



CWM CHEMICAL SERVICES, LLC

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

June 12, 2014

Mr. James T. McClymonds
Chief Administrative Law Judge
NYSDEC Office of Hearings
625 Broadway, 1st Floor
Albany, New York 12233-1550

Re: Affidavit of Service RMU-2 Notice of Complete Application and Fact Sheet – Corrected
Property Owner of Record

Dear Mr. McClymonds:

As required in the May 5, 2014 New York State Department of Environmental Conservation (NYSDEC) letter to CWM Chemical Services, LLC (CWM), CWM sent out the Notice of Complete Application for Residuals Management Unit No. 2 (RMU-2) and associated Fact Sheet to owners of property located within one-half mile of the facility per 6 NYCRR 361.3(g)(4). CWM has found that a listed property owner was incorrect.

CWM has provided these notifications to the property owner listed in the attached Affidavit of Service based on a correction to the property owner of record.

If you have any questions or comments, please contact either 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 black ink, appearing to read 'Jill Banaszak', written over a horizontal line.

Jill Banaszak
Technical Manager
Model City Facility

JPR/JAB/jpr
Attachments

cc: D. O'Connell - NYSDEC/Albany, NY (electronic copy)
L. Alexander - NYSDEC/Albany, NY (electronic copy)
D. Denk - NYSDEC/Region 9 (electronic copy)

Mr. James T. McClymonds

NYSDEC

June 12, 2014

Re: Affidavit of Service RMU-2 Notice of Complete Application and Fact Sheet – Corrected
Property Owner of Record

Page - 2 -

A. Snyder	- NYSDEC/Region 9 (electronic copy)
D. Stever	- NYSDEC/Region 9 (electronic copy)
M. Passuite	- NYSDEC/Region 9 (electronic copy)
J. Strickland	- NYSDEC/Region 9 (electronic copy)
D. Weiss	- NYSDEC/Region 9 (electronic copy)
P. Grasso	- NYSDEC/Region 9 (electronic copy)
B. Rostami	- NYSDEC/Region 9 (electronic copy)
M. Cruden	- NYSDEC/Albany, NY (electronic copy)
T. Killeen	- NYSDEC/Albany, NY (electronic copy)
M. Mortefolio	- NYSDEC/Albany, NY (electronic copy)
On-site Monitors	- NYSDEC/ Model City, NY (electronic copy)
A. Park	- USEPA/Region II (electronic copy)
N. Azzam	- USEPA/Region II (electronic copy)
J. Devald	- NCHD/Lockport, NY (electronic copy)
M. Mahar	- CWM/Model City, NY (electronic copy)
J. Rizzo	- CWM/Model City, NY (electronic copy)
D. Darragh	
EMD Subject File	
Q & A	

AFFIDAVIT OF SERVICE

JILL A. BANASZAK being first duly sworn, deposes and says that I am an

TECHNICAL MGR . I make this affidavit based on my own personal knowledge.

Joe A. Bonasgel

Lynn A. Pelechowski
NOTARY PUBLIC

LYNN A. PIEDROTTI
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN NIAGARA COUNTY
MY COMM. EXPIRES 2/28/18

EXHIBIT A

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/>

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
FACT SHEET
FOR
CWM CHEMICAL SERVICES, L.L.C.
PROPOSED LANDFILL PROJECT**

**MODEL CITY, NEW YORK
NIAGARA COUNTY
May 5, 2014**

This fact sheet has been developed by the New York State Department of Environmental Conservation (NYSDEC) in response to applications and other submissions by CWM Chemical Services, L.L.C. (CWM) regarding its proposal to construct and operate a new landfill and other storage/treatment units for disposal/management of hazardous and industrial non-hazardous wastes at its facility in Model City, NY. The purpose of this Fact Sheet is to provide all interested parties and individuals with pertinent information regarding CWM's proposed landfill project and the required regulatory process. The Fact Sheet is also intended to fulfill State regulatory requirements as specified under 6 NYCRR 373-1.4(f). A figure has been provided at the end of this Fact Sheet depicting the existing facility and the locations of the proposed new waste units.

I. EXISTING FACILITY DESCRIPTION

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 known as Residuals Management Unit – One (RMU-1) or shipped to another appropriate facility for further processing and/or disposal. In addition to the existing RMU-1 landfill, this facility operates a number of surface impoundments, tank systems and container storage areas for waste storage and treatment.

II. PROJECT DESCRIPTION

A. Proposed New Landfill

CWM is proposing to construct and operate a new landfill to be known as Residuals Management Unit – Two (RMU-2) within its existing Model City facility. The proposed landfill would occupy approximately 43.5 acres and would be located just west of CWM's existing RMU-1 and SLF 10 landfills. It has a designed capacity of approximately 4,030,700 cubic yards for the disposal of hazardous and industrial non-hazardous wastes, which CWM has projected will provide an RMU-2 design life of 10 to 20 years. The proposed RMU-2 landfill would be divided into six (6) cells designated as Cells 15-20, 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 has indicated that RMU-2 has

been designed in a manner to fulfill all regulatory requirements as specified under 6 NYCRR 373-2.14.

