

**New York State Department of Environmental Conservation**

**Office of Hearings and Mediation Services, 1<sup>st</sup> Floor**

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Joe Martens  
Commissioner

August 8, 2014

Mr. Jonathan Rizzo  
CWM Chemical Services, LLC  
1550 Balmer Road  
PO Box 200  
Model City, New York 14107

RE: 6 NYCRR Part 361 Hazardous Waste Facility Siting Application  
6 NYCRR Part 373 Hazardous Waste Management Permit Modification  
Application, et al.  
Notice of Second Extension of Public Comment Period  
Notice of Extension to File Petitions for Party Status

Dear Mr. Rizzo:

Enclosed is a copy of the Notice of Second Extension of Public Comment Period and Notice of Extension to File Petitions for Party Status (Notice) for the captioned permit applications. The Notice extends the public comment period from September 5, 2014 to October 20, 2014. The Notice also extends the date to file petitions for party status from September 30, 2014 to October 20, 2014.

To fulfill the notice requirements in 6 NYCRR 624.3(a), you must publish the enclosed Notice once during the week of August 11, 2014, or as soon as possible thereafter, as a legal notice in the *Buffalo News*, the *Niagara Gazette*, and the *Lewiston Porter Sentinel*. Applicant is responsible for the publication costs. After publishing the Notice, you must obtain an affidavit of publication from the newspapers. Please mail the affidavits to me when they are available. I will have the Notice published in the Department's *Environmental Notice Bulletin* on Wednesday, August 13, 2014.

The notice requirements concerning a permit application for a hazardous waste management facility also require public notice by means of radio announcements (*see* 6 NYCRR 624.3[a]). Enclosed is a radio announcement that must be broadcast on radio stations WJLL, WLVL, WBEN and WGR at least twice on August 13, 2014 or as soon as possible thereafter, once between the hours of 9:00 AM and 11:00 AM, and once between the hours of 1:00 PM and 4:00 PM. This must be a paid announcement, and applicant is responsible for the cost. After the broadcasts are made, applicant must obtain affidavits of broadcast. Please mail the affidavits to me when they are available.

Additional notice requirements are outlined at 6 NYCRR 361.4(c), which refer to 6 NYCRR 361.3(g) and (h), and require applicant to send a copy of the enclosed notice by regular mail to property owners located within one-half mile of the facility. Applicant must provide me with an affidavit of mailing and a list of property owners with their respective mailing addresses.

I will send copies of the Notice to the Niagara County Clerk and the Supervisors for the Towns of Lewiston and Porter, and to those who have expressed an interest in this application.

If there are any questions about the notice requirements, call me or Chief Judge McClymonds at 518-402-9003.

Very truly yours,



Daniel P. O'Connell  
Administrative Law Judge

Enclosures

cc: Daniel M. Darragh, Esq.  
Cohen & Grigsby, PC  
625 Liberty Avenue  
Pittsburgh, Pennsylvania 15222

with Enclosures

David Stever, Esq.  
Assistant Regional Attorney  
NYSDEC Region 9  
270 Michigan Avenue  
Buffalo, New York 14203

with Enclosures