

- 
- edr
COMPANIES
www.edrcompanies.com



CWM Landfill Expansion

Town of Porter - Niagara County, New York

Wetland Delineation Report

Figure 8: Delineated Wetlands

Sheet 5 of 9

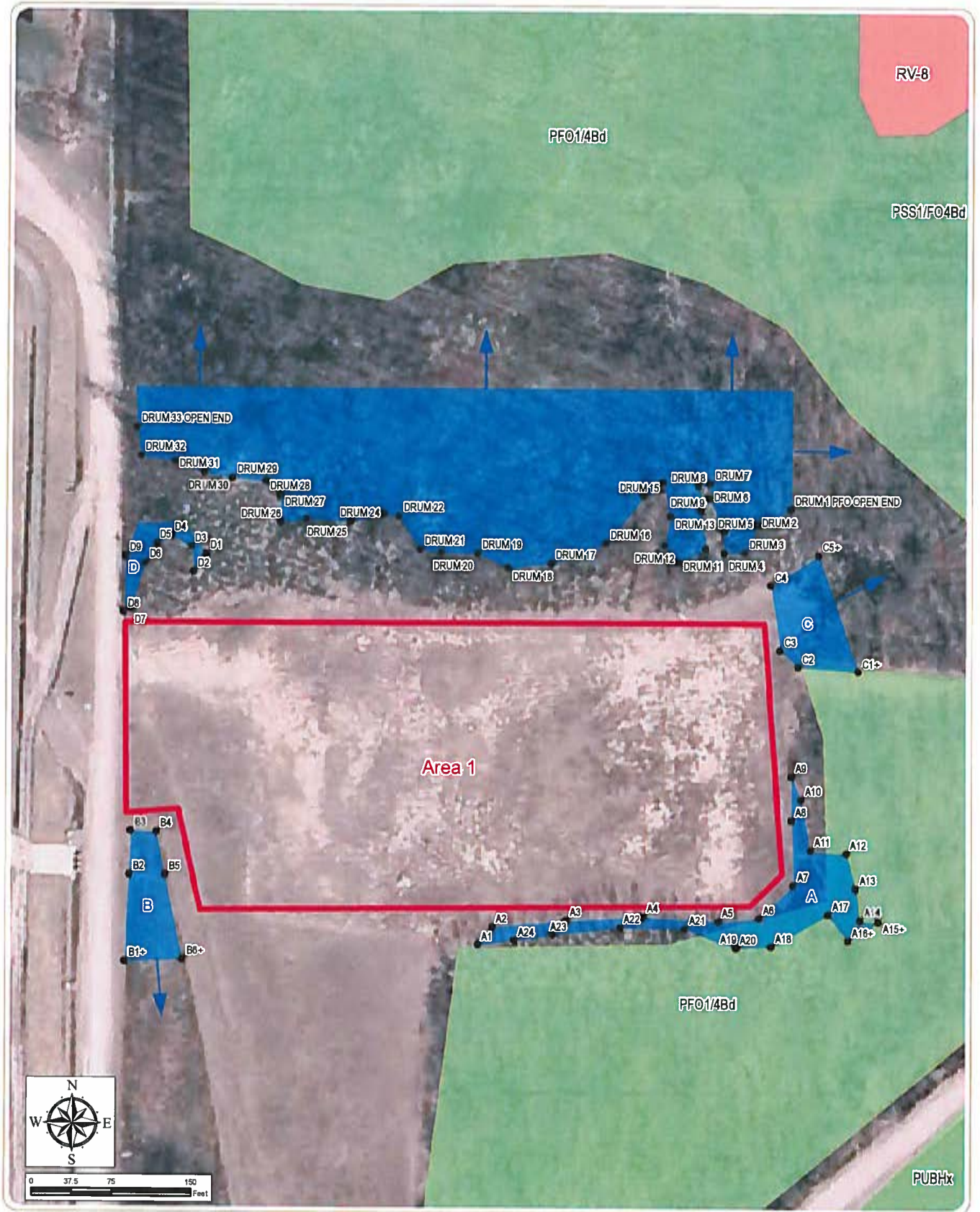
June 2009

**Notes:**

Data Source:
Base Map: DOQQ Orthophotography,
Black and White, 2 ft. resolution, Year 2005.

1. EDR Delineated Wetlands
2. NWI Federal Wetland Survey,
Ransomville Quadrangle.

Alternative 4 - Fac Pond 5



CWM Landfill Expansion

Town of Porter, Niagara County, New York

Figure 8: Revised Delineated Wetlands

Sheet 3 of 9

July 2012

Notes: Base map - 2 foot resolution natural color orthophotography, 2008.

• Flag Locations

Project Site

Delineated Wetland

NYSDEC Wetland

NWI Wetland



CWM CHEMICAL SERVICES, LLC

1550 Balmer Road
Model City, NY 14107
716 286 1550
716 286 0211 Fax

October 22, 2013

Mr. David Denk
NYSDEC
270 Michigan Avenue, Region 9
Buffalo, New York 14203

Re: Section 404/401 and Article 24 Permit Application – Residuals Management Unit No. 2
Response to NYSDEC email comments dated October 16, 2013

Dear Mr. Denk:

On July 8, 2013, CWM Chemical Services, LLC (CWM) submitted a Section 401/401 Joint Application including New York State Article 24 Application for impacts associated with the development of a new landfill, designated Residuals Management Unit No. 2 (RMU-2) at our Model City Facility. In an email dated October 16, 2013, the New York State Department of Environmental Conservation (NYSEC) provided comments on potential impacts to the 100-foot adjacent area to State Freshwater Wetland RV-1.

Attached please find CWM's response to these comments.

If you have any questions, please contact myself at (716) 286-0246 or Mr. Jonathan Rizzo at (716) 286-0354.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Sincerely,
CWM CHEMICAL SERVICES, LLC

A handwritten signature in cursive script, reading 'Jill A. Banaszak'.

Jill A. Banaszak
Technical Manager
Model City Facility

JPR/JAB/jpr
Attachments

cc: K. Buckler - USACE
C. Rosenberg - NYSDEC/Region 9

Mr. David Denk

NYSDEC

October 22, 2013

Re: Section 404/401 and Article 24 Permit Application – Residuals Management Unit No. 2
Response to NYSDEC email comments dated October 16, 2013

Page - 2 -

B. Rostami - NYSDEC/Region 9
J. Strickland - NYSDEC/Region 9
M. Cruden - NYSDEC/Albany, NY
G. Burke - NYSDEC/Albany, NY
M. Mortefolio - NYSDEC/Albany, NY
On-site Monitors- NYSDEC/ Model City, NY
A. Park - USEPA/Region II
P. Flax - USEPA/Region II
N. Azzam - USEPA/Region II
J. Devald - NCHD/Lockport, NY
M. Mahar - CWM/Model City, NY
J. Rizzo - CWM/Model City, NY
S. Rydzyk - CWM/Model City, NY
J. Hecklau - EDR/Syracuse, NY
EMD Subject File
Q & A

ENCLOSURE 1

CWM Response to NYSDEC email comments dated October 16, 2013

CWM RESPONSE TO COMMENTS
SECTION 401/404 AND ARTICLE 24/PART 633
JOINT APPLICATION
JULY 2013 SUBMITTAL
(NYSDEC email comments dated October 16, 2013)

NYSDEC Comment No. 1

The revisions made to the Building footprint following my November 2012 site inspection (which extended the Wetland RV-8 boundary a few hundred feet south), are helpful. However, before I can be comfortable accepting that CWM minimized impacts to the adjacent area at this location (and therefore potential risks of impacts to Wetland RV-8), I need more details demonstrating that CWM down-sized the footprint of the Building and shifted it southward (away from Wetland RV-8) to the greatest degree practicable. I saw nothing in the Sept 25, 2013 letter to the Corps (or other project material) that specifically addressed that.

CWM Response:

The size and location of the new DMB were selected for various reasons including; market analysis, amount of onsite open area available for development, no federal wetlands or state freshwater wetlands within the footprint of the building development area, and requirement for containing stormwater from operational areas. The location is an open field with an access road and active landfill RMU-1 located to the west, wooded areas located to the north, east, and southeast, and stormwater management features located to the south. The new DMB location was originally designed based on wetlands delineation performed by EDR in 2009. EDR concluded that there were no federal wetlands directly in the proposed footprint and that state freshwater wetland RV-8 was located approximately 500-feet to the north-northeast. See attached drawing for original grading plan design dated December 7, 2011. Additional design criteria included the requirement that stormwater from operational areas must be directed to a permitted/constructed stormwater management point (SMP09), could not disturb wetlands (federal or state), and could not disturb a compensatory flood storage area. The DMB design submitted in June 2012 met these criteria.

Based on comments on the Draft Environmental Impact Statement (DEIS), the NYSDEC indicated that CWM should request a jurisdictional determination from a NYSDEC wetlands biologist that no state freshwater wetlands would be affected. During a site visit on November 6, 2012, the state biologist expanded State freshwater wetland (RV-8) to be within the originally designed footprint of the building, driveway, and parking areas.

Therefore, CWM redesigned the location of the building and redesigned the driveways, parking areas, grading plan, and stormwater management features. A parking area was originally located on the south side of the building. For the redesign, the parking area was shifted to the southwest corner of the building. Additionally, the landscape area south of the office portion of the building was reduced in size. Consequently, the north to south footprint dimension of the building and paved areas was reduced by approximately 52 feet. Additionally, the south boundary of the building footprint/paved area was shifted approximately 62 feet to the south. The building and paved area footprint was moved as far south as practicable without filling federal wetlands and the compensatory flood storage area for 12-mile creek.

The building design update included that a redesign of the stormwater management features to manage water from the operational areas of the new DMB. The new features of the redesign included the addition of six stormwater catch basins/drop inlets and revising the slope of the paved surface to drain to the catch basins/drop inlets. Stormwater from the new DMB roof and the operational areas will be directed to the catch basins/drop inlets and directed to SMP09 and then managed in accordance with Attachment M of the Sitewide Part 373 Permit and the Site's State

CWM RESPONSE TO COMMENTS
SECTION 401/404 AND ARTICLE 24/PART 633
JOINT APPLICATION
JULY 2013 SUBMITTAL
(NYSDEC email comments dated October 16, 2013)

Pollutant Discharge Elimination System (SPDES) Discharge Permit. Drainage from operational areas of the new DMB area will not drain to State Freshwater Wetland RV-8 or the federally regulated wetlands with the exception of the wetlands in SMP09. As can be seen on Attached Drawing C-3 the paved areas slope towards the catch basins/drop inlets and do not slope towards the Freshwater Wetland RV-8.

During construction of the new DMB appropriate sediment and erosion control measures will be implemented to avoid discharges to the Freshwater Wetland RV-8 and the federal wetlands. Details of the sediment and erosion control measures to be implemented will be provided in a Stormwater Pollution Prevention Plan (SWPPP) prepared for the RMU-2 and Drum Management Building construction projects.

The current DMB design will not impact freshwater wetland RV-8, however, the 100-foot adjacent area will be impacted. The 100-foot adjacent area that will be impacted includes mostly open field areas. The location of the DMB cannot be further moved to the south because to do so would directly impact a federal jurisdictional wetland, a compensatory flood storage area for Twelve Mile Creek, and stormwater management point No. 9 (SMP09). See attached drawing for a revised grading plan design with a revision date of October 22, 2013.

NYSDEC Comment No. 2

It is essential that CWM maximize the buffer width at this location, especially considering the nature of this facility. For example, I believe there are real concerns about the potential risk for discharge into the wetland when the "Drum Building Fuels Transfer Ramp" along the north side of the building is <50 feet from the Wetland RV-8 boundary, as shown on the revised grading plan. CWM needs to clearly explain how will those risks be minimized.

