



## CANDLEWOOD VALLEY CHAPTER

P.O. Box 3795, Danbury, CT 06810



October 14, 2009

Anne M. Peters, Esq., Chairperson  
Inland Wetlands Commission  
Town of Newtown  
31 Pecks Lane  
Newtown, CT 06470

*tw*  
*10/14/09*  
*R. Sibley*

Re: Housatonic Railroad Company Inland Wetlands Permit Application

Ms. Peters:

I am writing on the matter of the Housatonic Railroad Company ("HRRC") solid waste facility and proposed expansion at 30 Hawleyville Road, Newtown, CT.

I am Vice President of the Candlewood Valley Chapter of Trout Unlimited ("CVTU") and President of the Pootatuck Watershed Association ("PWA") of which CVTU is a permanent Board member. These organizations are considerable stakeholders and have concerns regarding the impact of such a facility. Additionally I have extensive experience in the waste management industry as an executive in the areas of operations, project development, business management and public policy. With this experience, as an industry professional and a local environmental leader, I vehemently oppose the continued operation and/or expansion of the HRRC waste facility.

I am alarmed by the assumption of the applicant that they may not be subject to local Wetlands jurisdiction when the Clean Railroads Act clearly states such jurisdiction and the applicant's requirement to comply. This facility has a history of violating Wetlands regulations and the proposed operations only exacerbate that due to disturbance from direct construction and operations activity, as well as potential threats from a variety of materials potentially to be processed at the facility.

I also disagree that waste materials are to be considered merely a "commodity" as the Applicant seems to portray. Solid waste is a category of its own with specific regulations and regulatory agencies governing its handling, transportation and disposal.

Groundwater and surface water impacts are of great concern, in addition to impacts to air quality, traffic and vectors such as noise, odor and rodents. The local population depends upon ground water for consumption and the surface waters of the Pond Brook watershed

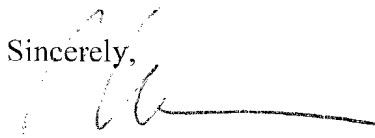
include habitat for trout and other species. Protection of wetlands and watercourse is the only means for ensuring clean water and their protection is critical to human and environmental health.

As partners in maintaining healthy waters, CVTU and the PWA are involved in significant projects in conjunction with local, state and federal authorities. Such efforts include several years of water quality sampling, thermal monitoring and macroinvertebrate sampling, as well as fish population surveys in the Pond Brook watershed. This watershed is showing to be one of good quality, but characteristic impacts of development are being exhibited. The only way to ensure a better future for this resource is through intelligent land use, while buffering wetlands and watercourses from development, and protection from noxious uses.

The current application has an undeniable impact on local water resources. Additionally I believe that the Site Stormwater Management Plan is insufficient, Operations and Management Plans are nearly non-existent, there is no evidence of origin and destination of materials and the Applicant should be required to contact the U.S. Army Corps of Engineers for the project. The mere fact that current Wetland violations remain unmitigated, and that the Applicant failed to submit applications within the required 180 days following enactment of the Clean Railroads Act, should jeopardize the continued operations at this site on any level.

Thank you for your accepting my input on this issue and please feel free to contact me with any questions or comments. I may be reached at the above address or by phone at (202) 426-6039.

Sincerely,



James Belden  
Vice President

Cc: George Benson, Land Use Director, Town of Newtown

TCW

10/14/02

R. Sibley