

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 9

270 Michigan Avenue, Buffalo, New York, 14203-2915

Phone: (716) 851-7165 · Fax: (716) 851-7168

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Joe Martens
Commissioner

May 5, 2014

Ms. Jill Banaszak
Technical Manager
CWM Chemical Services, L.L.C.
1550 Balmer Road
PO Box 200
Model City New York 14107

Dear Ms. Banaszak:

**PUBLIC NOTIFICATION
PROPOSED LANDFILL PROJECT
TOWNS OF PORTER & LEWISTON
NIAGARA COUNTY**

The New York State Department of Environmental Conservation (the “Department”) has determined the applications pertaining to CWM’s proposal to construct and operate a new landfill designated as “Residual Management Unit – Two” (“RMU-2”) at its Model City facility to be complete.

As a result, the Department has prepared and is providing in this letter’s Enclosure No. 1, a Newspaper Notice, a Radio Announcement and a Fact Sheet which are to be used, as later described in this letter, to provide the public with information regarding CWM’s proposed RMU-2 landfill project and the associated regulatory process.

The Department has made a tentative determination to issue a Part 373 Permit Modification for construction and operation of CWM’s proposed RMU-2 landfill and other waste storage/treatment units described in CWM’s modification application, a Part 663 Freshwater Wetlands Permit and Section 608.9 Water Quality Certification. As a result of this tentative determination, Department staff has prepared a Part 373 DRAFT Permit Modification and a Part 663 DRAFT Freshwater Wetlands Permit / Water Quality Certification (DEC Permit ID 9-2934-00022/00231) for public review as required by 6 NYCRR 621.7(b)(7) of the State regulations. A hard copy of the entire Part 373 DRAFT Permit Modification and Freshwater Wetlands Permit is provided in this letter’s Enclosure No. 2, along with a CD disk containing an electronic copy in a “PDF” format.

In order to facilitate commencement of the above described public/regulatory review process, this letter hereby requires CWM, as the project applicant, to perform the following tasks:

- CWM must secure publication of the Newspaper Notice contained in this letter's Enclosure No. 1, as a legal notice, unaltered, at CWM's expense in the Buffalo News and Niagara Gazette on May 7, 2014 for one day and in the Lewiston Porter Sentinel on May 10, 2014 for one day. Once publication occurs, CWM must secure from the newspapers, affidavits of publication and mail them to James T. McClymonds, Chief Administrative Law Judge, NYSDEC Office of Hearings, 625 Broadway, 1st Floor, Albany, New York 12233-1550. Be advised that Department staff will arrange for publication of the Notice in the Department's Environmental News Bulletin (ENB) on or about the same date as the newspapers' publication.
- In accordance with the provisions under 6 NYCRR 621.7(d) of the State regulations, CWM must secure broadcast of the Radio Announcement contained in this letter's Enclosure No. 1, unaltered, at CWM's expense on WJLL, WLVL, WBEN and WGR. The enclosed radio announcement must be broadcast on each of the listed stations at least twice on May 7, 2014, once between the hours of 9:00 a.m. and of 11:00 a.m., and once between the hours of 1:00 p.m. and 4:00 p.m. This must be a paid announcement. Once broadcast occurs, CWM must secure from each of the listed radio stations, affidavits of broadcast and mail them to James T. McClymonds, Chief Administrative Law Judge, at the address indicated under the first bullet.
- CWM is requested to prepare seven (7) HARD copies of the documents listed on pages 1 and 2 of this letter (CWM applications and DEIS in their entirety) and deliver them to the following persons/locations on or before May 7, 2014:
 - Louis Alexander, Assistant Commissioner OHMS, NYSDEC Central Office, 625 Broadway, 14th Floor, Albany;
 - James T. McClymonds, Chief Administrative Law Judge, NYSDEC Central Office, 625 Broadway, 1st Floor, Albany;
 - Mr. Michael Cruden, NYSDEC Central Office, 12th Floor, 625 Broadway, Albany;
 - Mr. David Denk, Regional Permit Administrator, NYSDEC Region 9 Office, 270 Michigan Avenue; Buffalo;
 - Mr. Bidjan Rostami, NYSDEC Region 9 Office, 270 Michigan Avenue, Buffalo;
 - Document Repository, Youngstown Free Library, 240 Lockport Street, Youngstown; and
 - Document Repository, Porter Town Hall, 3265 Creek Road, Youngstown.
- CWM is requested to provide twenty-three (23) ELECTRONIC copies of the documents listed on pages 1 and 2 of this letter (CWM applications and DEIS in their entirety) on Computer Discs (CDs) to the following persons/locations on or before May 7, 2014:
 - Louis Alexander, Assistant Commissioner OHMS, NYSDEC Central Office, 625 Broadway, 14th Floor, Albany (2 CD copies);
 - James T. McClymonds, Chief Administrative Law Judge, NYSDEC Central Office, , 625 Broadway, 1st Floor, Albany (2 CD copies);