CWM Response:

The Drum Building Fuels Transfer Ramp will be a Part 373 Permitted Container Storage Area. the design of the Fuels Transfer Ramp is provided on Drawing C-5 included in Attachment D of the Part 373 Permit Modification Application/Request for RMU-2 (August 2013). The Part 373 Permit Modification Application/Request also includes regulation required secondary containment calculations. Secondary containment will be provided by a sloped concrete ramp. An approved sealant, (e.g., CHEMTEC One) will be applied to the concrete area of the ramp. This ramp will be used to transfer compatible liquids from drums inside the new DMB to bulk tankers located on the ramp. The ramp is sized to accommodate two tankers to also allow the transfer from tanker to tanker. The dock area will be covered with a roof, to minimize stormwater accumulations and to provide protection for personnel during inclement weather. Any spills that may occur in the fuels ramp will be contained by the secondary containment. The ramp is inspected daily and during transfer operations. Any potential spills within the secondary containment of the ramp will be cleaned up immediately in accordance with the Part 373 Permit. Any accumulations of stormwater within the secondary containment of the ramp must also be removed within 24 hours of the end of a storm event in accordance with the Part 373 Permit. Therefore, there is minimal or no risks of liquids from the fuels transfer ramp to enter Wetland RV-8 or the stormwater management system.

CWM RESPONSE TO COMMENTS
SECTION 401/404 AND ARTICLE 24/PART 633
JOINT APPLICATION
JULY 2013 SUBMITTAL
(NYSDEC email comments dated October 16, 2013)

NYSDEC Comment No. 3

I was glad to see comments in the email regarding on-site plantings to help compensate for the loss of buffer. Please prepare a detailed mitigation plan for our review. In addition to tree and shrub plantings, that plan should consider berm construction or other measures to protect Wetland RV-8 from spills or other runoff.

CWM Response:

CWM proposes that disturbed areas of the 100-adjacent area to Wetland RV-8 that are outside the footprint of the building and paved areas be replanted with vegetation acceptable to the NYSDEC wetlands biologist. As additional mitigation measures, CWM will propose plantings in open field portions of the 100-adjacent area to RV-8. A preliminary planting schedule prepared by EDR is attached.

The construction of the proposed new DMB may not occur until the construction of the third or fourth cell of RMU-2. At this time, the construction of the new DMB may not be occurring until greater than 5-years from the effective date of the permit modification for RMU-2. Therefore, the NYSDEC has indicated that for the Part 373 permitting of the new DMB they will require the submittal of final construction drawings before construction begins. CWM proposes that the NYSDEC Freshwater Wetland Permit contain a condition indicating that a Final Mitigation Plan be submitted to the NYSDEC and approved prior to construction of the new DMB.

NYSDEC Comment No. 4

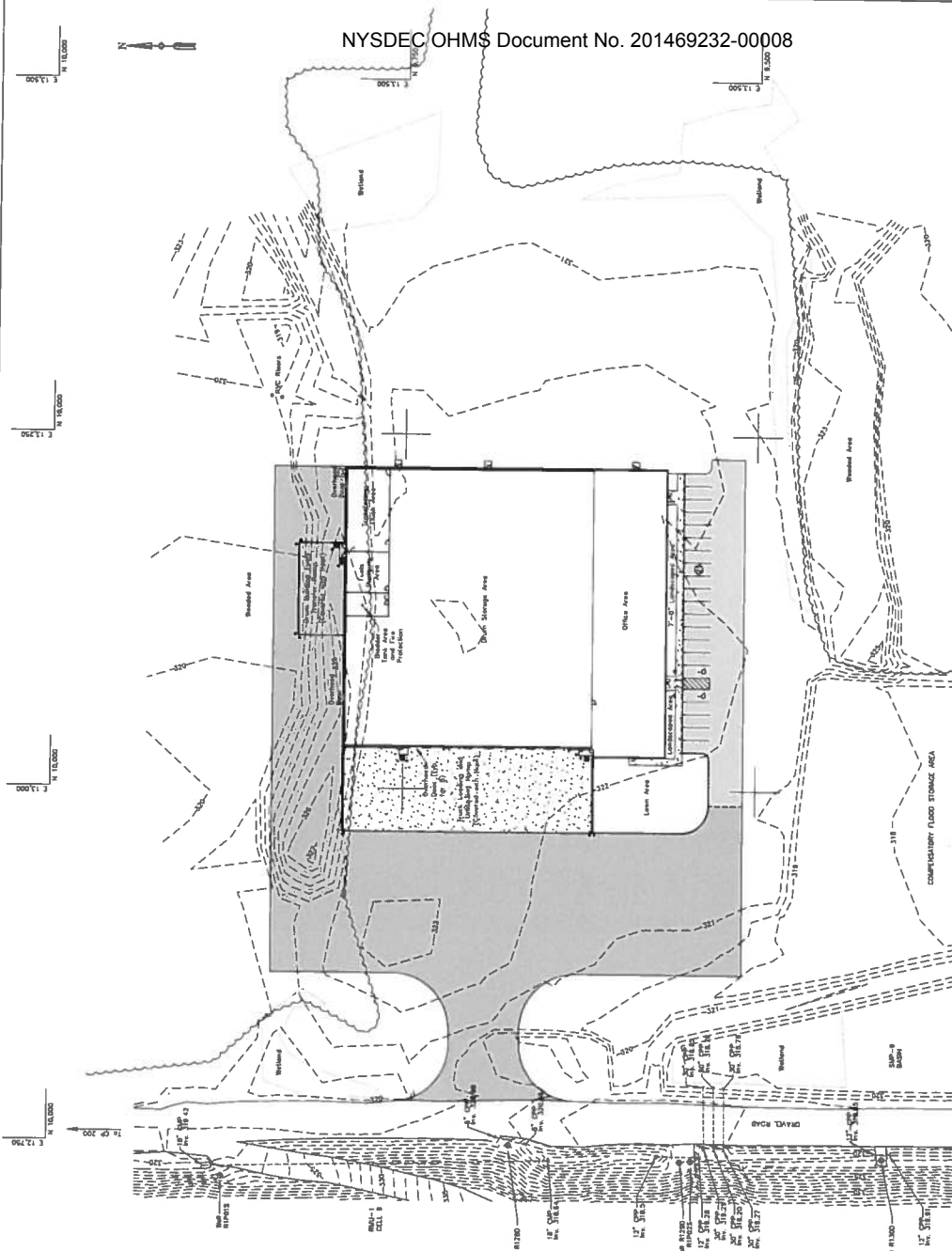
Please check on the accuracy of the Wetland RV-8 delineation boundary in relation to the topographic contours and building footprint shown on the revised (May 30, 2013) plan as it simply doesn't look right. I clearly recall the wetland configuration I inspected on November 6, 2012 and am sure the southern boundary did not extend uphill as much as 5 feet along the north side of the existing fill piles. I am afraid that the EDR flagging was placed at the south edge of the very thick shrub growth on the fill piles instead of at the toe of the fill piles where the wetland boundary truly ends. While that would normally not be a major concern for a project placed outside the wetland proper, it is fairly significant for a project built very close to the wetland boundary where the applicant needs to maximize remnant buffer. EDR and/or I may need to revisit this (potentially with another field inspection by EDR to refine the wetland boundary). Please first verify the shapefile accuracy.

CWM Response:

CWM checked with design engineer for the new DMB (Great Lakes), the firm that performed a detailed survey of the area (Ensol, Inc.), and EDR for the accuracy of the RV-8 boundary. Apparently, the GPS shapefiles from EDR were not placed accurately on the design drawing prepared by Great Lakes due to software transfer issues. It was confirmed that the boundary of the RV-8 wetland boundary on new DMB drawing C-3 (dated May 30, 2013) is not accurate. Therefore, the boundary of RV-8 has been revised as shown on revised DMB Drawing C-3. Consequently, there is additional buffer area between the new DMB building development and Freshwater Wetland RV-8. CWM does not feel that it is necessary for further field verification at this time.

ATTACHMENT 1

New Drum Building Design Drawing (dated December 7, 2011)
Revised New Drum Building Design Drawing C-5 (dated May 30, 2013)
Revised New Drum Building Design Drawing (dated October 22, 2013)



GRADING, DRAINAGE, AND SOIL EROSION/SEDIMENT CONTROL PLAN
SCALE: 1" = 40'

NO.	DATE	DESCRIPTION
1	10/1/14	ISSUED FOR PERMIT
2	10/1/14	ISSUED FOR PERMIT
3	10/1/14	ISSUED FOR PERMIT
4	10/1/14	ISSUED FOR PERMIT
5	10/1/14	ISSUED FOR PERMIT
6	10/1/14	ISSUED FOR PERMIT
7	10/1/14	ISSUED FOR PERMIT
8	10/1/14	ISSUED FOR PERMIT
9	10/1/14	ISSUED FOR PERMIT
10	10/1/14	ISSUED FOR PERMIT

NOTE

Construction activities may require the installation of additional erosion and sediment control measures during construction. The Contractor shall be responsible for maintaining these measures and for providing a final erosion and sediment control plan to the NYSDEC upon completion of construction. The Contractor shall be responsible for maintaining these measures and for providing a final erosion and sediment control plan to the NYSDEC upon completion of construction. The Contractor shall be responsible for maintaining these measures and for providing a final erosion and sediment control plan to the NYSDEC upon completion of construction.

SOIL EROSION/SEDIMENTATION CONTROL NOTES

1. Contractor shall install erosion and sediment control measures during construction to prevent sediment from leaving the construction site. The Contractor shall be responsible for maintaining these measures and for providing a final erosion and sediment control plan to the NYSDEC upon completion of construction.
2. The Contractor shall be responsible for maintaining these measures and for providing a final erosion and sediment control plan to the NYSDEC upon completion of construction.
3. All sedimentation control structures shall remain in effective operating condition.
4. The erosion or sediment control measures may be removed only if the erosion or sediment control measures have been replaced by the Contractor.
5. All erosion or sediment control measures shall be replaced by the Contractor within 14 days.
6. The Contractor shall be responsible for maintaining these measures and for providing a final erosion and sediment control plan to the NYSDEC upon completion of construction.
7. All sedimentation control structures shall remain in effective operating condition.
8. The Contractor shall be responsible for maintaining these measures and for providing a final erosion and sediment control plan to the NYSDEC upon completion of construction.
9. The Contractor shall be responsible for maintaining these measures and for providing a final erosion and sediment control plan to the NYSDEC upon completion of construction.
10. The Contractor shall be responsible for maintaining these measures and for providing a final erosion and sediment control plan to the NYSDEC upon completion of construction.

WASTE MANAGEMENT

DRUM MANAGEMENT BUILDING
RELOCATION PROJECT
CWM CHEMICAL SERVICES, LLC.
MODEL CITY, NEW YORK

GRADING, DRAINAGE, AND SOIL EROSION/SEDIMENT CONTROL PLAN

SCALE: 1" = 40'

DATE: 10/1/14

BY: HKT

PROJECT: 11-406

SCALE: 1" = 40'

DATE: 10/1/14

BY: HKT

PROJECT: 11-406

WASTE MANAGEMENT

DRUM MANAGEMENT BUILDING
RELOCATION PROJECT
CWM CHEMICAL SERVICES, LLC.
MODEL CITY, NEW YORK

GRADING, DRAINAGE, AND SOIL EROSION/SEDIMENT CONTROL PLAN

SCALE: 1" = 40'