B. Proposed New/Modified Waste Storage/Treatment Units

In conjunction with the development of the proposed RMU-2 landfill, CWM is proposing to construct and operate a number of new and modified waste storage and treatment units. The new units are intended to replace existing units which CWM is proposing to close during the course of RMU-2 construction. Also, an existing unit will be modified to support the management of RMU-2 leachate. Below is a list of the proposed new/modified units with a description of each unit:

1. New Facultative “Fac” Pond 5 – CWM is proposing to construct and operate a new surface impoundment to be designated as Fac Pond 5 for the storage of treated leachate/wastewater. It is intended to replace existing Fac Ponds 3 & 8 which CWM is proposing to close to facilitate RMU-2 landfill construction. Fac Pond 5 would be constructed just east of CWM’s existing SLF 12 landfill and would have a storage capacity of approximately 24.7 million gallons. It is designed with a double, composite liner system and leak detection in fulfillment of regulatory requirements (6 NYCRR 373-2.11).
2. New Drum Management Building - CWM is proposing to construct and operate a new Drum Management Building (DMB) east of the existing RMU-1 landfill for storage of containerized wastes which would consist of nine (9) separate Container Storage Areas (CSAs). CSAs 1-6 & 8 would be located inside the new DMB and would have a combined storage capacity for solid or liquid containerized waste of 3,085 55-gallon containers. CSA 7 would be located in an outdoor area adjacent to the DMB and would be for the storage of two 5,500-gallon cargo tanks to be utilized in waste blending operations. CSA 9 would be located in a covered outdoor loading area adjacent to the DMB and would be for the storage of up to 1,040 55-gallon waste containers on incoming trailers. All new DMB CSAs would be designed with secondary containment in fulfillment of regulatory requirements (6 NYCRR 373-2.9).
3. New Full Trailer Park CSA - CWM is proposing to construct and operate a new Full Trailer Park CSA to be located south of the existing Leachate Tank Farm, which would be designed with secondary containment in fulfillment of regulatory requirements (6 NYCRR 373-2.9). It would have the capacity to store 48 30-cubic yard containers of solid waste or five 5,500-gallon cargo tanks of liquid waste.
4. Stabilization Facility New Trailer Park CSA - CWM is proposing to construct and operate a new Trailer Park CSA for the existing Stabilization Facility to be located south of the existing SLF 7 landfill, which would be designed with secondary containment in fulfillment of regulatory requirements (6 NYCRR 373-2.9). It would have a capacity to store 37 30-cubic yard containers of solid waste or 11 5,500-gallon cargo tanks of liquid waste.
5. New T-109 Loading CSA - CWM is proposing to construct and operate a new Tank T-109 Loading CSA near the existing T-109 CSA, which would be designed with secondary containment in fulfillment of regulatory requirements (6 NYCRR 373-2.9) and have a capacity to store one 30-cubic yard container of solid waste or one 5,500-gallon cargo tank of liquid waste.

6. New T-158 Loading CSA - CWM is proposing to construct and operate a new Tank T-158 Loading CSA near the existing T-158 CSA, which would be designed with secondary containment in fulfillment of regulatory requirements (6 NYCRR 373-2.9) and have a capacity to store one 30-cubic yard container of solid waste or one 5,500-gallon cargo tank of liquid waste.
7. New Tank T-9001 - CWM is proposing to construct and operate new Tank T-9001 in the area of new Fac Pond 5 for the storage of any liquid removed from the Fac Pond's leak detection system. Tank T-9001 would have a capacity of 1,100 gallons and is designed as a double-walled tank with its own secondary containment and leak detection in fulfillment of regulatory requirements (6 NYCRR 373-2.10).
8. Existing Tank T-150 Ancillary Equipment Modifications – CWM is proposing to modify the piping and pumping equipment associated with Tank T-150 to provide additional pumping capacity for RMU-2 landfill leachate.

C. Anticipated Closures of Existing Units

The facility has a number of existing waste storage units which are totally or partially located within the footprint of the proposed RMU-2 landfill. As a result, CWM is proposing to close these units during the course of RMU-2 landfill cell construction. Below is the list of the units to be closed:

1. Fac Pond 3 Surface Impoundment;
2. Fac Pond 8 Surface Impoundment (closure & radiological remediation in progress);
3. Drum Management Building – CSAs I-VI;
4. Drum Management Building – West Tanker Ramp CSA;
5. Drum Management Building – Truck Load Ramp CSA;
6. South Full Trailer Park CSA; and
7. Stabilization Facility Trailer Parking – CSAs I-IV.

III. PROPOSED PROJECT REQUIRED APPLICATIONS

A. Part 361 Hazardous Waste Facility Siting Application

Article 27, Title 11, Section 5 (§ 27-1105 [Siting Industrial Hazardous Waste Facilities]) of the New York State Environmental Conservation Law (ECL), which is applicable to CWM's proposed RMU-2 landfill project, requires the submission of an application for a "Certificate of Environmental Safety and Public Necessity" (hereafter referred to as a "Siting Certificate") for "any expansion, wherever situated, of the aggregate land disposal capacity of an existing land disposal facility." This application must contain all information regarding the proposed landfill project as required by 6 NYCRR 361.3, including "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." The Siting Certificate application is initially reviewed for administrative and technical completeness by NYSDEC staff, and subsequently by a State-appointed Siting Board.

