

New York State Department of Environmental Conservation
Office of Hearings and Mediation Services

PERMIT HEARING / MEDIATION REFERRAL

DEC Project Number: 9-2934-00022

RECEIVED

MAY 19 2014

HEARINGS AND MEDIATION SERVICES

Permit Hearing / Mediation Referral Type (check all that apply):

- Part 624 Permit Hearing Proceeding
- Section 621.9 Settlement Conference
- Part 621 Legislative Hearing only
- Mediation
- Other: Click here to enter text.

PLEASE NOTE: For hearing referrals, this form should be filled out by the appropriate program unit requesting that a hearing be held, signed by the Regional Attorney and the Regional Director, and then forwarded to the Office of Hearings and Mediation Services (OHMS), 625 Broadway, 1st Floor, Albany, New York 12233-1550. A copy of the filed application, index of documents that comprise the application, supporting documents, DEIS or Negative Declaration, as appropriate, and a copy of filed correspondence from the applicant and the public must also be forwarded to OHMS together with this form. Forward one copy of only this form to the appropriate Division Director.

For mediation referrals, consult regional policy concerning required approvals. For more information about the mediation process, please see <http://www.dec.ny.gov/regulations/2578.html>.

INSTRUCTIONS FOR USE: This is a form fillable in Word 2007. Before printing, enter text in every field that reads "Click here to enter text." If a field is not applicable, enter "n/a." To check a box, click on it.

1. Applicant's name, address, telephone number, and email address:

CWM CHEMICAL SERVICES LLC, 1550 Balmer Road, Model City, NY 14107, 716-286-0241, mmahar@wm.com

Representative's name, address, telephone number, and email address (if known):

Michael Mahar, District Manager, 1550 Balmer Road, Model City, NY 716-284-0241, mmhar@wm.com

Project location (if different from applicant's address):

CWM CHEMICAL SERVICES - MODEL CITY SITE
1550 BALMER RD
MODEL CITY, NY 14107

Facility is physically located in the Towns of Porter and Lewiston, Niagara County

2. Brief description of the project:

CWM is proposing to construct and operate a new landfill to be known as Residuals Management Unit - Two (RMU-2) within its existing Model City facility. The proposed landfill would occupy approximately 43.5 acres and would be located just west of CWM's existing RMU-1 and SLF 10 landfills. It has a designed capacity of approximately 4,030,700 cubic yards for the disposal of hazardous and industrial non-hazardous wastes which CWM has

projected will provide an RMU-2 design life of 10 to 20 years.

3a. Permits applied for (types, dates received, application numbers, project type, listing of all applicable sections of 6 NYCRR for the requested permits):

1. Part 361 Hazardous Waste Facility Siting Application
2. Part 373 Hazardous Waste Management Permit Modification Application
3. ECL Article 24 / 6 NYCRR Part 663 – Freshwater Wetlands Permit Application
4. Section 401 / 6 NYCRR 608.9 Water Quality Certification Application
5. Part 750 State Pollution Discharge Elimination System (SPDES) Permit Modification
6. Part 201 Air Permit Application

3b. Any other Departmental permits required (including discussion of any Departmental permits that are not part of this proceeding) or permits from other local, State, or federal agencies:

EPA TSCA authorization – can be applied for and approved after approval to build the RMU-2 landfill but needed before accepting TSCA wastes

Town of Porter approvals include Excavation and Development permit, building permits and site plan approval

4a. SEQRA determination:

Type I Action (Identify all subdivisions of 6 NYCRR 617.4(b) that apply): The physical disturbance and alteration of more than 10 acres of land (approximately 50 acres) for a purpose other than constructing residential structures [6 NYCRR 617.4(b)(6)(i)]

Unlisted Action

Type II Action (Identify all subdivisions of 6 NYCRR 617.5(c) that apply): [Click here to enter text.](#)

4b. Determination of Significance (for Type I and Unlisted Actions):

Positive Declaration

Negative Declaration

Conditioned Negative Declaration (if Unlisted)

Date of Determination: 10/12/2005

Lead Agency: NYSDEC

Coordinated Review

Uncoordinated Review

Date draft EIS accepted as adequate for public review: May 5, 2014

Coastal Zone status: N/A

5. Date application complete under the Uniform Procedures Act:

Date of completeness determination: May 5, 2014

Date deemed complete: [Click here to enter text.](#)

6. Date of notice of complete application published in the ENB and in newspaper (name and date), if applicable (if the notice of complete application is to be combined with the notice of hearing, so indicate):

ENB Date: May 7, 2014

7. Permit/variance determination (check all that apply):

Approve

Approve with conditions

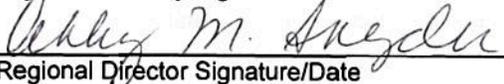
Deny

Department-initiated modification, suspension, or revocation

Other: [Click here to enter text.](#)

Brief summary of Department staff's determination (e.g., can all statutory criteria be met through imposing conditions of approval or by granting a variance; special problem areas) (attach additional pages as needed):

A draft 6 NYCRR Part 373 Hazardous Waste Permit modification has been drafted and will be made available for public comment along with a Part 361 Siting application and DEIS.

<p>8. Summary of comments filed in response to the notice of complete application (summarize as to primary issues raised and their significance) (attach additional pages as needed): <u>Public comment period has not yet started</u></p>
<p>9a. What attempts have been made to meet with the applicant to discuss DEC's or the public's comments, and what was the outcome? <u>Public comments yet to be received</u></p>
<p>9b. Have DEC staff or the applicant considered mediation as an option to resolve one or more issues relating to this application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, why not? If yes, describe the outcome. <u>N/A</u></p>
<p>10. Date applicant requested a hearing or date applicant was notified of DEC staff's determination to hold a hearing: The Applicant has not been officially notified of a determination to hold a hearing but is well aware of hearing requirements of 6 NYCRR 361.4 and Part 624</p>
<p>11. Number of witnesses and subject areas of testimony to be presented by DEC staff (if known): Not known at this time</p>
<p>12. Name and telephone number of the Regional contact person responsible for the coordination of hearings: David Denk, Regional Permit Administrator, 716-851-7170, and/or Maureen Brady, Regional Attorney, 716-851-7190</p>
<p>PREPARED BY: <u></u> Print Name: <u>Michael Cruden</u> Title: <u>Director, Remedial Bureau E</u> Date: <u>May 7, 2014</u></p>
<p>REVIEWED BY: <u> 5/13/14</u> Regional Attorney Signature/Date</p>
<p>APPROVED BY: <u> 5/13/14</u> Regional Director Signature/Date</p>