DATE: 10/1/14

BY: HKT

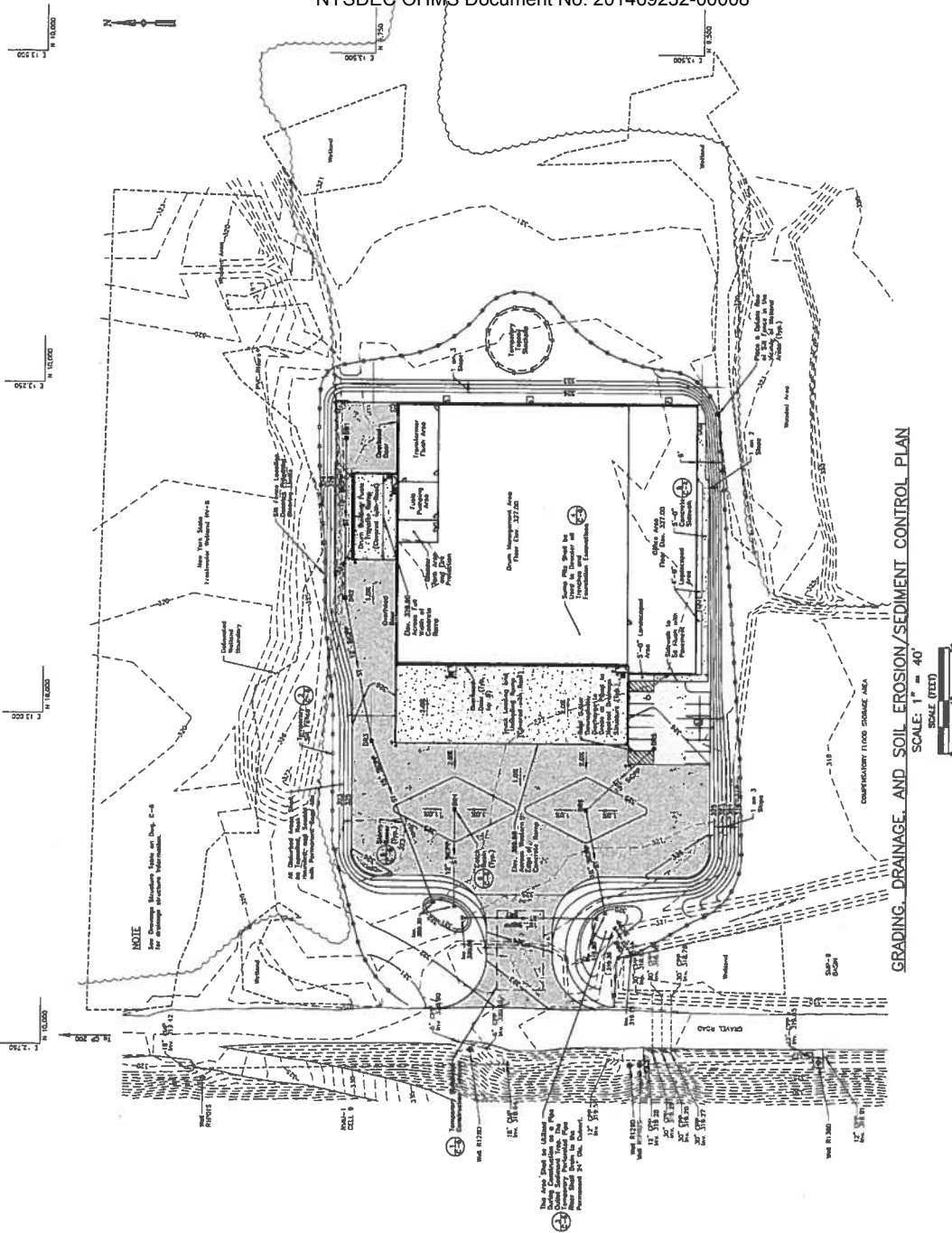
PROJECT: 11-406

SCALE: 1" = 40'

DATE: 10/1/14

BY: HKT

PROJECT: 11-406



GRADING, DRAINAGE, AND SOIL EROSION/SEDIMENT CONTROL PLAN

SCALE: 1" = 40'
SCALE (FEET)

NO.	DESCRIPTION	DATE
1	REVISED FOR 100% DESIGN	10/1/12
2	REVISED FOR 90% DESIGN	10/1/12
3	REVISED FOR 80% DESIGN	10/1/12
4	REVISED FOR 70% DESIGN	10/1/12
5	REVISED FOR 60% DESIGN	10/1/12
6	REVISED FOR 50% DESIGN	10/1/12
7	REVISED FOR 40% DESIGN	10/1/12
8	REVISED FOR 30% DESIGN	10/1/12
9	REVISED FOR 20% DESIGN	10/1/12
10	REVISED FOR 10% DESIGN	10/1/12

NOTE

Construction activities shall proceed in accordance with the Grading, Drainage, and Soil Erosion/Sediment Control Plan. The plan shall be followed as a minimum. The plan shall be updated as necessary to reflect changes in the project. The plan shall be approved by the NYSDEC before construction begins.

SOIL EROSION/SEDIMENT CONTROL NOTES

1. The Grading, Drainage, and Soil Erosion/Sediment Control Plan shall be followed as a minimum. The plan shall be updated as necessary to reflect changes in the project. The plan shall be approved by the NYSDEC before construction begins.
2. The Grading, Drainage, and Soil Erosion/Sediment Control Plan shall be followed as a minimum. The plan shall be updated as necessary to reflect changes in the project. The plan shall be approved by the NYSDEC before construction begins.
3. The Grading, Drainage, and Soil Erosion/Sediment Control Plan shall be followed as a minimum. The plan shall be updated as necessary to reflect changes in the project. The plan shall be approved by the NYSDEC before construction begins.
4. The Grading, Drainage, and Soil Erosion/Sediment Control Plan shall be followed as a minimum. The plan shall be updated as necessary to reflect changes in the project. The plan shall be approved by the NYSDEC before construction begins.
5. The Grading, Drainage, and Soil Erosion/Sediment Control Plan shall be followed as a minimum. The plan shall be updated as necessary to reflect changes in the project. The plan shall be approved by the NYSDEC before construction begins.
6. The Grading, Drainage, and Soil Erosion/Sediment Control Plan shall be followed as a minimum. The plan shall be updated as necessary to reflect changes in the project. The plan shall be approved by the NYSDEC before construction begins.
7. The Grading, Drainage, and Soil Erosion/Sediment Control Plan shall be followed as a minimum. The plan shall be updated as necessary to reflect changes in the project. The plan shall be approved by the NYSDEC before construction begins.
8. The Grading, Drainage, and Soil Erosion/Sediment Control Plan shall be followed as a minimum. The plan shall be updated as necessary to reflect changes in the project. The plan shall be approved by the NYSDEC before construction begins.
9. The Grading, Drainage, and Soil Erosion/Sediment Control Plan shall be followed as a minimum. The plan shall be updated as necessary to reflect changes in the project. The plan shall be approved by the NYSDEC before construction begins.
10. The Grading, Drainage, and Soil Erosion/Sediment Control Plan shall be followed as a minimum. The plan shall be updated as necessary to reflect changes in the project. The plan shall be approved by the NYSDEC before construction begins.

CONSTRUCTION SEQUENCE

1. Clear and grade the site.
2. Install erosion control measures.
3. Excavate and backfill the foundation.
4. Construct the foundation walls.
5. Construct the foundation floor.
6. Construct the foundation roof.
7. Construct the foundation exterior walls.
8. Construct the foundation interior walls.
9. Construct the foundation partitions.
10. Construct the foundation finishes.
11. Construct the foundation landscaping.
12. Construct the foundation paving.

NO.	DESCRIPTION	DATE
1	REVISED FOR 100% DESIGN	10/1/12
2	REVISED FOR 90% DESIGN	10/1/12
3	REVISED FOR 80% DESIGN	10/1/12
4	REVISED FOR 70% DESIGN	10/1/12
5	REVISED FOR 60% DESIGN	10/1/12
6	REVISED FOR 50% DESIGN	10/1/12
7	REVISED FOR 40% DESIGN	10/1/12
8	REVISED FOR 30% DESIGN	10/1/12
9	REVISED FOR 20% DESIGN	10/1/12
10	REVISED FOR 10% DESIGN	10/1/12



WASTE MANAGEMENT
RELOCATION PROJECT
CHEMICAL SERVICES, LLC
MODEL CITY FACILITY
MODEL CITY, NEW YORK

50 RIDGE ROAD
BUFFALO, NEW YORK 14218
716-827-0700

GRADING, DRAINAGE, AND SOIL
EROSION/SEDIMENT CONTROL PLAN

C-3

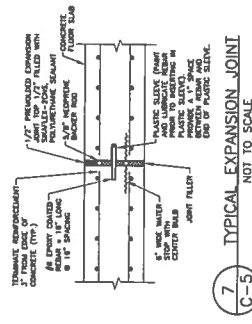
DATE: MAY 30, 2013
BY: 11-406
SCALE: 1" = 40'

ATTACHMENT 2

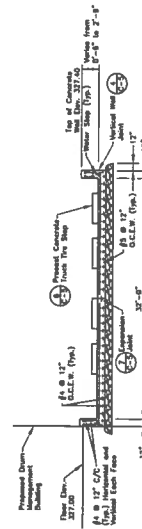
New Drum Building Design Drawing C-5 (dated June 11, 2013)



4 VERTICAL WALL JOINT
C-5 NOT TO SCALE



6 TRUCK TIRE STOP
C-5 NOT TO SCALE



3 TRANSVERSE SECTION
C-5
SCALE: 1" = 8'

[illegible]

ATTACHMENT 3

EDR Companies Memorandum (October 18, 2013)
Proposed Drum Management Building Planting



Environmental Design & Research,
Landscape Architecture and Engineering, P.C.

memorandum

To: Jonathan Rizzo **EDR Project No:** 09022
From: James Pippin
Date: October 18, 2013
Reference: Drum Management Building Planting

Comments:

In response to the New York State Department of Environmental Conservation's (NYSDEC) comment #3 in an e-mail dated October 16, 2013 in review of CWM's Joint Application for Permit for the RMU-2 project, please find below a planting schedule and conservation seed mixture that is proposed for the impacts to the NYSDEC Wetland RV-8, 100 foot adjacent area as a result of the development of the Drum Management Building.

NYSDEC WETLAND RV-8 BUFFER PLANTING				
BOTANICAL NAME	COMMON NAME	SIZE	ROOT	COMMENTS
<i>Salix nigra</i>	black willow	2.5"-3" Cal.	Ball & Burlap	Min. Spacing 30' o.c.
<i>Fraxinus pennsylvanica</i>	green ash	2.5"-3" Cal.	Ball & Burlap	Min. Spacing 30' o.c.
<i>Ulmus Americana, 'Princeton'</i>	American elm	2.5"-3" Cal.	Ball & Burlap	Min. Spacing 30' o.c.
<i>Cornus racemosa</i>	gray dogwood	8' Ht.	Ball & Burlap	Min. Spacing 8' o.c.

Seeding:

Ernst Native Right-of-Way Woods Mix with Annual Rye Grass
 ERNMX #: ERMX-132-1
 Seeding Rate: 30 lb. per acre

Ernst Conservation Seeds
 1-800-873-3321
www.ernstseed.com

Copies To: Steve Rydzyk, CWM



July 9, 2013

New York State Department of
Environmental Conservation
Division of Environmental Permits
625 Broadway, 4th Floor
Albany, New York 12233-1750

CWM CHEMICAL SERVICES, LLC

1550 Balmer Road
Model City, NY 14107
(716) 286-1550
(716) 286-0211 Fax

Re: SPDES Permit #NY0072061 Modification Request

Dear Sirs:

On May 15, 2003, CWM Chemical Services, LLC (CWM), submitted a Permit Application to the New York State Department of Environmental Conservation (NYSDEC) for a new proposed landfill at the Model City Facility, designated as Residuals Management Unit No. 2 (RMU-2). Following additional site investigations and discussions with the NYSDEC, CWM updated the scope and design of the RMU-2 project. A revised RMU-2 Permit Application, dated August 2009, prepared by Arcadis (formerly Blasland, Bouck & Lee, Inc.) which replaced the 2003 application in its entirety was submitted on November 19, 2009.

The proposed location of RMU-2 will require the relocation of some existing CWM support facilities, as follows:

- The Empty Trailer Parking Area will be eliminated and the Full Trailer Parking Area will be relocated to the west to replace the existing area lost by the construction of RMU-2.
- The Stabilization Trailer Parking Area will be relocated to an area north of RMU-2.
- The trailer transfer ramps for the secure landfill (SLF) 10 Leachate Holding Building and SLF 1-11 Oil/Water Separator Building will be relocated to other sides of those buildings.
- The Emergency Response Garage will be relocated to the existing truck wash building located north of M Street, west of the proposed RMU-2 landfill.
- The Heavy Equipment Maintenance and Rolloff Repair Building will be relocated to the area north of Facultative (Fac) Ponds 1 and 2.
- The Drum Management Building will be relocated to an area east of the existing RMU-1 landfill.
- Onsite water supply pipes will be relocated around the proposed RMU-2 landfill.

