- Catch basin materials
- Ash
- Automobile fluff
- Processed recyclables (baled plastics, paper and cardboard)
- Processed Tires

Despite the HRRC's claim that they are insulated, due to governance by Department of Transportation regulations, this unregulated, unsupervised operation, with no quality assurance standard, should not be tolerated nor allowed to continue.

Given that the Town has granted the HRRC an extension to respond to the wetlands notice of violation , we request the following actions be taken:

- Land Use Agency conduct daily site visits with photographic and written documentation as per your direction to that Agency beginning August 5, 2009
- Formal request from the Town of Newtown to the Attorney General for a moratorium on all activities
- Deny any additional requests for time extension by the HRRC including their affiliates

Lastly, we ask that you formally request Senator Dodd and Senator Lieberman to utilize the appropriate federal resource agencies such as the Environmental Protection Agency and the Surface Transportation Board's Section on Environmental Analysis and others.

On the behalf of the people of Newtown, the neighborhood of Hawleyville,

Ann Marie Mitchell

Jim Ruopp

Terry Laslo

David Broughton

Jim Mitchell

Helga Ruopp, Ed.D

Walli Waterman Ph.D.

Cathy Winkler Ph.D.

Mike Sanchez

Howard Winkler

Hawleyville Environmental Advocacy Team (HEAT)

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Cc: Governor M. Jodi Rell
Attorney General Richard Blumenthal
Senator Christopher J. Dodd
Senator Joseph Lieberman
Congressman Christopher S. Murphy
George Benson, Newtown Land Use
Robert Sibley, Newtown Deputy Land Use Director
Robert Isner, State of CT DEP
Gabrielle Frigon, State of CT DEP
Cheryl D. Reedy, HRRRA
Jonathon Chew, HVCEO
John Calandrelli CT Sierra Club
Marcia Wilkins CT Sierra Club, Brookfield, CT
Curtis Clark, Newtown Bee
Melissa Bruen, News Times