By letter dated May 15, 2003, CWM submitted its initial Siting Certificate application for the proposed RMU-2 landfill project. Since then, the application has undergone a number of revisions both in response to comments by NYSDEC staff and as a result of project changes proposed by CWM.

The latest version of this application was submitted by CWM on November 8, 2013 with subsequent revisions submitted on December 18, 2013 and January 14, 2014, and has been reviewed and deemed “complete” by NYSDEC staff in accordance with ECL 27-1105 and 6 NYCRR 361.3.

B. Part 373 Hazardous Waste Management Permit Modification Application

ECL 27-0913 (Permits and Registrations for Storage, Transportation, Treatment, or Disposal of Hazardous Wastes) requires facilities which store, treat or dispose of hazardous waste to apply for and obtain a Permit for these hazardous waste management activities. Once such a Permit is issued, 6 NYCRR 373-1.7(b) requires any request by the applicant for modification of the Permit (including those “major” modifications listed under section 373-1.7[d]) to be treated as a “new application” (hereafter referred to as a “Part 373 Permit Modification Application”) and processed pursuant to 6 NYCRR Part 621, unless listed or deemed as “minor” modifications under section 373-1.7(c). CWM’s proposed RMU-2 landfill project requires the submission of a Part 373 Permit Modification Application since a number of the aspects of this proposed project are listed as “major” modifications under section 373-1.7(d) (e.g., addition of landfill units, addition of surface impoundment units, etc.). Once submitted, the Part 373 Permit Modification Application is initially reviewed for administrative and technical completeness by NYSDEC staff.

By letter dated May 15, 2003, CWM submitted its initial Part 373 Permit Application for the proposed RMU-2 landfill project. Since then, the application has been converted to a modification application, and has undergone a number of revisions both in response to comments by NYSDEC staff and as a result of project and design changes proposed by CWM. The latest version of the Part 373 Permit Modification Application was submitted by CWM on November 8, 2013 with subsequent revisions submitted on December 18, 2013 and January 14, 2014, and has been reviewed and determined to be “complete” by NYSDEC staff in accordance with Part 373, and 6 NYCRR 621.4 and 621.6.

C. Other Required State Applications

As stated above in Section III.A of this Fact Sheet, 6 NYCRR 361.3 requires “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.” In fulfillment of this regulatory requirement, below is a list of other State applications required for CWM’s proposed RMU-2 landfill project along with a brief description of each such application.

1. ECL Article 24 / 6 NYCRR Part 663 – Freshwater Wetlands Permit Application

Based on a July 2012 Supplemental Wetlands Delineation (performed by CWM’s contractor, EDR) and a field delineation by an NYSDEC wetlands biologist, NYSDEC staff determined that a portion of the New Drum Management Building (DMB) development area (which is a part of the proposed RMU-2 landfill project) is designed within the 100-foot adjacent area of the State Freshwater Wetland RV-8. As a result, CWM submitted an ECL Article 24 / 6 NYCRR Part 663 Freshwater Wetlands Permit Application on July 8, 2013, with subsequent revisions submitted on October 22, 2013, which contains proposed actions to mitigate impacts to the RV-8, 100-foot adjacent area. This application has been reviewed and determined to be “complete” by NYSDEC staff in accordance with 6 NYCRR 621.4 and 621.6.

2. Section 401 / 6 NYCRR 608.9 Water Quality Certification Application

Section 401 of the federal Clean Water Act and 6 NYCRR 608.9 require the submission of a Water Quality Certification Application for any project that may result in a discharge to waters of the United States, which is applicable to CWM's proposed RMU-2 landfill project. On July 8, 2013, CWM submitted the required application, which has been reviewed and determined to be "complete" by NYSDEC staff in accordance with 6 NYCRR 621.4 and 621.6.

3. Part 750 State Pollution Discharge Elimination System (SPDES) Permit

CWM's proposed RMU-2 landfill project would affect certain aspects of CWM's current SPDES Permit (e.g., replacement of Fac Ponds used to qualify treated wastewater for discharge to the Niagara River, revision of the site's surface water drainage patterns, alterations of existing surface water retention areas to increase capacity, etc.) which will require a minor Permit modification. CWM submitted a notice on December 2, 2013 that the development of RMU-2 will require a minor modification to the facility's existing SPDES Permit. The facility's existing SPDES permit is State Administrative Procedures Act (SAPA)-extended and proceeding through the renewal process. A minor permit modification to include the development of RMU-2 is anticipated to be processed following renewal of the facility's existing SPDES permit and conclusion of the permitting process for the proposed landfill project.

4. Part 750 Permit Application for Stormwater Discharges from Construction Activities

Since the proposed RMU-2 landfill project would entail construction involving soil disturbance of more than one acre, State regulatory provisions adopted in January 2010 require CWM to seek and obtain coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity before commencing such activities. Alternatively, CWM has stated in its Part 361 Siting Certificate Application that it anticipates that modification of CWM's existing SPDES Permit for the RMU-2 project would include provisions for stormwater management from construction activities and as such, coverage under the General Permit for RMU-2 project construction activities will not be required. However, CWM further states that if modification of the facility's SPDES Permit does not occur prior to the anticipated start of RMU-2 construction, CWM would pursue coverage under the General Permit for construction activities.