In addition, the proposed RMU-2 site includes land currently occupied by two Facultative (Fac) ponds designated as Fac Pond 3 and Fac Pond 8. Fac Pond 8, located immediately west of RMU-1, is currently out of service and undergoing closure. This area will be totally utilized within the RMU-2 footprint. Fac Pond 3, located west of Fac Pond 8, is currently used for storage of treated wastewater. Wastewater stored in Fac Pond 3 is discharged to the Niagara River following approval of the pre-qualification testing described in the CWM State Pollutant Discharge Elimination System (SPDES) Permit. This area will be entirely utilized within the RMU-2 footprint as well.

July 9, 2013
NYSDEC
Division of Environmental Permits
Re: SPDES Permit #NY0072061 Modification Request

Page - 2 -

Fac Ponds 3 and 8 will be permanently closed. In order to compensate for the treated wastewater storage volume reduction due to the removal of Fac Ponds 3 and 8, existing Fac Ponds 1 and 2, located west of SLF 1-6, will be upgraded and a new Fac Pond 5 will be constructed between SLF-12 and SLF-7 to serve as the final qualification pond.

The NYSDEC has indicated in letter dated March 6, 2013 that 6 NYCRR Part 361.3(e)(1) requires the Part 361 Site Certificate Application for Siting of Industrial Hazardous Waste Facilities to include; *"completed applications for all permits and other entitlements required under the ECL for the proposed facility, unless the applicant shows good cause not to submit any such application at this time."*

As such, the development of RMU-2 will require a minor modification to the existing State Pollutant Discharge Elimination System (SPDES) Permit #NY0072061. The requested revisions include modifications to the Monitoring Locations diagram on Pages 27 and 28 of the current SPDES Permit to remove Facultative Ponds 3 and 8 upon closure, add new Facultative Pond 5, add RMU-2, and revise surface water flow patterns. No additional modifications to the SPDES Permit are anticipated for the development of RMU-2.

CWM understands that the NYSDEC is currently in the process of revising CWM's individual SPDES Permit. The NYSDEC issued a draft SPDES permit in January 2010 for public comment. Based on comments received on the January 2010 draft SPDES permit, the NYSDEC has indicated a revised draft SPDES permit will be issued for another round of public comment. The draft SPDES Permit will likely contain a number of modifications. During the public comment period for the next revised draft SPDES Permit, CWM will include a comment requesting to further modify the SPDES permit to include RMU-2 development.

CWM would appreciate an expeditious review of this permit modification request. If you have any comments or questions please call me at (716) 754-0246 or Mr. Jonathan Rizzo at (716) 286-0354.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Sincerely,
CWM CHEMICAL SERVICES, LLC



Jill A. Banaszak
Technical Manager
Model City Facility

July 9, 2013

NYSDEC

Division of Environmental Permits

Re: SPDES Permit #NY0072061 Modification Request

Page - 3 -

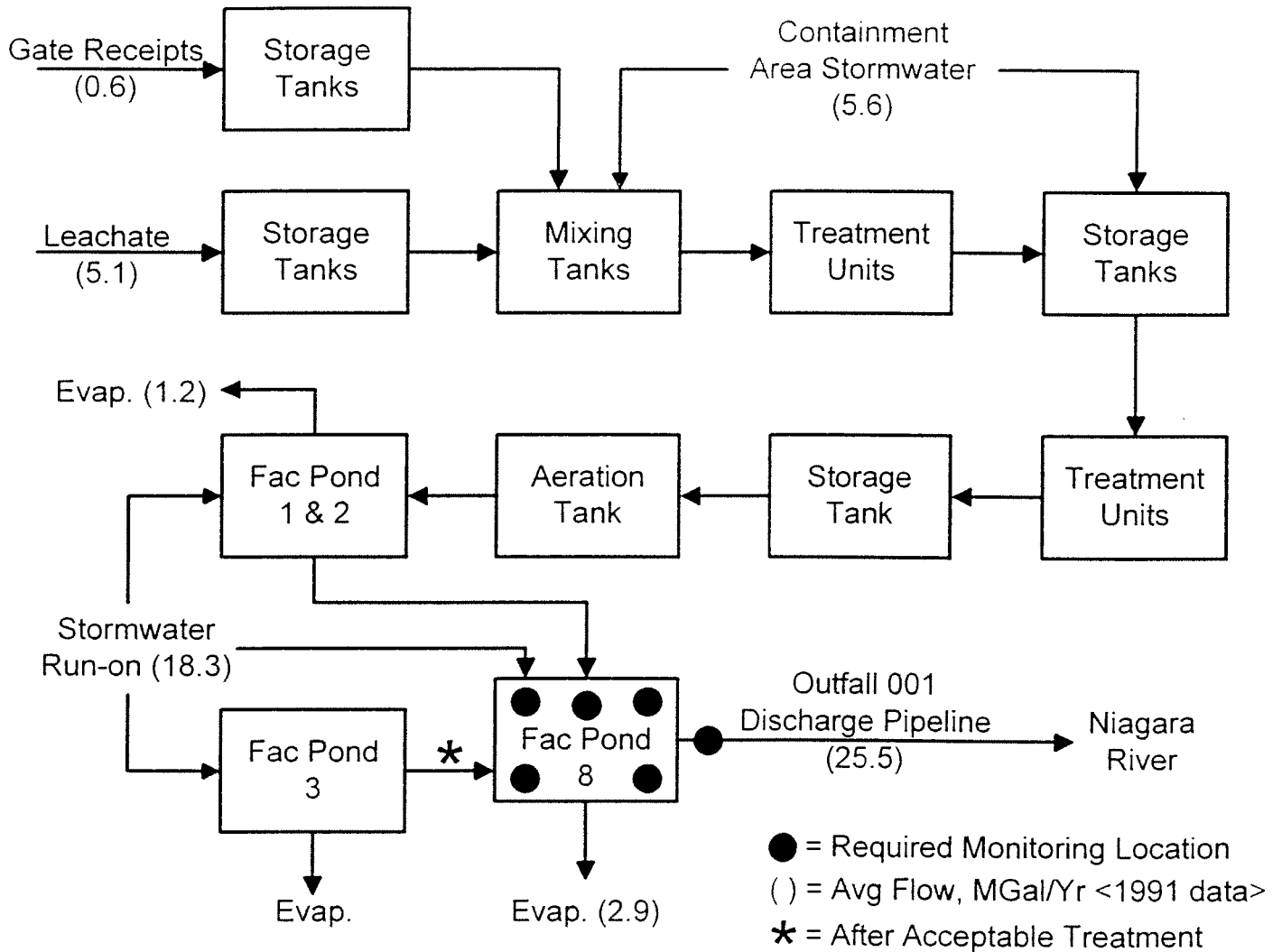
JPR/JAB/jpr

Attachment

cc:	D. Weiss	- NYSDEC/Region 9
	W. Smythe	- NYSDEC/Region 9
	D. Denk	- NYSDEC/Region 9
	M. Cruden	- NYSDEC/Albany, NY
	S. Mitchell	- NYSDEC/Albany, NY
	On-site Monitors	- NYSDEC/ Model City, NY
	A. Park	- USEPA/Region II
	J. Devald	- NCHD/Lockport, NY
	M. Mahar	- CWM/Model City, NY
	J. Rizzo	- CWM/Model City, NY
	EMD Subject File	
	Q & A	

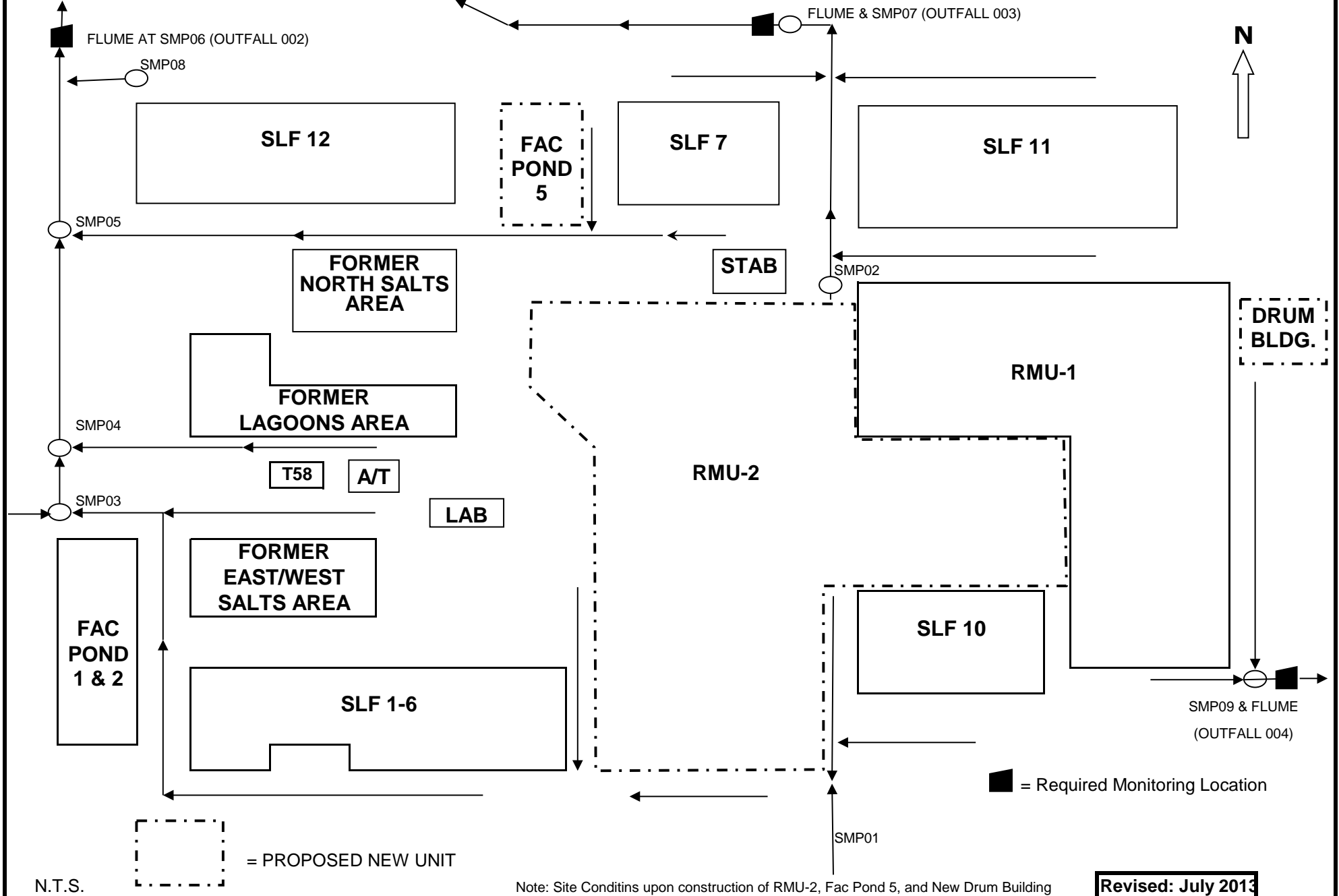
MONITORING LOCATIONS

The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the location(s) specified below:



MONITORING LOCATIONS

The Permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the location(s) specified below.





CWM CHEMICAL SERVICES, LLC

1550 Balmer Road
Model City, NY 14107
716 286 1550
716 286 0211 Fax

December 2, 2013

Mr. David S. Denk
Regional Permits Administrator
New York State Department of
Environmental Conservation
Region 9
270 Michigan Avenue
Buffalo, New York 14203

Re: SPDES Permit #NY0072061 Modification Request

Dear Mr. Denk:

On May 15, 2003, CWM Chemical Services, LLC (CWM), submitted a Permit Application to the New York State Department of Environmental Conservation (NYSDEC) for a new proposed landfill at the Model City Facility, designated as Residuals Management Unit No. 2 (RMU-2). Following additional site investigations and discussions with the NYSDEC, CWM updated the scope and design of the RMU-2 project. A revised RMU-2 Permit Application, dated August 2009, prepared by Arcadis (formerly Blasland, Bouck & Lee, Inc.) which replaced the 2003 application in its entirety was submitted on November 19, 2009.

