

OFFICE OF ADJUDICATIONS

IN THE MATTER OF : ***APPLICATION No. 201608469***
F&G, LLC : ***DECEMBER 6, 2018***

FINAL DECISION

The Proposed Final Decision (“PFD”) in this matter was issued on October 12, 2018. A revised Proposed Final Decision (“revised PFD”), following consideration of a joint request filed by the parties to this matter, was issued November 28, 2018. Both decisions find that the substantial evidence in the administrative record demonstrates that the proposed regulated activity, as detailed in the application and conditioned by the draft permit, would comply with the statutes and regulations concerning the permitting of solid waste transfer and volume reduction facilities. Accordingly, I recommended that a permit for the expansion of an existing facility at 260 Railroad Hill Street in Waterbury to include the receipt solid waste - of various types and in various quantities, as detailed in the draft permit - be issued.

The Department’s Rules of Practice allow for the filing of exceptions by the parties for a period of up to fifteen days following the issuance of a proposed final decision; in this matter the deadline to file exceptions to the PFD was October 29, 2018, and the deadline to file exceptions to the revised PFD was December 14, 2019. The time to file exceptions to the PFD has passed, and no exceptions were filed.¹ Following the issuance of the revised PFD, both the Applicant and Department staff waived, in writing, the right to file exceptions. General Statutes § 4-179.

The Commissioner has delegated final decision-making authority to the agency’s Office of Adjudications and its hearing officers in limited circumstances. Included in this delegation is the authority to issue final decisions in “matters where . . . no exceptions, pursuant to Conn. Gen. Stat. § 4-179(a) and Conn. Agencies Regs. § 22a-3a-6(y)(3), have been timely filed” and matters “where the parties . . . waive

¹ On October 29, 2018, the Petitioner, Steven Schrag, filed a document purporting to contain “exceptions” to the PFD. The Department’s Rules of Practice indicate that “within 15 days after personal delivery or mailing of the proposed final decision any party or intervenor may file with the Commissioner exceptions thereto.” (Emphasis added.) Regs., Conn. State Agencies § 22a-3a-6(y)(3)(A). Mr. Schrag never sought, and was never granted, status as a party or intervenor in this matter and, therefore, by rule cannot file exceptions.

compliance with the right to file exceptions” Delegation of Authority, July 12, 2011, §§ VIII, F. 4. c. vi. and VII, F. 4. c. vii.

The revised Proposed Final Decision is therefore affirmed and adopted as the Final Decision of the Department of Energy and Environmental Protection.



Brendan Schain, Hearing Officer

S E R V I C E L I S T

In the Matter of F&G, LLC – Application No.: 201608469

PARTY

REPRESENTED BY

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Courtesy Copies

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