5. Part 201 Air Permit Application

According to promulgated changes to 6 NYCRR Part 201, which became effective on February 22, 2013, facilities which have non-exempt, non-trivial air emission sources are required to submit an [Air] State Facility Permit Application (hereafter referred to as an "Air Permit Application") in accordance with Sub-part 201-5. By letter dated March 11, 2013, NYSDEC staff informed CWM that it was required to submit an Air Permit Application for its existing Model City Facility. CWM submitted such an application on January 8, 2014, and the application is currently undergoing review by NYSDEC staff.

Because CWM has not been issued an Air Permit for its existing facility to date, CWM has indicated that a request to modify such an Air Permit to include the proposed RMU-2 landfill project cannot be submitted at this time. Therefore, it has stated in its Part 361 Siting Certificate application that this situation represents "good cause" under 6 NYCRR 361.3 for not submitting an Air Permit Modification Application for the RMU-2 project at this time. CWM further states that

it will submit such a modification application subsequent to receiving an Air Permit for its existing facility.

IV. SITING BOARD REVIEW PROCESS

Within fifteen (15) days of the Governor's receipt of a notice indicating that NYSDEC staff has determined the proposed RMU-2 landfill project's Siting Certificate Application and other applicable applications to be "complete," ECL 27-1105 requires the Governor to constitute a Facility Siting Board. The referenced statute requires that this Board be composed of "the commissioners of transportation, environmental conservation, health and commerce, the secretary of state and three ad hoc members appointed by the governor, two of whom must be residents of the county in which the facility is primarily proposed to be located." Once constituted, the Facility Siting Board for the proposed RMU-2 landfill project may participate in the hearing process for the Siting Certificate and Permit Applications. At the end of the process, ECL 27-1105 requires the Facility Siting Board to render a decision to either: 1) grant CWM's application for a Siting Certificate; 2) deny CWM's application; or 3) grant it upon such terms, conditions, limitations, or modifications thereof as the Siting Board may deem appropriate. This decision must be based on: 1) the application; 2) the informational record compiled during the hearing process; 3) the siting criteria established for such a facility pursuant to ECL 27-1103 and promulgated under 6 NYCRR Part 361.7; and 4) the October 2010 "New York State Hazardous Waste Facility Siting Plan", in accordance with ECL 27-1105.

V. STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) PROCESS

Article 8 of the ECL and 6 NYCRR Part 617 require projects such as the proposed RMU-2 landfill project to undergo a State Environmental Quality Review (SEQR) process in conjunction with the submission of Permit applications. The steps of this process which have been completed and which are pending with regard to the proposed RMU-2 landfill project are described below.

A. Completed SEQR Process Steps

Lead Agency Determination - By letter dated May 15, 2003, CWM submitted its initial applications for the proposed RMU-2 landfill project and a Preliminary Draft Environmental Impact Statement (DEIS). In light of these submissions, NYSDEC staff sent a letter dated May 28, 2003 to the Supervisor of the Town of Porter (the town where RMU-2 would be located) requesting the Town's concurrence that NYSDEC assume the role of "Lead Agency" for the project's SEQR process. The Town responded by letter dated April 29, 2004 indicating that it did not object to NYSDEC assuming the Lead Agency role. NYSDEC notified CWM by letter dated April 30, 2004 that NYSDEC was officially assuming the Lead Agency role for the proposed RMU-2 landfill project.

Determination of Significance & DEIS Scoping - On October 19, 2005, NYSDEC, in its role as Lead Agency, published a notice in the Department's Environmental Notice Bulletin (ENB) indicating that NYSDEC had 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 section 617.7 of the regulations. As a result of the NYSDEC's Positive Declaration, CWM submitted an initial Draft Scope for a Draft Environmental Impact Statement (DEIS) for the proposed RMU-2 landfill project. Subsequent to a number of revisions to CWM's Draft Scope for the DEIS, which were made in

response to NYSDEC comments, NYSDEC announced a sixty (60)-day written public comment period for CWM's Draft Scope, which ran from June 7, 2006 through August 7, 2006, and held a Public Scoping Session on July 26, 2006. After reviewing the written public comments and the transcript from the Public Scoping Session, NYSDEC issued the Final Scope for the DEIS by letter to CWM dated July 24, 2007.

DEIS Preparation – By letter dated August 16, 2007, CWM submitted its initial DEIS for the proposed RMU-2 landfill project, which is intended to address all the elements contained in the July 2007 Final Scope. Since then, the DEIS has undergone a number of revisions both in response to comments by NYSDEC staff and as a result of project and design changes proposed by CWM. The latest version of the DEIS for the proposed RMU-2 landfill project was submitted by CWM on November 8, 2013 with subsequent revisions submitted on December 18, 2013 and January 14, 2014, and has been reviewed and determined by NYSDEC staff to be adequate for public review in accordance with 6 NYCRR 617.9 and 617.12.