The NYSDEC has indicated that they will be treating the RMU-2 Permit Application as a major permit modification to the existing Sitewide 6 NYCRR Part 373 Permit (RMU-2 Modification Application). The NYSDEC requested that CWM provide an updated RMU-2 Permit Application as a Sitewide Permit Modification Request.

A Draft Sitewide Permit Renewal was issued by the NYSDEC on November 28, 2012 for public comment with the comment period ending January 28, 2013. Based on the Draft Sitewide Permit, CWM submitted a Permit Modification Application for RMU-2 on February 27, 2013.

Since the February 27, 2013 RMU-2 Modification Application, the NYSDEC issued the Sitewide Part 373 Permit Renewal on August 21, 2013. Based on the Sitewide Permit Renewal, the Permit Modification Application was revised and resubmitted on August 28, 2013. Updates and revisions to the 6 NYCRR Part 373 Permit Modification Application were submitted on October 11, 2013 and November 8, 2013.

The proposed location of RMU-2 will require the relocation of some existing CWM support facilities, as follows:

- The Empty Trailer Parking Area will be eliminated and the Full Trailer Parking Area will be relocated to the west to replace the existing area lost by the construction of RMU-2.
- The Stabilization Trailer Parking Area will be relocated to an area north of RMU-2.
- The trailer transfer ramps for the secure landfill (SLF) 10 Leachate Holding Building and

Mr. David S. Denk
 NYSDEC
 December 2, 2013
 Re: SPDES Permit #NY0072061 Modification Request

Page - 2 -

SLF 1-11 Oil/Water Separator Building will be relocated to other sides of those buildings.

- The Emergency Response Garage will be relocated to the existing truck wash building located north of M Street, west of the proposed RMU-2 landfill.
- The Heavy Equipment Maintenance and Rolloff Repair Building will be relocated to the area north of Facultative (Fac) Ponds 1 and 2.
- The Drum Management Building will be relocated to an area east of the existing RMU-1 landfill.
- Onsite water supply pipes will be relocated around the proposed RMU-2 landfill.

In addition, the proposed RMU-2 site includes land currently occupied by two Facultative (Fac) ponds designated as Fac Pond 3 and Fac Pond 8. Fac Pond 8, located immediately west of RMU-1, is currently out of service and undergoing closure. This area will be totally utilized within the RMU-2 footprint. Fac Pond 3, located west of Fac Pond 8, is currently used for storage of treated wastewater. Wastewater stored in Fac Pond 3 is discharged to the Niagara River following approval of the pre-qualification testing described in the CWM State Pollutant Discharge Elimination System (SPDES) Permit. This area will be entirely utilized within the RMU-2 footprint as well. Fac Ponds 3 and 8 will be permanently closed. In order to compensate for the treated wastewater storage volume reduction due to the removal of Fac Ponds 3 and 8, a new Fac Pond 5 will be constructed between SLF-12 and SLF-7 to serve as the final qualification pond.

The NYSDEC has indicated in letter dated March 6, 2013 that 6 NYCRR Part 361.3(e)(l) requires the Part 361 Site Certificate Application for Siting of Industrial Hazardous Waste Facilities to include; *"completed applications for all permits and other entitlements required under the ECL for the proposed facility, unless the applicant shows good cause not to submit any such application at this time."*

As such, the development of RMU-2 will require a minor modification to the existing State Pollutant Discharge Elimination System (SPDES) Permit #NY0072061. CWM requests that this SPDES Permit be modified for the development of RMU-2 as part of the RMU-2 permitting process. The requested revisions include modifications to the Monitoring Locations diagram on Pages 27 and 28 of the current SPDES Permit to remove Facultative Ponds 3 and 8 upon closure, add new Facultative Pond 5, add RMU-2, and revise surface water flow patterns. No additional modifications to the current SPDES Permit are anticipated for the development of RMU-2.

CWM understands that the NYSDEC is currently in the process of revising CWM's individual SPDES Permit. The NYSDEC issued a draft SPDES permit in January 2010 for public comment. Based on comments received on the January 2010 draft SPDES permit, the NYSDEC has indicated a revised draft SPDES permit will be issued for another round of public comment. The draft SPDES Permit will likely contain a number of modifications. During the public comment period for the next revised draft SPDES Permit if the current SPDES permit has not been modified and/or the revised draft SPDES Permit does not contain RMU-2 development, CWM will include a

Mr. David S. Denk
NYSDEC
December 2, 2013
Re: SPDES Permit #NY0072061 Modification Request

Page - 3 -

comment requesting to further modify the SPDES permit to include RMU-2 development.

CWM would appreciate an expeditious review of this permit modification request. If you have any comments or questions please call me at (716) 754-0246 or Mr. Jonathan Rizzo at (716) 286-0354.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Sincerely,
CWM CHEMICAL SERVICES, LLC



Jill A. Banaszak
Technical Manager
Model City Facility

JPR/JAB/jpr
Attachment

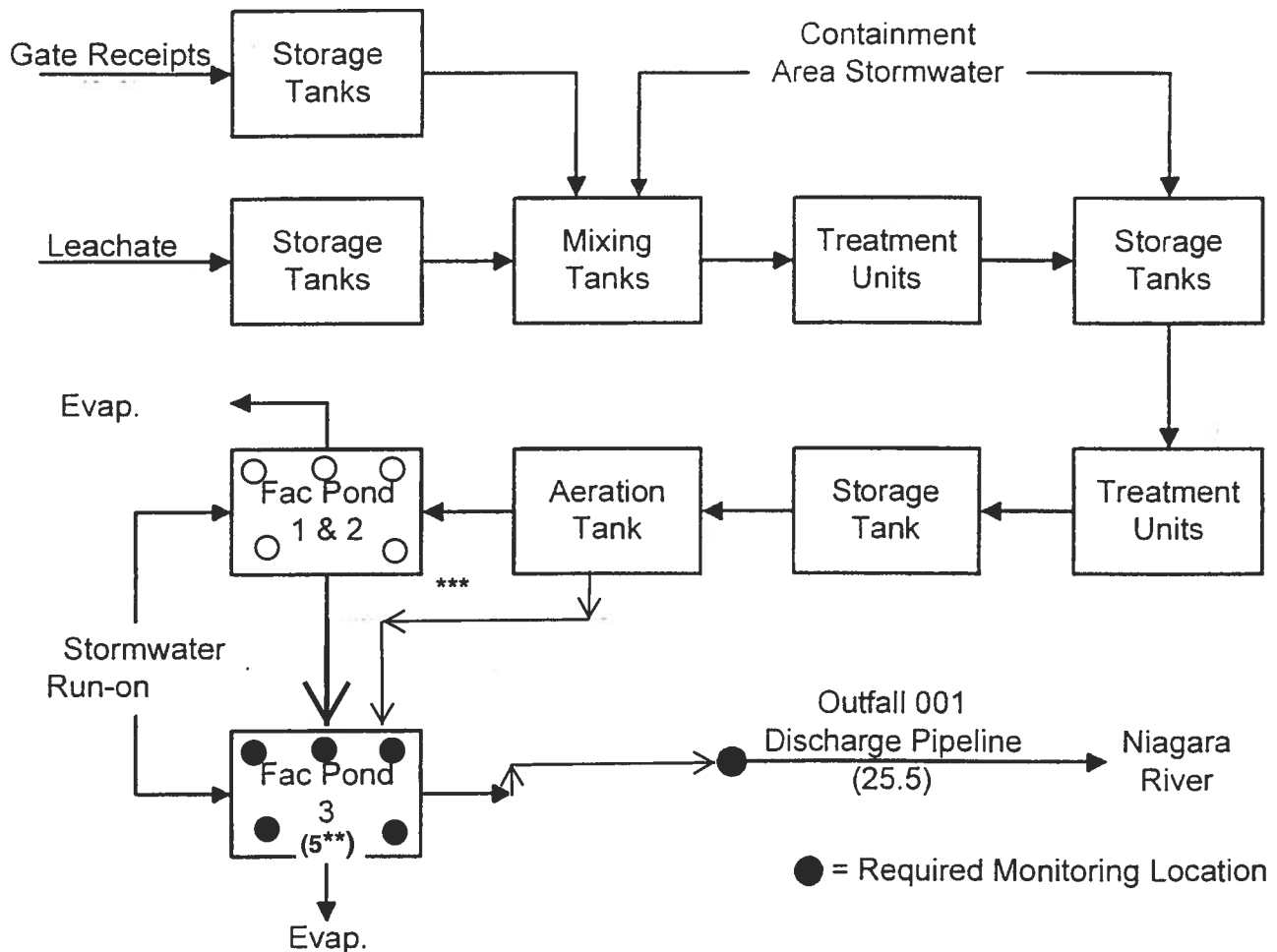
cc:	D. Weiss	- NYSDEC/Region 9
	W. Smythe	- NYSDEC/Region 9
	M. Cruden	- NYSDEC/Albany, NY
	S. Mitchell	- NYSDEC/Albany, NY
	On-site Monitors	- NYSDEC/ Model City, NY
	J. Brogard	- USEPA/Region II
	P. Flax	- USEPA/Region II
	N. Azzam	- USEPA/Region II
	J. Devald	- NCHD/Lockport, NY
	M. Mahar	- CWM/Model City, NY
	J. Rizzo	- CWM/Model City, NY
	EMD Subject File	
	Q & A	

SPDES PERMIT NUMBER NY0072061
Part I, Page 27 of 29

W:\PERMITS\REG\PER MS\0072061\0072061p.smd

MONITORING LOCATIONS

The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the location(s) specified below:

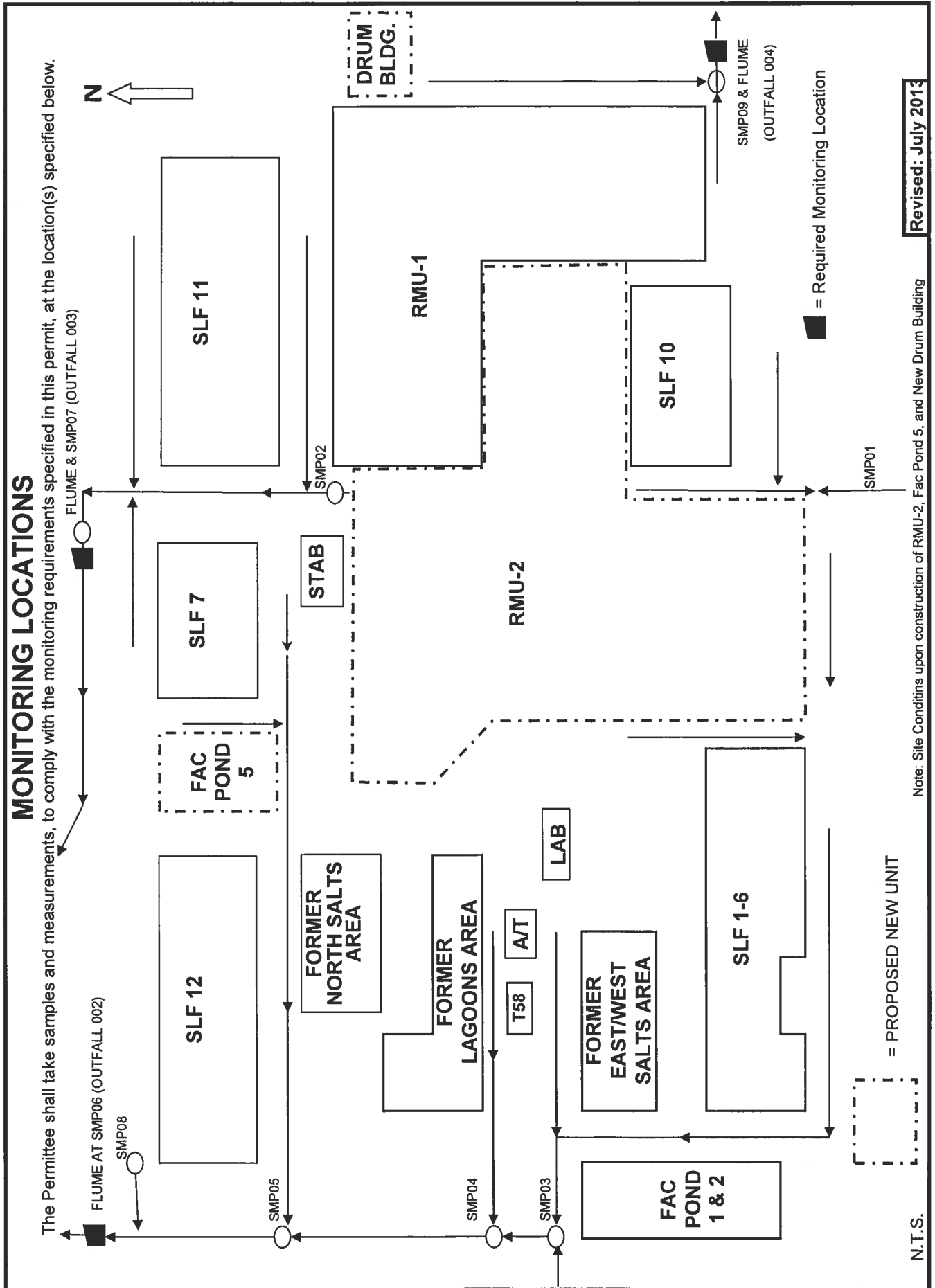


** = Fac Pond 3 will be closed and replaced with Fac Pond 5 for construction of RMU-2

○ = Potential alternate Monitoring Location during closure of Fac Pond 3

*** = Discharge to Outfall 001 may occur from Fac Pond 1 & 2 during closure of Fac Pond 3

Revised July 2013



Note: Site Conditions upon construction of RMU-2, Fac Pond 5, and New Drum Building

