

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

**NOTICE OF COMPLETE APPLICATIONS
NOTICE OF AVAILABILITY OF DRAFT PART 373 PERMIT MODIFICATION
NOTICE OF AVAILABILITY OF DRAFT ARTICLE 24 FRESHWATER WETLANDS PERMIT
NOTICE OF COMPLETION OF DRAFT EIS
NOTICE OF PUBLIC COMMENT PERIOD**

CWM CHEMICAL SERVICES, L.L.C.

Date: May 5, 2014

The New York State Department of Environmental Conservation invites the public to review and comment on draft permit applications for CWM Chemical Services, L.L.C., to construct and operate a new landfill and other units for storage, treatment and disposal of hazardous and industrial non-hazardous waste at the company's facility located in the Towns of Porter and Lewiston, Niagara County. These applications are for the construction and operation of a new landfill to be designated as Residuals Management Unit – Two (RMU-2), and for other storage/treatment units. The proposed RMU-2 landfill and other units are intended for disposal/management of hazardous and industrial non-hazardous wastes at CWM's existing facility.

APPLICATIONS:

The following applications for the proposed RMU-2 landfill project have been submitted by CWM and determined to be complete by NYSDEC:

- Part 361 Hazardous Waste Facility Siting Application (Environmental Conservation Law [ECL] Article 27, Title 11);
- Part 373 Hazardous Waste Management Permit Modification Application (ECL Article 27, Title 9);
- Part 663 State Freshwater Wetlands Permit Application (ECL Article 24, Title 7);
- Section 608.9 Water Quality Certification Application (Section 401 of the federal Clean Water Act); and
- Part 750 State Pollution Discharge Elimination System (SPDES) Permit Modification Application (ECL Article 17, Title 8)

FACILITY DESCRIPTION AND PROPOSED ACTION:

CWM currently owns and operates a commercial facility for the treatment, storage and disposal of hazardous and industrial non-hazardous wastes on an approximately 710-acre site in the Towns of Lewiston and Porter, Niagara County, New York. The facility is located on Balmer Road about 1.9 miles east of its intersection with State Route 18 near Youngstown, NY. This commercial facility accepts wastes from both in-state and out-of-state generators, as well as from generators in Canada. Wastes accepted at this facility are ultimately either disposed of in an existing on-site landfill or shipped to another appropriate facility for further processing and/or disposal. This facility also operates surface impoundments, tank systems and container storage areas for waste storage and treatment.

CWM is proposing to construct and operate a new landfill (RMU-2) which would occupy approximately 43.5 acres and would be located within the central portion of its existing facility. It has a designed capacity of approximately 4,030,700 cubic yards for the disposal of hazardous and industrial non-hazardous wastes. The proposed RMU-2 landfill would be divided into six (6) cells and would be designed with a double, composite liner system consisting of natural and synthetic materials with primary and secondary systems for leachate collection and removal. Upon reaching capacity, RMU-2 would be closed utilizing a composite final cover to be maintained by CWM during the landfill's post-closure period. CWM's application states that RMU-2 has been designed to fulfill all regulatory requirements as specified under 6 NYCRR 373-2.14. In addition to the RMU-2 landfill, CWM is proposing to construct and operate the following waste management units at its existing facility as part of the proposed RMU-2 landfill project:

- Facultative "Fac" Pond 5 surface impoundment for the storage of approximately 24.7 M-gals. of treated wastewater;
- A New Drum Management Building (DMB) for the storage of containerized waste (e.g., 55-gallon drums);

- Two New Trailer Parking Areas for the storage of waste in bulk containers (e.g., roll-offs & cargo tanks);
- Two New Tank Loading Areas for the storage of liquid waste from tanks in bulk containers (e.g., cargo tanks); and
- A New Tank for the storage of liquid waste associated with the operation of new Fac Pond 5.

The project also involves the closure over time of a number of existing waste management units at the facility to facilitate the construction of the proposed RMU-2 landfill. It will also impact an area within the 100-foot adjacent buffer of a State Freshwater Wetland designated as RV-8.

LANDFILL SITING PROCESS

ECL 27-1105 requires the Governor to constitute a Facility Siting Board for CWM's Proposed RMU-2 landfill project within fifteen (15) days of receiving notice that the application is complete. The referenced statute requires that this Board be composed of the head official from each of five (5) State agencies, including NYSDEC, and three (3) ad hoc members appointed by the Governor, two of whom must be residents of the county in which the facility would be located. Once constituted, the Facility Siting Board will review CWM's application for a Certificate of Environmental Safety and Public Necessity (Siting Certificate) and may participate in the public hearing process for CWM's project applications. At the end of the process the Facility Siting Board must render a decision to either issue the Siting Certificate, issue it with conditions/stipulations, or deny it, based on CWM's application, the hearing record, siting criteria in 6 NYCRR 361.7 of the State regulations, and the October 2010 "NYS Hazardous Waste Facility Siting Plan."