B. Pending SEQR Process Steps

Pursuant 6 NYCRR 617.12, the written public comment period and hearings on CWM's proposed RMU-2 landfill project shall include public review of the DEIS. Upon completion of this public process, NYSDEC will require CWM to prepare a Final Environmental Impact Statement (FEIS) in accordance with 6 NYCRR 617.9(b). Subsequently, NYSDEC will issue a written findings statement and its decision on the FEIS in conjunction with the Commissioner's final decision on Permits required for the proposed RMU-2 landfill project.

VI. NYSDEC STAFF TENTATIVE DETERMINATIONS

NYSDEC staff has made the following determinations with respect to certain applications submitted for CWM's proposed RMU-2 landfill project in accordance with 6 NYCRR 621.7.

A. Part 373 Hazardous Waste Management DRAFT Permit Modification

Based on review of CWM's complete Part 373 Permit Modification Application dated November 8, 2013 with subsequent revisions dated December 18, 2013 and January 13, 2014, NYSDEC staff has made a TENTATIVE determination to issue the Part 373 Permit Modification for CWM's proposed RMU-2 landfill project, and has prepared a DRAFT Part 373 Permit Modification for public review in accordance with section 621.7(b)(7). This DRAFT Permit Modification consists of parts of the existing Part 373 Permit that are being modified and parts that are to be added to the existing Permit. Some other parts of the existing Permit in which there are no specific modifications being proposed, are also presented in the DRAFT Permit Modification document since these parts of the Permit contain requirements which are, or may be applicable to the proposed RMU-2 landfill or other proposed hazardous waste management units (e.g., Permit Attachment C – Waste Analysis Plan). All proposed modifications or additions to the Part 373 Permit are appropriately highlighted or otherwise identified in the DRAFT Permit Modification document. The table which follows lists the individual parts of Permit and indicates whether they contain modifications, do not contain modifications, or are being added to the Permit.

PART 373 DRAFT PERMIT MODIFICATION ORGANIZATION			
Permit Introductory Pages & Modules			
Permit Section	Mod. Status	Permit Section	Mod. Status
Introductory Pages	modifications	Schedule 1 of Module I, Exhibit F Supplement to Module VI	modifications to title only
Module I – General Conditions	no modifications	Schedule 1 of Module I, Exhibit G Supplement to Module VI (RMU-2)	to be added
Schedule 1 of Module I – Facility-Specific Conditions	modifications	Module II – Corrective Action Requirements	no modifications
Schedule 1 of Module I, Exhibit A Supplement to Module I	modifications	Module III – Use and Management of Containers	no modifications
Schedule 1 of Module I, Exhibit B Supplement to Module II	no modifications	Module IV – Tank Systems	no modifications
Schedule 1 of Module I, Exhibit C Supplement to Module III	modifications	Module V – Surface Impoundments	no modifications
Schedule 1 of Module I, Exhibit D Supplement to Module IV	modifications	Module VI – Landfills	no modifications
Schedule 1 of Module I, Exhibit E Supplement to Module V	modifications	Module VIII – Intermediate Commercial HW Treatment	no modifications
Permit Attachments			
Permit Section	Mod. Status	Permit Section	Mod. Status
Attachment A – Part A Application	modifications	Attachment I, Section I.1a – RMU-2 Closure Plan	to be added
Attachment B - Security	no modifications	Attachment I, Section I.2a – RMU-2 Post-Closure Plan	to be added
Attachment C – Waste Analysis Plan	no modifications	Attachment J, Appendix D-6a – RMU-2 Design Drawings	to be added
Attachment D, Appendix D-1- Containers	modifications	Attachment J, Appendix D-7a – RMU-2 Technical Specifications	to be added
Attachment D, Appendix D-2- Surface Impoundments	modifications	Attachment J, Appendix D-8a – RMU-2 Construction QA Manual	to be added
Attachment D, Appendix D-3- Tanks	modifications	Attachment K, Appendix D-9a – RMU-2 Response Action Plan	to be added
Attachment E - Corrective Action	no modifications	Attachment L – Dust Control Plan	no modifications
Attachment F – Preparedness & Prevention (Inspection Req.)	modifications	Attachment M – Surface Water Sampling & Analysis Plan	modifications
Attachment G – Contingency Plan	modifications	Attachment N – Air Monitoring Plan	no modifications
Attachment H – Personnel Training	no modifications	Attachment O – Major/Minor Mods.	modifications
Attachment I, Section I.1 – RMU-1 & Site Closure Plans	modifications		
Permit Documents Incorporated By Reference			
Site Closure, Post-Closure & Corrective Action Cost Estimates	modifications	Process & Instrumentation Diagrams (P&IDs) for Tank Systems	modifications
Aqueous Waste Treatment System (AWTS) O & M Manual	modifications	Groundwater Sampling & Analysis Plan	modifications
RMU-2 Engineering Report	to be added	RMU-2 Transition Plan	to be added
RMU-2 Project Specific Soil Excavation Monitoring, Management and Corrective Action Plan	to be added	Tank System Design Assessment Report for Fac Pond 5 Tank T-9001	to be added