Revised: July 2013



December 10, 2013

Mr. David S. Denk
Regional Permits Administrator
New York State Department of
Environmental Conservation
Region 9
270 Michigan Avenue
Buffalo, New York 14203

CWM CHEMICAL SERVICES, LLC

1550 Balmer Road
Model City, NY 14107
716 286 1550
716 286 0211 Fax

Re: RMU-2 - Record of Compliance – Permit Application Supplement

Dear Mr. Denk:

As requested, we have completed the Record of Compliance Application Supplement and attached it for your use. In completing the application we are responding for CWM Chemical Services, LLC as we read the application instructions as only requiring a response for that entity. If DEC disagrees, please let us know as soon as possible so we can correct the application supplement accordingly.

If you have any questions or comments regarding this application, I can be reached at 716-286-0241.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Sincerely,
CWM CHEMICAL SERVICES, LLC

A handwritten signature in blue ink, appearing to read 'Michael D. Mahar'.

Michael D. Mahar
District Manager
Model City Facility

JPR/MDM/jpr
Attachments

Mr. David S. Denk

NYSDEC

December 10, 2013

Re: RMU-2 - Record of Compliance – Permit Application Supplement

Page - 2 -

cc:	M. Passuite	- NYSDEC/Region 9
	J. Strickland	- NYSDEC/Region 9
	D. Weiss	- NYSDEC/Region 9
	B. Rostami	- NYSDEC/Region 9
	A. Zylinski	- NYSDEC/Region 9
	M. Cruden	- NYSDEC/Albany, NY
	T. Killeen	- NYSDEC/Albany, NY
	M. Mortefolio	- NYSDEC/Albany, NY
	G. Burke	- NYSDEC/Albany, NY
	On-site Monitors	- NYSDEC/ Model City, NY
	J. Sacco	- NYSDEC/On-site Monitor
	A. Park	- USEPA/Region II
	J. Devald	- NCHD/Lockport, NY
	J. Banaszak	- CWM/Model City, NY
	J. Rizzo	- CWM/Model City, NY
	R. Zayatz	- CWM/Model City, NY
	EMD Subject File	
	Q & A	

47-19-2A (7/92)—10e

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

**RECORD OF COMPLIANCE—Permit Application Supplement**DEPARTMENT USE ONLY
DEC APPLICATION NUMBERPlease read all instructions on reverse side before completing this application—Please **TYPE** or **PRINT** clearly

1. FULL NAME OF APPLICANT CWM Chemical Services, LLC	
2. MAILING ADDRESS (Principal Place of Business) Street 1550 Balmer Road, Box 200	3. NEW YORK STATE MAILING ADDRESS (if different) Street
City/State/Zip Code Model City, New York 14107	City/State/Zip Code
4. TYPE OF ORGANIZATION <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Company <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Other _____ If other than individual, provide Federal Taxpayer ID Number	
5. Does the applicant currently hold any permit issued under the Environmental Conservation Law? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Attached	
6. a Has the applicant been denied a permit or has the applicant had a permit revoked or suspended under the Environmental Conservation Law? or b Is the applicant currently the subject of an enforcement action under the Environmental Conservation Law? a <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No b <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. If any answer to questions 5, 6(a), or 6(b) is YES, provide details on a separate page and attach it to this form.	
8. Has the applicant, and if the applicant is a corporation, has any officer, director, or large stockholder (owner of 25 percent or more of not publicly-traded stock) of the corporation, within the last ten (10) years, been: a. found in an administrative, civil or criminal proceeding to have violated any provision of the Environmental Conservation Law (ECL), any related order or determination of the Commissioner, any regulation promulgated pursuant to the ECL, the condition of any permit issued thereunder, or any similar statute, regulation, order or permit condition of any other state or federal government agency? See Attached <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No b. an officer, director or large stockholder (owner of 25% or more of not publicly-traded stock) of a corporation which—during the time such person was an officer, director or large stockholder—was determined in an administrative, civil or criminal proceeding to have violated any provision of the Environmental Conservation Law (ECL), any related order or determination of the Commissioner, any regulation promulgated pursuant to the ECL, the condition of any permit issued thereunder, or any similar statute, regulation, order or permit condition of any other state or federal government agency? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No c. convicted of a criminal offense under the laws of any state or federal government agency, which involves environmental statutes or regulations, or fraud, bribery, perjury, theft or an offense against public administration as that term is used in Article 195 of the Penal Law, or an offense involving false written statements as those terms are defined in Article 175 of the Penal Law? Out-of-state history may be limited to misdemeanors, felonies and civil penalties assessed at \$25,000 or more. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No d. an officer, director or large stockholder (owner of 25% or more of not publicly-traded stock) of a corporation which—during the time such person was an officer, director or large stockholder—was convicted of a criminal offense under the laws of any state or federal government agency, which involves environmental statutes or regulations or fraud, bribery, perjury, theft, or an offense against public administration as that term is used in Article 195 of the Penal Law, or an offense involving false written statements as those terms are defined in Article 175 of the Penal Law? Out-of-state history may be limited to misdemeanors, felonies and civil penalties assessed at \$25,000 or more. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
9. If any answer to question 8a through 8d is YES, provide details on a separate page and attach it to this form. See Attached	
10. Does the applicant currently owe any regulatory fees pursuant to Article 72 of the Environmental Conservation Law to the Department of Environmental Conservation? <input type="checkbox"/> Yes, Amount \$ _____ <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Under dispute for year(s) 2013 , amount \$ 10,000	
11. CERTIFICATION (By Applicant who is an individual) I hereby affirm under penalty of perjury that information provided on this form and attached statements and exhibits is true to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law. _____ Date Signature Print Name	
ITEMS 12 THROUGH 15 TO BE COMPLETED BY AN APPLICANT OTHER THAN AN INDIVIDUAL	
12. SPECIFY UNDER WHAT LAW APPLICANT WAS ORGANIZED Limited Liability Corporation Laws of State of Delaware	13. STATE DE
	14. DATE OF ORGANIZATION 12/24/1997
15. CERTIFICATION (By An Applicant Other Than An Individual) I hereby affirm under penalty of perjury that I am District Manager (title) of CWM Chemical Services, LLC that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and attached statements and exhibits is true to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law. 12/10/13 Michael D. Mahar Date Signature Print Name	

Item No. 5

CWM Chemical Services, LLC

Current Permit Listing

CURRENT PERMIT LISTING

CWM Chemical Services, LLC ~ Model City, NY
December 2013

<i>Description</i>	<i>Permit No.</i>	<i>Effective Date</i>	<i>Expiration Date</i>	<i>Comments</i>
Hazardous Waste				
Part 373 Sitewide	9-2934-00022/00097	8/21/13	8/20/18	ECL Article 27. All site operations; renewal application due 2/21/18
TSCA Authorization	N/A	12/4/02	None	USEPA; RMU-1 disposal and general site PCB issues; clarified 12/9/02
RMU-2	Mod Request to Sitewide Permit	N/A	N/A	Mod Request submitted 2/27/13; revisions submitted 8/28/13, 10/11/13, and 11/8/13.
Water				
Sitewide SPDES	NY0072061	10/1/03	10/1/08 (indefinitely extended on 4/2/08 pending approval of modification)	ECL Article 17. Includes treated wastewater discharge (001) and stormwater discharge (002, 003 and 004); DEC initiated proposed modification on 10/5/07, updated on 1/4/10
Miscellaneous				
Wetlands	92-986-72	2/24/93	N/A	Construction of RMU-1; Authorized under Nationwide Permit 33CFR330.5, Appendix A, Section B, No. 26, by U.S. Army Corps of Engineers (USACOE)
Wetlands	2000-01534(0)	8/30/00	N/A	Construction of compensatory flood water storage area (USACOE)
Wetlands	2000-01534(3)	2/21/03	N/A	Construction of RMU-1 East Stormwater Retention Basin (USACOE)
Wetlands	9-2934-00022/00229	4/29/13	4/29/2020	ECL Article 24. Removal of soil stockpile within the 100-foot adjacent area of State Freshwater Wetland RV-1.
Wetlands Section 401/401 Article 24	2000-01534(6) (pending)	N/A	N/A	CWA Section 401/404 & ECL Article 24. Joint Application submitted 7/8/13 for RMU-2 impacts and draft mitigation plan, (USACOE)
Sanitary Waste	N/A	4/26/95	None	Town of Lewiston approval letter; no monitoring required
Air				
Facility Registration	9-2934-00022/00226	6/29/06	None	Includes 24 previously permitted emission points. Application for State Facility Permit Required by 1/9/14

Item No. 8

CWM Chemical Services, LLC

Compliance History

2004-2013

CWM-Model City, NY Compliance History (Past 10 Years)
2004 to 2013

Date	Agency	Nature of Violation	Disposition	Penalty
10/21/2005	NYSDEC	Failure to accurately measure flowrate at outfall 002 (SMP06) is a violation of the SPDES permit. Due to the flat topography in the area of the SMP06 ditch, there is often standing water present in the flume. When the flume is surcharged, it is not possible to accurately determine the flowrate. The DEC Water Engineer recommended the use of an area-velocity meter. Note: New Parshall flume installed in spring of 2004 to address this issue at the recommendation of the same Engineer.	Determined that the A-V Meter would not accurately measure flow either. Installed weir in April 2005 and are measuring flow only when water is high enough to pass over the lip of the weir. Actual flowrate volumes have been reduced since installation of the weir.	None
11/29/2006	NYSDEC	<p>A notice was received from DEC for three SPDES permit exceedances that were reported in the monthly DMRs:</p> <p>1) Oil and grease limit is 15 mg/l. 28.5 mg/l was obtained for a sample taken at SMP9 on 12/13/05.</p> <p>2) An elevated total suspended solids result was associated with a sample taken at SMP6 on 07/17/06.</p> <p>3) Total sulfide limit is 2 mg/l. 12.8 mg/l was obtained for a sample taken at outfall 001 on 10/26/06.</p>	<p>1) There was a review of sampling equipment, techniques and field notes that yielded no information on the potential source for the oil and grease results. Since the following sample taken on 01/10/06 was Non-Detect, no further action was required.</p> <p>2) CWM believes that the sample was not valid due to the presence of algae. In the future, monitoring personnel will remove algae from the weir before sampling.</p> <p>3) CWM challenged the offsite laboratory results as samples collected on 10/12/06 and 11/09/06 showed no detectable concentration of Sulfide (<1 mg/l). The presence of sulfide at the level reported would have been noticeable in the lab. Based on the absence of any sulfide odor throughout the discharge period and the results of the samples before and after the reported detection as well as the water in the discharge line and the residual water in the pond, CVVM is confident that the sulfide was not present in the water being discharged on October 26th.</p>	None