- Mr. Michael Cruden, NYSDEC Central Office, 12th Floor, 625 Broadway, Albany (3 CD copies);
 - Mr. David Denk, Regional Permit Administrator, NYSDEC Region 9 Office, 270 Michigan Avenue, Buffalo (1 CD copy);
 - Mr. Bidjan Rostami, NYSDEC Region 9 Office, 270 Michigan Avenue, Buffalo (3 CD copies);
 - Document Repository, Youngstown Free Library, 240 Lockport Street, Youngstown (2 CD copies for public access);
 - Document Repository, Porter Town Hall, 3265 Creek Road, Youngstown (2 CD copies for public access);
 - Matt Mortefolio, NYSDEC Central Office, 12th Floor, 625 Broadway, Albany (1 CD copy);
 - Kent Johnson, NYSDEC Central Office, 12th Floor, 625 Broadway, Albany (1 CD copy);
 - Shayne Mitchell, NYSDEC Central Office, 4th Floor, 625 Broadway, Albany (1 CD copy);
 - David Stever, Regional Counsel, NYSDEC Region 9 Office, 270 Michigan Avenue, Buffalo (1 CD copy);
 - Charles Rosenburg, NYSDEC Region 9 Office, 270 Michigan Avenue, Buffalo (1 CD copy);
 - William Smythe, NYSDEC Region 9 Office, 270 Michigan Avenue, Buffalo (1 CD copy);
 - Nidal Azzam, EPA Region II, 290 Broadway, New York (1 CD copy); and
 - James Devald, Niagara County Health Department (NCHD) (1 CD copy).
- CWM is required to post ELECTRONIC copies of the documents listed on pages 1 and 2 of this letter (CWM applications and DEIS in their entirety) in "PDF" format on its web site for public access at the previously established address indicated in the notification documents contained in this letter's Enclosure No. 1.
 - CWM is required to send out Notice and Fact Sheet to owners of property located within one-half mile of the facility per 6 NYCRR 361.3(g)(4).

If you have any questions regarding the above listed tasks, enclosed documents or regulatory proceedings, please contact me at (716) 851-7165 or Mr. Mark Passuite at the same number.

Sincerely,



David S. Denk
Regional Permit Administrator
Division of Environmental Permits

Enclosures: Enclosure No. 1 –
Newspaper Notice; Radio Announcement; and Fact Sheet
Enclosure No. 2 –
Part 373 DRAFT Permit Modification; Part 663 DRAFT Freshwater Wetlands
Permit and the Part 608.9 DRAFT Water Quality Certification

ecc: w/enc. Louis Alexander, Assistant Commissioner OHMS, NYSDEC Central Office, 625 Broadway, 14th Floor, Albany;
James T. McClymonds, Chief Administrative Law Judge, Albany (w/o Enclosure 2)
Ms. A. Snyder, Regional Director, Region 9 (w/o Enclosure 2)
Mr. D. Stever, Office of General Counsel, Region 9 (w/o Enclosure 2)
Mr. M. Passuite, Div. of Environmental Permits, Region 9 (w/o Enclosure 2)
Mr. J. Strickland, Div. of Environmental Remediation, Region 9 (w/o Enclosure 2)
Mr. D. Weiss, Div. of Environmental Remediation, Region 9 (w/o Enclosure 2)
Mr. P. Grasso, Div. of Environmental Remediation, Region 9 (w/o Enclosure 2)
Mr. B. Rostami, Div. of Environmental Remediation, Region 9 (w/o Enclosure 2)
Mr. C. Rosenberg, Div. Fish & Wildlife, Region 9 (w/o Enclosure 2)
Mr. R. Schick, Div. of Environmental Remediation, Albany (w/o Enclosure 2)
Mr. M. Cruden, Div. of Environmental Remediation, Albany (w/o Enclosure 2)
Mr. T. Killeen, Div. of Environmental Remediation, Albany (w/o Enclosure 2)
Mr. Matt Mortefolio, Div. of Environmental Remediation, Albany (w/o Enclosure 2)
Mr. Kent Johnson, Div. of Environmental Remediation, Albany (w/o Enclosure 2)
Mr. A. Everett, EPA Region II, New York (w/o Enclosure 2)
Mr. N. Azzam, EPA Region II, New York (w/o Enclosure 2)
Mr. J. Devald, Niagara County Health Department (w/o Enclosure 2)