B. ECL Article 24 / 6 NYCRR Part 663 –Freshwater Wetlands DRAFT Permit

Based on review of CWM's complete ECL Article 24 / 6 NYCRR Part 663 State Freshwater Wetlands Permit and Section 608.9 Water Quality Certification Applications on July 8, 2013, with subsequent revisions submitted on October 22, 2013, NYSDEC staff has made a TENTATIVE determination to issue an Article 24 / Part 663 State Freshwater Wetlands Permit / Water Quality Certification for CWM's proposed RMU-2 landfill project, and has prepared a State Freshwater Wetlands DRAFT Permit / Water Quality Certification for public review in accordance with 6 NYCRR 621.7(b)(7). This DRAFT Permit addresses potential impacts to approximately 32,171 square feet of the regulated 100-foot wide adjacent area of NYS Freshwater Wetland RV-8 as a result of the proposed construction of a New Drum Management Building (DMB) as part of the RMU-2 landfill project. The DRAFT Permit requires CWM to submit a Mitigation Plan for NYSDEC approval prior to DMB construction and to implement sedimentation/erosion controls to maintain wetland water quality.

VII. REGULATORY AND PUBLIC INVOLVEMENT PROCESS

CWM's proposed RMU-2 landfill project is required by State statutes and regulations to undergo a regulatory and public involvement process with respect to the various applications for the project (as described under Section III above). The purpose of this process is to allow the NYSDEC, interested citizens and organizations, and other governmental agencies the opportunity to evaluate the submitted applications, the DEIS and DRAFT Permits/Permit Modifications as related to compliance with the applicable requirements promulgated under New York State Laws. The process culminates with a decision by the NYSDEC Commissioner to issue the Permit/Permit Modification, deny the Permit/Permit Modification, or issue the Permit/Permit Modification with additional conditions. The specific aspects of the regulatory and public involvement process for CWM's proposed RMU-2 landfill project are described below.

A. Written Public Comment Period

Section 621.7 of 6 NYCRR provides the public with the opportunity to become involved in the regulatory review 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 review and provide written comments on RMU-2 landfill project applications (as listed and described in Section II of this Fact Sheet), the Part 373 Hazardous Waste Management DRAFT Permit Modification, the State Freshwater Wetlands DRAFT Permit / Water Quality Certification, and the Draft Environmental Impact Statement (DEIS). All persons interested in commenting on the applications, NYSDEC-prepared DRAFT Permits or the DEIS for the proposed RMU-2 landfill project should submit their comments in writing 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

All written comments received during the public comment period will be reviewed in accordance with 6 NYCRR 621.8. When a final decision on the RMU-2 landfill project applications and DEIS is made, the public will be notified of such decision and provided access to a Responsiveness Summary

in accordance with 6 NYCRR 621.10, which will present responses to all comments received during the written comment period. The Responsiveness Summary will also be incorporated into a Final Environmental Impact Statement (FEIS), which will be made available to the public.

B. Public Hearings

Public hearings conducted pursuant to 6 NYCRR Part 624 will be scheduled and noticed at a later date.

C. Community Advisory Committee (CAC)

ECL 27-1113 requires the County in which the industrial hazardous waste facility (CWM's proposed RMU-2 landfill) is proposed to be situated (Niagara County), to constitute a Community Advisory Committee (CAC) for the purpose of entering into a dialogue with the Applicant (CWM) with the goal of reaching mutually acceptable solutions to problems which may be created by the siting of the proposed facility. According to ECL 27-1113, the CAC shall have no fewer than nine (9) and no more than fifteen (15) members, with no more than one-third of the members designated by Niagara County and no less than two-thirds of its members designated equally by the Towns in which the proposed facility will be located (Lewiston and Porter). Once the CAC is established, the Chairperson of the Siting Board, or his or her designee, shall convene the CAC and preside over all conferences between the CAC and the Applicant (CWM).

VIII. DOCUMENT AVAILABILITY

A. List of Available Documents

The following documents related to CWM's proposed RMU-2 landfill project are available for public review:

CWM Applications –

- State Hazardous Waste Facility Siting Application;
- State Hazardous Waste Management Permit Modification Application;
- ECL Article 24 – Freshwater Wetlands Permit Application;
- Water Quality Certification Application; and
- State Pollution Discharge Elimination Systems (SPDES) Permit Modification Application

NYSDEC DRAFT Permits & DRAFT Permit Modifications –

- State Hazardous Waste Management DRAFT Permit Modification; and
- ECL Article 24 – Freshwater Wetlands DRAFT Permit / Water Quality Certification

Other Pertinent Documents –

- CWM's Draft Environmental Impact Statement (DEIS); and
- NYSDEC's Compiled CWM Facilities' Compliance Record

NOTE: Additional pertinent documents will be provided for public review as they become available (e.g., CWM's Air Permit Modification Application).

B. Hard Copy Availability

Hard copies of the above listed 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.