PERMITTING PROCESS

This notice represents NYSDEC staff's determination that CWM's Part 373 Hazardous Waste Management Permit Modification Application for its proposed RMU-2 landfill project is complete and ready for public review. In accordance with 6 NYCRR 621.7(b)(7) of the State regulations, NYSDEC staff has made a TENTATIVE determination to issue the Part 373 Permit Modification and has prepared a DRAFT Part 373 Permit Modification. This DRAFT Permit Modification would allow for the construction and operation of CWM's proposed RMU-2 landfill and the other proposed waste storage/treatment units, and includes conditions to insure that all units would be constructed and operated in an environmentally safe manner and in compliance with all applicable Part 373 hazardous waste management regulations. Similarly, this notice represents NYSDEC staff's completeness determination on CWM's ECL Article 24 / 6 NYCRR Part 663 State Freshwater Wetlands Permit and 6 NYCRR 608.9 Water Quality Certification Application, and presents a State Freshwater Wetlands DRAFT Permit / Water Quality Certification. The DRAFT Permit includes requirements to mitigate impacts on the 100-foot adjacent area of State Freshwater Wetland RV-8.

CWM's applications and the above described DRAFT Permit documents prepared by NYSDEC staff are being presented for public review and will undergo a public hearing prior to a final decision by the NYSDEC Commissioner on these applications and Permits/Permit Modifications.

SEQR PROCESS

Article 8 of the ECL and 6 NYCRR Part 617 require the proposed RMU-2 landfill project to undergo a State Environmental Quality Review (SEQR) process in conjunction with the submission of Permit applications. In its role as Lead Agency under SEQR, NYSDEC determined the proposed RMU-2 landfill project to be a "Type I Action" as described under 6 NYCRR 617.4, and issued a "Positive Declaration" in accordance with 6 NYCRR 617.7 on October 12, 2005. Accordingly, CWM has submitted a Draft Environmental Impact Statement (DEIS) which evaluates potential environmental impacts associated with their proposed RMU-2 landfill project. NYSDEC staff has determined this DEIS to be complete and ready for public review. It will also undergo a public hearing before a decision on its finalization is made by the NYSDEC Commissioner.

HOW TO PROVIDE WRITTEN COMMENTS

Section 621.7 of 6 NYCRR provides the public with the opportunity to become involved in the regulatory process for CWM's proposed RMU-2 landfill project through a written comment period. This written comment period begins on May 7, 2014 and ends on July 7, 2014 but may be extended in response to public requests. During this 60-day period the public may provide written comments on CWM applications, NYSDEC-prepared Draft Permit documents and the DEIS.

All persons interested in commenting on these documents for the proposed RMU-2 landfill project should submit their comments in writing by no later than July 7, 2014, to:

James T. McClymonds
Chief Administrative Law Judge
NYSDEC Office of Hearings and Mediation Services
625 Broadway, 1st Floor
Albany, NY 12233-1550
Email: CWMRMU2@gw.dec.state.ny.us

DOCUMENT AVAILABILITY

NYSDEC has prepared a Fact Sheet for CWM's proposed RMU-2 landfill project. This Fact Sheet is intended to provide the public with additional information on the existing CWM facility, CWM's proposed landfill project, the required applications, NYSDEC-prepared Draft Permit documents, the required regulatory and public involvement process, document availability and the applicable State laws and regulations. Hard copies of the NYSDEC Fact Sheet, all CWM applications, the DEIS and NYSDEC-prepared Draft Permit documents are available for inspection at the following locations:

- NYSDEC, Division of Environmental Remediation, 625 Broadway, 12th Floor, Albany, NY 12233-7017 (contact person: Matt Mortefolio at (518) 402-9814);
- NYSDEC's Region 9 office, 270 Michigan Avenue, Buffalo, NY 14203-2915 (contact person: Bidjan Rostami at (716) 851-7220);
- Youngstown Free Library, 240 Lockport Street, Youngstown, NY; and
- Porter Town Hall, 3265 Creek Road, Youngstown, NY.

Electronic copies of CWM's applications and the CWM DEIS are available through the following web site:

- CWM's website <http://modelcity.wm.com>

Electronic copies of the NYSDEC Fact Sheet and Draft Permit documents are available through the following web site:

- NYSDEC's website <http://www.dec.ny.gov/chemical/9075.html>
- NYSDEC's FTP site <ftp://ftp.dec.state.ny.us/der/CMWpermitmod/>