CWM-Model City, NY Compliance History (Past 10 Years)**2004 to 2013**

Date	Agency	Nature of Violation	Disposition	Penalty
10/25/2007 01/30/2008	NYSDEC EPA	Notice received from DEC and EPA alleging wastewater discharge with a "floating substance" and questioned whether liquid or foam was being discharged through a vent line.	CWM submitted written responses to DEC (on 11/05/07) and to EPA (on 03/13/08). The floating substance was foam that was produced by air incorporation when water hits the energy dissipation chamber located near the discharge point. The vent line allows for air release from the chamber. It had been extended into the water to prevent damage due to the river waves moving the line back and forth across the surface of the shore. The discharge rate was reduced to decrease the foaming and the vent line has been shortened so that it does not extend to the water's edge. An engineering firm has been commissioned to study modifications that may be made to the chamber. The recommendations will be pursued prior to the next discharge.	None Incorporated into Consent Order on 11/14/2008
11/12/2008	NYSDEC	Consent Order (CO 07-72) covering time frame 11/15/00 - 12/31/08 includes 80 self-identified infractions reported to DEC, 7 spills reported to DEC, 4 violations noted by DEC during site inspections and an incident of foaming during SPDES authorized discharge of CWM's treated effluent.	Corrective and preventative actions implemented for each self-identified infraction at time of occurrence and spill incident. Three Container Deficiencies and one dripping WWT pipe noted during RCRA inspections corrected immediately. Discharge pipe configuration modified to minimize foam generation and eliminate potential for foam to be released through the air vent.	\$175,000
2/25/2011	NYSDEC	Consent Order (CO 10-48) covering time frame May 2008 - April 2010, includes 7 self-reported violations and an allegation of inadequate landfill cover in April 2010.	Corrective and preventative actions implemented for each self-identified infraction at time of occurrence. Landfill spray-on cover re-applied in inactive areas due to deterioration by snow/rain.	\$45,000

CWM-Model City, NY Compliance History (Past 10 Years)
2004 to 2013

Date	Agency	Nature of Violation	Disposition	Penalty
4/18/2012	NYSDEC	Consent Order (CO 12-16) covering time frame April 2011- March 2012, includes 4 self-reported violations and 2 DEC identified violations: Storage of more than 117 drums in Area V and failure to report GW well with broken bailer within 30 days.	Corrective and preventative actions implemented For each self-identified infraction at time of occurrence. Area V not to exceed 117 liquid drums at end of work day.	\$21,000
7/10/2012	EPA	EPA Notice of Violation from inspection in August, 2011. Two violations corrected during audit. One alleged violation- failure to initiate closure of tanks TA-01, TA-02.	Two violations corrected during audit (CA). Preventative action to prevent repetition - Cycle program. Alleged violation concerning tank closures resolved successfully.	\$ 0
11/29/2012	EPA	EPA Notice of Non-Compliance from inspection on 8/21/2008. CWM did not submit TRI form for aluminum dust for years 2005-2007.	CWM reassessed waste stream in question (baghouse dust). Consulted generator and submitted TRI forms for aluminum dust for 2005, 2006 and 2007.	\$0

Item No. 10

Regulatory Fees

Dispute Form date November 19, 2013

(CWM awaiting dispute resolution correspondence from the NYSDEC)

PLEASE RETAIN THESE PROCEDURES FOR YOUR RECORDS
New York Department of Environmental Conservation
Regulatory Fee Determination Unit
625 Broadway, 10th Floor
Albany, New York 12233-5013

Instructions:

This form must be used to dispute any portion of the Environmental Regulatory Fee invoices. Complete a separate form for each invoice disputed. Complete parts I & VII for each.

Additionally, depending on the type of fee(s) disputed, complete Parts II, III, IV, V, or VI as follows:

Part II-	Air/Title V
Part III-	Hazardous Waste & Hazardous Waste Surcharge
Part IV-	Waste Transporter
Part V-	Water (SPDES)
Part VI-	Mined Land

PART I - Must be completed for ALL disputes

Company Name: CWM CHEMICAL SERVICES, LLC

Address: 1550 BALMER ROAD

MODEL CITY, NEW YORK 14107

Invoice No.: 9990000199195 Customer No.: 33361

If the business has been closed, sold, or changed ownership, please indicate here and list any relevant dates and the name and address of the new owner(s).

Part V - State Pollutant Discharge Elimination System (SPDES) Program Permit Information

1. My SPDES permit is for a (check one):

☐ P/C/I Facility ☒ Industrial Facility ☐ Ballast ☐ General
☐ Municipal Facility ☐ Power Plant ☐ Construction Stormwater

2. SPDES I.D. Number (from invoice): 0072061
3. The Department's fee assessment of \$ 30,000 is incorrect. My records indicate the correct amount should be \$ 20,000.
4. The daily discharge, as determined by the Department is 1,990,000 gpd (gallons per day).
5. I believe it should be 999,999 gpd for the following reasons:

The actual Average Daily Discharge (gallons) from 2006 through 2013 ranges between 260,110 gallons per day (gpd) to 596,055 gpd as shown on the attached summary table. The total discharge is the total gallons discharge from waste water Outfall 001 and stormwater Outfalls 002, 003, and 004. The actual Average Daily Discharge is significantly lower than the amount indicated on the invoice.

6. I believe the fee should be based on N/A disturbed acres (\$100 per acre) and N/A future impervious acres (\$600 per acre) for the following reasons:
N/A

7. I believe I have been incorrectly billed for the following reasons:
 (If the business has been closed, sold, or changed ownership, please indicate here and list any relevant dates and the name and address of the new owner(s)).

LIST AND ATTACH DOCUMENTARY EVIDENCE TO SUPPORT YOUR CLAIM.

The Department over estimates the Daily Discharge. The actual Average Daily Discharges in gallons per day from 2006 through 2013 ranges between 260,110 gallons per day (gpd) to 596,055 gpd as shown on the attached summary table. The Average Daily Discharge should be no more than 999,999 gallons per day.

Part VII - Submittal Instructions

This request must be received by the Department within 30 business days of the Department's original invoice.

Include a copy of your invoice along with payment as follows.

\$ 30,000 Total Fee Assessed (From Billing Invoice)
\$ 10,000 Total Fee Disputed
\$ 20,000 Undisputed Amount (subtract line 2 from line 1)

Include payment in full of the undisputed amount.

IMPORTANT

Interest and penalties will be assessed on fees that are not paid within the required time periods including disputed amounts which are ultimately determined to be owed. To be sure to avoid interest and penalties, remit payment for the full amount of the fee. Any overpayment will be refunded.

I hereby affirm under penalty of perjury that the information provided in this form and attached statements and exhibits is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

J. H. Banaszak
Signature

11/19/13
Date

J. H. Banaszak
Type or Print Name:

Technical Manager
Title

(716) 286-0246
Phone :

- This request must be signed by the facility operator, owner, or his/her designated representative.
- When completed, mail this form and the appropriate payment to:

**New York State Department of Environmental Conservation
Regulatory Fee Determination Unit
625 Broadway, 10th Floor
Albany, New York 12233-5013**



Customer Number 33361
Invoice 9990000199195

Environmental Conservation Law (ECL) Article 72 and 6NYCRR Part 481 of this Department provide that all persons who require a permit, certificate, or approval pursuant to a State environmental regulatory program, or who are subject to regulation under a State environmental regulatory program, are required to submit an annual fee to this Department.

Remittance must be received by the payment due date shown on the invoice to avoid interest and penalty charges. Interest rates are set by the Commissioner of Taxation and Finance, and assessed pursuant to Article 72 of the Environmental Conservation Law. Penalties are assessed based on the amount of the payment deficiency at a rate of five percent of that deficiency per month, not to exceed twenty-five percent. NOTE: The penalty rate for the Operating Permit Program may differ and is shown on your invoice, if applicable.

DISPUTES: Please take notice that pursuant to 6 NYCRR 481.9(c) challenges to a Regulatory Program Fee may be rejected under the following circumstances; (1) failure to make a request for a recalculation of the fee within 30 business days of the date of the Department's original invoice; or (2) failure to make payment in full of the undisputed amount of the annual program fee; or (3) failure to give a specific reason for challenging the fee. A new fee recalculation request must be submitted for each year's assessment, regardless of the status of the previous years recalculation request.

IF A DETERMINATION IS MADE IN FAVOR OF THE DEPARTMENT, DISPUTED AMOUNTS NOT PREPAID AT THE TIME OF DISPUTE ARE SUBJECT TO INTEREST AND PENALTY CHARGES, RETROACTIVE FROM THE DUE DATE.

If you have any questions regarding this bill, you may call the Regulatory Fee Determination Unit's INFORMATION LINE (518) 402-9343 between 9:00am-12:00pm and 1:30pm-4:00pm Monday through Friday.

Dispute Forms, Change of Address Forms and Permit Transfer Forms can all be requested at any Regional DEC Office or you may download them directly at <http://www.dec.ny.gov/about/45325.html>

To:
JOHN HIND
CWM CHEMICAL SVCS INC
PO BOX 200
MODEL CITY, NY 14107

Checks should be made payable to:
NYS Department of Environmental Conservation.
Please include a copy of this invoice along with your payment.

Remit To:
NYS DEPARTMENT OF ENVIRONMENTAL
CONSERVATION
CHURCH STREET STATION
PO BOX 3782
NEW YORK, NY 10008-3782

SubTotal (\$)	30,000.00
Interest (\$)	0.00
Penalties (\$)	0.00
Payments (\$)	0.00
Credits (\$)	0.00
Outstanding balance as of 22-Oct-2013 in USD	30,000.00

Total SPDES Discharge through Permitted Outfalls

Year	Rainfall (inches)	Total Discharge (gallons)	Average Daily Discharge (gallons)
2006	33.6	217,560,000	596,055
2007	24.48	94,940,000	260,110
2008	30.67	117,599,000	322,189
2009	32.97	127,200,000	348,493
2010	34.72	126,290,000	346,000
2011	37.46	175,198,840	479,997
2012	31.47	105,418,654	288,818
2013	33.45	125,408,927	412,529

New York State Environmental Conservation Law (ECL) Article 72 and
6NYCRR Part 481

Table 2 for SPDES Individual Permit Fees

	Capacity	Fee (in U.S. \$)
Industrial	Less than 10,000 gpd	600
	10,000 - 99,999 gpd	2,000
	100,000 - 499,999 gpd	6,000
	500,000 - 999,999 gpd	20,000
	1,000,000 - 9,999,999 gpd	30,000
	10,000,000 gpd or more	50,000

Through October 2013. Amount Prorated.

CWM currently charged \$30,000 per year at the discharge rate of 1,000,000 to 9,999,999 gpd.



P.O. Box 3027
Houston, TX 77253

NYSDEC OHMS Document No. 201469232-00008

866-834-2080

Check No. 0011339235

Doc Date	Invoice Number / Description	Original Amount	Discount Amount	Amount Paid
10/21/2013	9990000199195 02045 CWM CHEMICAL SERVICES LLC	20,000.00	0.00	20,000.00
Vendor Number 0000041719	Name NYS Dept of Environmental Conservation			
Check Number	Date	Total Amount	Discounts Taken	Total Paid Amount
0011339235	11/18/2013	\$20,000.00	\$0.00	\$20,000.00

THIS DOCUMENT HAS A COLORED BACKGROUND AND MICROPRINTING IN THE ENDORSEMENT SIGNATURE LINE. THE REVERSE SIDE OF THIS DOCUMENT HAS AN ARTIFICIAL WATERMARK.



Waste Management
P.O. Box 3027
Houston, TX 77253

ED

BANK OF AMERICA
COMMERCIAL DISBURSEMENT ACCOUNT
NORTHBROOK, IL

CHECK NO 0011339235

70-2328 / 719

DATE: 11/18/2013

PAY EXACTLY

****TWENTY THOUSAND AND XX / 100 DOLLAR****



Security features
Included.
Details on back.