C. Electronic Copy Availability

Electronic copies of CWM applications listed above and the CWM DEIS are available in their entirety through the following web site:

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

Electronic copies of the NYSDEC DRAFT Permits, DRAFT Permit Modifications and Compiled CWM Facilities' Compliance Record are available in their entirety through the following web sites:

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

IX. LEGAL AND REGULATORY REFERENCES APPLICABLE TO THE PROPOSED PROJECT

A. Applicable NYS Statutes

The following is a list of the ECL articles and titles, as well as the section of the federal Clean Water Act, which are applicable to CWM's proposed RMU-2 landfill project:

- ECL Article 8, Title 1 (Environmental Quality Review);
- ECL Article 17, Title 8 (State Pollution Discharge Elimination System (SPDES));
- ECL Article 19, Title 3 (Air Pollution Control – Powers & Duties);
- ECL Article 24, Title 7 (Freshwater Wetlands Regulations);
- ECL Article 27, Title 7 (Solid Waste Management)
- ECL Article 27, Title 9 (Industrial Hazardous Waste Management);
- ECL Article 27, Title 11 (Industrial Siting Hazardous Waste Facilities);
- ECL Article 70, Title 1 (Uniform Procedures);
- ECL Article 70, Title 1, Section 19 (Public Hearings); and
- Federal Clean Water Act, Section 401.

Electronic versions of the applicable NYS Statutes referenced above are available through the following NYS website (under "ENV"):

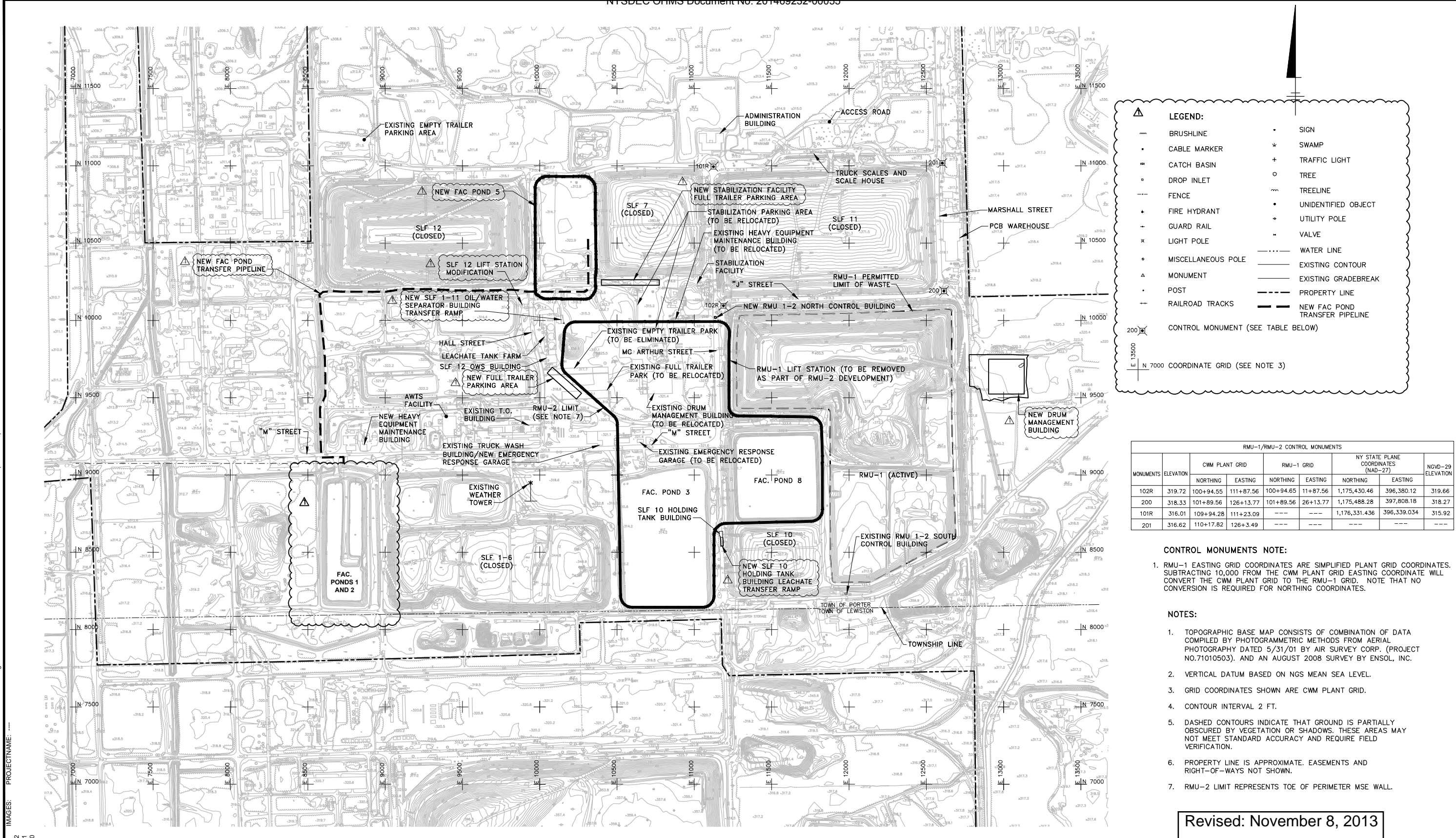
<http://public.leginfo.state.ny.us/MENUGETF.cgi?COMMONQUERY=LAWS+&TARGET=VIEW>

