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White Street Transfer Station Resolution

Whereas, the Housatonic Resources Recovery Authority (HRRA) is a regional resources recovery authority created in 1986 by concurrent ordinances in all its member municipalities, including Bethel, Bridgewater, Brookfield, Danbury, Kent, New Fairfield, New Milford, Newtown, Redding, Ridgefield and Sherman, under Section 103b of the Connecticut General Statutes, and

Whereas, HRRA, under Section 103b, has the authority to “purchase, lease or rent such real and personal property as it may deem necessary, convenient or desirable; . . . own, manage and use real property or any interest therein; . . . acquire, by purchase, gift, transfer, or by condemnation for public purposes, and manage and operate, hold and dispose of real property and, subject to agreements with lessors or lessees, develop or alter such property by making improvements and betterments with the purpose of enhancing the value and usefulness of such property; . . . receive funds from the sale of the authority's bonds . . .; accept from a federal agency loans or grants for use in carrying out its purposes and enter into agreements with such agency respecting any such loans or grants; and otherwise, do all things necessary for the performance of its duties, the fulfillment of its obligations, the conduct of its operations, the maintenance of its working relationships with the state, other municipalities, regions and persons, and the conduct of a comprehensive program for solid waste disposal and resources recovery, and for solid waste management services, in accordance with the provisions of the state or local solid waste management plan, applicable statutes and regulations and the requirements of this chapter;” and

Whereas, under Connecticut law municipalities are mandated to designate a permitted location for the disposal of all solid waste generated within their borders, and the White Street transfer station is an integral and indispensable part of the HRRA municipalities’ compliance with that mandate, and

Whereas, organized crime must not be permitted to regain a toehold in the region’s solid waste disposal system ever again, and

Whereas, the White Street transfer station currently transfers 85% of all MSW, processes approximately 55% of the recyclables, and transfers by rail at least 80% of the C&D generated within the HRRA region, and

Whereas, the HRRA has existing contracts requiring recyclables and MSW to flow through the White Street transfer station until 2011 and 2019 respectively, and

Whereas, the White Street transfer station is the only C&D and recycling facility in the region and the dominant MSW transfer station in the region and HRRA believes it is highly unlikely that other transfer stations can be sited in the region in the future due to local zoning regulations, thus creating a transfer station monopoly at White Street, and

Whereas, motions for preliminary orders of forfeiture of assets of both owners of various waste disposal businesses in the region, including the White Street transfer station, have been granted by the federal district court judge, and

Whereas, without any intervention urging the contrary, HRRRA understands that the federal government intends to auction off to the highest bidder all the forfeited assets in one package, including numerous solid waste collection companies, the White Street transfer station, real property, race cars, etc., and

Whereas, a winning bidder would immediately have a legal, dominant solid waste collection market share and a legal monopoly on solid waste transfer and processing in the region that would do little to increase competition to consumers' benefit or to protect against the reemergence of organized crime in the region's solid waste system, and

Whereas, a winning bidder could also include a private equity firm, similar to the one that purchased Candlewood Lake and the Housatonic River power producing assets, and

Whereas, the public in the HRRRA region, who were victimized and overcharged as a result of the influence of organized crime on the privately owned solid waste services in the region, should rightfully share in the fruits of the federal government's successful prosecution of those responsible,

Therefore, the HRRRA finds it is in the public interest that the White Street transfer station operations and facilities be owned by HRRRA on behalf of the residents and taxpayers of member communities and authorizes the Director and its Executive Committee to take all actions necessary, within available appropriations, to prepare a plan for effectuating such ownership and present it to the Authority for consideration.

This is a true and correct copy of a resolution passed by a majority of the members of the HRRRA on this 13th day of June, 2008, at a public meeting duly noticed, in the Town of Brookfield, CT.

Michael T. Gill, Chairman

Andrea O'Connor, Secretary