PAY EXACTLY

\$20,000.00***

VOID AFTER 90 DAYS

TO THE
ORDER
OF

NYS DEPT OF ENVIRONMENTAL CONSERVATIO
P O Box 3782, Church Street Station
New York, NY 10008-3782

Devinia J Rankin

AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE



March 21, 2014

CWM CHEMICAL SERVICES, LLC

1550 Balmer Road
Model City, NY 14107
716 286 1550
716 286 0211 Fax

Mr. David F. Stever
Assistant Regional Attorney
New York State Department of
Environmental Conservation
Region 9
270 Michigan Avenue
Buffalo, New York 14203-2915

Re: RMU-2 - Record of Compliance – Permit Modification Application Supplement

Dear Mr. Stever:

As requested in your March 13, 2014 letter, please find attached additional Record of Compliance documentation in addition to the Record of Compliance submitted on December 10, 2013. The attached provides documentation of criminal violations and civil matters in excess of a penalty of \$25,000 at CWM/Waste Management subsidiaries licensed to, and engaged in, hazardous waste management for ten-year period.

If you have any questions or comments regarding the attached, I can be reached at 716-286-0241.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Sincerely,
CWM CHEMICAL SERVICES, LLC

A handwritten signature in cursive script, reading 'Jill A. Banaszak'.

Jill A. Banaszak
Technical Manager
Model City Facility

JPR/JAB/jpr
Attachment

Mr. David F. Stever

NYSDEC

March 21, 2014

Re: RMU-2 - Record of Compliance – Permit Modification Application Supplement

Page - 2 -

cc: D. Denk - NYSDEC/Region 9
M. Passuite - NYSDEC/Region 9
J. Strickland - NYSDEC/Region 9
D. Weiss - NYSDEC/Region 9
B. Rostami - NYSDEC/Region 9
M. Cruden - NYSDEC/Albany, NY
T. Killeen - NYSDEC/Albany, NY
M. Mortefolio - NYSDEC/Albany, NY
G. Burke - NYSDEC/Albany, NY
On-site Monitors - NYSDEC/ Model City, NY
A. Park - USEPA/Region II
J. Devald - NCHD/Lockport, NY
M. Mahar - CWM/Model City, NY
J. Rizzo - CWM/Model City, NY
R. Zayatz - CWM/Model City, NY
D. Darragh - Cohen & Grigsby, PC/Pittsburgh, Pa
EMD Subject File
Q & A

CWM Landfills
Compliance History Report
(with Penalties of \$25,000.00 or more)
(March 1, 2004 to March 8, 2014)

Legal Entity	Tax ID	Facility Name	Issuing Agency	Date of Violation	Action Description	Nature of Violation	Disposition	Fine or Penalty
Chemical Waste Management, Inc.	36-2989152	CWM Emelle	ADEM	9/15/2006	Notice of Violation	<p>As a result of a facility inspection conducted April 17-20, 2006 the following violations were observed:</p> <ul style="list-style-type: none"> - An area of the secondary containment system was in need of repair. - Materials that had been accumulated in lieu of being disposed has not been subjected to a hazardous waste determination, as required. - A 55 gallon drum of hazardous waste was observed with a brownish, low viscosity liquid around the bung. - An area of the floor in Building 406 did not appear to have coating. - The Contingency Plan did not list the correct contacts. - Facility personnel were unable to identify any tracking logs for a box of filters in an active trench. - As a result of bolting thick rubber conveyor belt material to the floor, the facility failed to give notice prior to a physical alteration of the facility, and may have compromised the integrity of the floor. - A shipment was not classified as non-conforming for not matching the profile, as required by the Waste Analysis Plan. In addition the load was accepted and landfilled even though the waste did not match the profile. - For eighteen separate waste loads the discrepancy was not resolved within 15 days after receipt and the waste was not rejected back to the generator. 	See Consent Order dated 5/13/08.	
Chemical Waste Management, Inc.	36-2989152	CWM Emelle	ADEM	5/13/2008	Consent Order	See Notice of Violation dated 9/15/06	Consent Order Executed May 13, 2008, penalty of \$65,000 paid.	\$65,000.00
Chemical Waste Management, Inc.	36-2989152	CWM Kettleman Hills Landfill	EPA Region IX	4/8/2010	Notice of Violation	<p>As a result of an on-site compliance investigation, conducted February 8-12, 2010, the following violations are alleged:</p> <ul style="list-style-type: none"> - Failure to decontaminate structures prior to continued use. - Improper disposal of PCBs. - Failure to properly manifest PCBs and PCB Items. - Failure to resubmit Notification of PCB Activity Form No. 7710-53 to EPA. - Failure to indicate removal from service dates. 	See Consent Agreement and Final Order dated 11/29/10.	

CWM Landfills
Compliance History Report
(with Penalties of \$25,000.00 or more)
(March 1, 2004 to March 8, 2014)

Legal Entity	Tax ID	Facility Name	Issuing Agency	Date of Violation	Action Description	Nature of Violation	Disposition	Fine or Penalty
Chemical Waste Management, Inc.	36-2989152	CWM Kettleman Hills Landfill	EPA Region IX	7/15/2010	Administrative Complaint/Citation	It is alleged the facility improperly disposed of PCBs.	See Consent Agreement and Final Order dated 11/29/10.	
Chemical Waste Management, Inc.	36-2989152	CWM Kettleman Hills Landfill	EPA Region IX	11/29/2010	Consent Agreement and Final Order	See Notice of Violation dated 4/8/10 and Administrative Complaint/Citation dated 7/15/10.	Corrective action taken, penalty paid	\$302,100.00
Chemical Waste Management, Inc.	36-2989152	CWM Kettleman Hills Landfill	USEPA Region IX	2/25/2011	Notice of Violation	<p>As the result of a hazardous waste compliance inspection February 8 through 12, 2010 the following violations are alleged:</p> <ul style="list-style-type: none"> - Facility disposed of untreated F039 leachate approximately every 90 days from cell P-14 from 2005 through 2007 without determining whether the waste met treatment standards. - Between January 1, 2005 and July 23, 2010 the facility disposed of prohibited wastes that did not meet treatment standards. - Failure to follow sampling requirement in Waste Analysis Plan, the facility's lab did not always discontinue sample analyses when the calibration failed. - Failure to keep all universal waste containers closed. - Inspector observed a broken universal lamp in a containers, and a small amount of glass was on the floor underneath the container. - One 55-gallon container filled with non-RCRA oily water has an open bung in B-Cell. - Several open bulk containers of electrical equipment which were filled with non-RCRA hazardous waste oil in G-Cell had liquid in the bottom and an oily sheen on the equipment indicating possible leaks. - One 55-gallon drum of non-RCRA hazardous used oil waste had a small amount of yellowish liquid on the top of the drum cover in H-Cell. - In G-Cell four containers of universal waste lamps were not marked as universal waste lamps as required. 	Consent Agreement and Final Order filed 8/23/11. Corrective action taken, penalty paid.	\$400,000.00

CWM Landfills
Compliance History Report
(with Penalties of \$25,000.00 or more)
(March 1, 2004 to March 8, 2014)

Legal Entity	Tax ID	Facility Name	Issuing Agency	Date of Violation	Action Description	Nature of Violation	Disposition	Fine or Penalty
Chemical Waste Management, Inc.	36-2989152	CWM Kettleman Hills Landfill	CA Dept of Toxic Substances Control	5/20/2011	Enforcement order	It is alleged that the facility failed to report the discovery of the release of hazardous waste to the Department of Toxic Substances Control (DTSC) within 24 hours of discovering the release, and in writing within 10 days. The facility allegedly failed to report the following releases: - Laboratory analysis of initial soil samples taken on or around February 8, 2010, near the CWM PCB unit showed levels of PCB ranging up to 15 ppm and above the hazardous waste regulatory threshold for PCBs. Subsequent soil samples collected in this same area on or around June 14, 2010 found PCBs up to 440 ppm. - April 13, 2010 1 pint of sandblast grit from the removal of the floor epoxy in the PCB building spilled onto the soil around the PCB unit. - April 26, 2010 approximately 15 to 20 gallons of PCB liquid spilled on asphalt pad. - April 29, 2010 approximately 1 gallon of sandblast grit was spilled on the soil.	Enforcement order executed May 20, 2011. Penalty of \$46,000 paid.	\$46,000.00
Chemical Waste Management, Inc.	36-2989152	CWM Kettleman Hills Landfill	DTSC	10/22/2012	Notice of Violation	As the result of a June 29, 2012 request of reports for releases of hazardous wastes or hazardous constituents between July 1, 2008 and June 29, 2012 it is alleged that the facility failed to report the releases of hazardous wastes or hazardous constituents to the department verbally within twenty four hours and in writing within ten days of such discovery of seventy two incidents occurring between August 7, 2008 to May 24, 2012.	See Administrative Order dated 3/15/13.	
Chemical Waste Management, Inc.	36-2989152	CWM Kettleman Hills Landfill	California DTSC	3/15/2013	Administrative Order	See Notice of Violation dated 10/22/12.	Corrective action taken, penalty paid.	\$311,194.00

CWM Landfills
Compliance History Report
(with Penalties of \$25,000.00 or more)
(March 1, 2004 to March 8, 2014)

Legal Entity	Tax ID	Facility Name	Issuing Agency	Date of Violation	Action Description	Nature of Violation	Disposition	Fine or Penalty
CWM Chemical Services, L.L.C.	36-4203347	Model City	NYSDEC	11/12/2008	Order on Consent	<p>Order on Consent executed November 12, 2008 covering the following alleged violations:</p> <ul style="list-style-type: none"> - August 3, 2006 the facility maintained a cardboard drum in the drum handling building without a cover or a proper label identifying it as hazardous waste. - February 14, 2007 the facility maintained several drums of hazardous waste in a leaking or bulging condition. - February 14, 2008 the facility maintained two 55-gallon drums of PCB waste in a leaking condition in the PCB warehouse. - October 9 and November 1, 2007 the facility discharged a substantial volume of visible foam through a vent line in the vicinity of outfall 001. - October 9, 10 and 26, 2007 the facility discharged the above referenced visible foam from a discharge point-namely an air vent that is not permitted outfall for this purposes. - Additionally the facility self-reported 87 violations of its permits and/or Part 373 regulations to the department between November 15, 2000 and December 12, 2007 encompassing handling, disposal and transportation related activities. 	Order on Consent executed November 12, 2008. Corrective action taken, penalty paid.	\$175,000.00

CWM Landfills
Compliance History Report
(with Penalties of \$25,000.00 or more)
(March 1, 2004 to March 8, 2014)

Legal Entity	Tax ID	Facility Name	Issuing Agency	Date of Violation	Action Description	Nature of Violation	Disposition	Fine or Penalty
CWM Chemical Services, L.L.C.	36-4203347	Model City	NYSDEC	2/25/2011	Administrative Order	<p>The following violations are alleged as the result of self-reporting:</p> <ul style="list-style-type: none"> - May 2008 the inability to verify shipment of three boxes of fluorescent bulbs intended for recycling. - December 10, 2008 the shipment of pond sediment which included bentonite as a sorbent used to solidified free liquid rather than a proper stabilization material. - January 6, 2009 a shipment of filter media, which exceeded LDR level of 0.7 mg/l4 tetrachloroethylene. - March 25, 2009 four drums of asbestos without proper inspection for presence of free liquid. - September 22, 2009 two shipments of soil, with greater than 500ppm volatile organic compounds, stabilized and placed in the landfill. - April 11 and 12, 2009 the failure to perform daily tank inspections on groundwater extraction system tanks during startup sequence. - November 20, 2009 a drum of non-hazardous waste landfilled without department approval. - August 2009 a drum of site-generated waste with trace levels of radioactive material above ground levels landfilled without department approval. - Between April 1 and April 30, 2010 the facility failed to apply adequate daily cover on the open cells of RMU-1. 	Corrective and preventative actions implemented for each self-identified infraction at time of occurrence. Landfill spray-on cover re-applied in inactive areas due to deterioration by snow/rain.	\$45,000.00