B. Applicable NYS Regulations

The following is a list of the New York State regulations which are applicable to CWM's proposed RMU-2 landfill project:

- 6 NYCRR Part 201 ([Air] Permits & Registrations);
- 6 NYCRR Part 361 (Siting of Industrial Hazardous Waste Facilities);
- 6 NYCRR Parts 370 - 374 and 376 (Hazardous Waste Management Facilities);
- 6 NYCRR 608.9 (Water Quality Certifications);
- 6 NYCRR Part 617 (State Environmental Quality Review);
- 6 NYCRR Part 621 (Uniform Procedures);
- 6 NYCRR Part 624 Permit Hearing Procedures);
- 6 NYCRR Part 663 (Freshwater Wetlands Permit Requirements); and
- 6 NYCRR Part 750 (SPDES Permit).

Electronic versions of the applicable NYS Regulations referenced above are available through the following NYSDEC website: <http://www.dec.ny.gov/regulations/regulations.html>



RMU-1/RMU-2 CONTROL MONUMENTS								
MONUMENTS	ELEVATION	CWM PLANT GRID		RMU-1 GRID		NY STATE PLANE COORDINATES (NAD-27)		NGVD-29 ELEVATION
		NORTHING	EASTING	NORTHING	EASTING	NORTHING	EASTING	
102R	319.72	100+94.55	111+87.56	100+94.65	11+87.56	1,175,430.46	396,380.12	319.66
200	318.33	101+89.56	126+13.77	101+89.56	26+13.77	1,175,488.28	397,808.18	318.27
101R	316.01	109+24.81	111+23.09	---	---	1,176,331.436	396,339.034	315.92
201	316.62	110+17.22	126+3.49	---	---	---	---	---

CONTROL MONUMENTS NOTE:

1. RMU-1 EASTING GRID COORDINATES ARE SIMPLIFIED PLANT GRID COORDINATES. SUBTRACTING 10,000 FROM THE CWM PLANT GRID EASTING COORDINATE WILL CONVERT THE CWM PLANT GRID TO THE RMU-1 GRID. NOTE THAT NO CONVERSION IS REQUIRED FOR NORTHING COORDINATES.

NOTES:

1. TOPOGRAPHIC BASE MAP CONSISTS OF COMBINATION OF DATA COMPILED BY PHOTOGRAMMETRIC METHODS FROM AERIAL PHOTOGRAPHY DATED 5/31/01 BY AIR SURVEY CORP. (PROJECT NO.71010503). AND AN AUGUST 2008 SURVEY BY ENSOL, INC.
2. VERTICAL DATUM BASED ON NGS MEAN SEA LEVEL.
3. GRID COORDINATES SHOWN ARE CWM PLANT GRID.
4. CONTOUR INTERVAL 2 FT.
5. DASHED CONTOURS INDICATE THAT GROUND IS PARTIALLY OBSCURED BY VEGETATION OR SHADOWS. THESE AREAS MAY NOT MEET STANDARD ACCURACY AND REQUIRE FIELD VERIFICATION.
6. PROPERTY LINE IS APPROXIMATE. EASEMENTS AND RIGHT-OF-WAYS NOT SHOWN.
7. RMU-2 LIMIT REPRESENTS TOE OF PERIMETER MSE WALL.

Revised: November 8, 2013



THIS BAR
REPRESENTS ONE
INCH ON THE
ORIGINAL DRAWING:



USE TO VERIFY
FIGURE
REPRODUCTION
SCALE

USE TO VERIFY
FIGURE
REPRODUCTIO
SCALE

[illegible]

Professional Engineer's Name JOSEPH MOLINA	
Professional Engineer's No. 072644	
State NY	Date Signed
Designed by RMS/PTO	Drawn by IAF



ARCADIS

ARCADIS OF NEW YORK, INC.

CWM CHEMICAL SERVICES, LLC • MODEL CITY, NEW YORK
RESIDUALS MANAGEMENT UNIT 2 6NYCRR PART 373 PERMIT APPLICATION

FACILITY LAYOUT

GENERAL

ARCADIS Project No.
B0023725.2009.00006

Date
OCTOBER 2009

ARCADIS of New York, Inc.
6723 Towpath Road
P.O. Box 66
Syracuse, New York
TEL. 315.446.91220

A-2

EXHIBIT B

Property Owner Database
 NYSDEC OHMS Document No. 201469232-00055
 CWM Chemical Services, LLC Facility
 Model City, New York

June 11, 2014

PIN	OWNRNAME	PRCLSTREET	PRCLNUM	PRCLMUNI	OWNRNAME	OWNERNUM	OWNERSTREET	OWNERMUNI	OWNERST	OWNERZIP
75.00-2-2	Andrews, Donna	Langdon Rd	1859	Lewiston	Andrews, Donna		48 S. Oakwood Dr	Painted Post	NY	14870

Notes: Information obtained from Niagara County Geographic Information Systems (GIS) (<http://gis1.erie.gov/GC/NiagaraCountyNY/default.htm>) and the Town of Porter and Town of Lewiston Tax Assessment Rolls.