



November 17, 2014

**CWM CHEMICAL SERVICES, LLC**

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

Mr. Daniel P. O'Connell  
Administrative Law Judge  
NYSDEC Office of Hearings  
625 Broadway, 1<sup>st</sup> Floor  
Albany, New York 12233-1550

Re: RMU-2 Notice of Third Extension of Public Comment Period  
Notice of Extension to File Petitions for Party Status - Proof of Performance/Publication

Dear Mr. O'Connell:

In October 2014, NYSDEC issued a Public Notice of Third Extension of Public Comment Period and Extension to File Petitions for Party Status for Residuals Management Unit No. 2 (RMU-2). As required, CWM arranged to have the notice of extension of comment period and extension to file for party status published in local newspapers and broadcast on local radio stations. Attached please find the originals of the Affidavits of Performance from radio stations WJJL, WLVL, WBEN, and WGR (October 20, 2014) and the Affidavits of Publication from the newspapers Niagara Gazette and the Buffalo News (October 20, 2014) and the Lewiston-Porter Sentinel (October 18, 2014).

If you have any questions, please contact myself at (716) 286-0246 or Mr. Jonathan P. 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 A. Banaszak', with a stylized flourish at the end.

Jill A. Banaszak  
Technical Manager  
Model City Facility

JPR/JAB/jbh  
Attachment

Mr. Daniel P. O'Connell

NYSDEC

November 17, 2014

Re: RMU-2 Notice of Third Extension of Public Comment Period

Notice of Extension to File Petitions for Party Status - Proof of Performance/Publication

Page - 2 -

cc: J. McClymonds - NYSDEC/Albany, NY (electronic copy)  
L. Alexander - NYSDEC/Albany, NY (electronic copy)  
A. Snyder - NYSDEC/Region 9 (electronic copy)  
D. Stever - NYSDEC/Region 9 (electronic copy)  
D. Denk - 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)  
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 - Cohen & Grigsby, PC/Pittsburgh, PA (electronic copy)  
EMD Subject File  
Q & A



Commercial Script

Radio Station WJJL-AM  
920 Union Road  
West Seneca, NY 14224

Script # 1692  
CWM Chemical Services LLC  
Length: 120

CWM Chemical Services  
Attn: Lori Caso  
1550 Balmer Road  
Model City, NY 14107

-----  
The New York State Department of Environmental Conservation (DEC) invites the public to review and comment on the proposal for CWM Chemical Services, LLC, to construct and operate a new landfill and other units to store, treat, and dispose of hazardous and industrial nonhazardous waste at the company's facility located in Model City, NY. The applications, draft environmental impact statement, and draft permits are available for review. The date to file written comments has been extended from October 20, 2014 to November 21, 2014. All persons, organizations, corporations, or government agencies who may be affected by the proposal are invited to submit written comments. Members of the public may email comments to DEC at CWM.RWMUNIT2@dec.ny.gov. Written comments may be mailed to James T. McClymonds, Chief Administrative Law Judge, Office of Hearings and Mediation Services, New York State Department of Environmental Conservation, 625 Broadway, First Floor, Albany, New York 12233-1550. Copies of a DEC Fact Sheet, the CWM applications, the DEIS and the draft permit documents are available through the DEC website at [www.dec.ny.gov/chemical/9075.html](http://www.dec.ny.gov/chemical/9075.html), or by visiting any one of the following locations: The DEC Region 9 Office in Buffalo; The Youngstown Free Library in Youngstown; The Porter Town Hall in Youngstown; The Ransomville Free Library in Ransomville; or The Lewiston Free Library in Lewiston. In addition, the date to file petitions for party status is extended from October 20, 2014 to November 21, 2014. Additional information about petitioning for party status is available through the DEC website at <http://www.dec.ny.gov/enb/97468.html>.  
-----

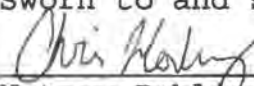
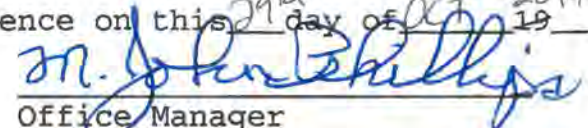
=====

<u>2</u> spots at <u>\$150</u> each for \$ <u>500.00</u>	_____ spots at _____ each for \$ _____
_____ spots at _____ each for \$ _____	_____ spots at _____ each for \$ _____
_____ spots at _____ each for \$ _____	_____ spots at _____ each for \$ _____

=====

The announcement was broadcast \_\_\_\_\_ times as entered in the station's records.  
The times this announcement was broadcast were billed to the above client on our Invoice # 100182 dated as per the attached Affidavit of Performance.

Sworn to and subscribed before me and in my presence on this 29<sup>th</sup> day of OCT, 2014.

 Notary Public	CHRISTOPHER HORBACZ Notary Public, State of New York Qualified in Erie County Reg. No. 01HO6249437 My Commission Expires Oct. 17, 2015	 Office Manager
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\*\*\*\*\*  
 \* Affidavit of Performance \*  
 \*\*\*\*\*

Radio Station WJJL-AM  
 920 Union Road  
 West Seneca, NY 14224

CWM Chemical Services  
 1550 Balmer Road  
 Model City, NY 14107

Order #

Invoice Number: 100182  
 Billing Type : M  
 Acct Exec : Dennis Westberg  
 Commercial Length: 120  
 State of New York )  
 ) SS:  
 City of West Seneca )

Client # 164  
 CWM Chemical Services LLCCommercials

Before me, a Notary Public, personally appeared M. John Phillips, who affirms that he is Office Manager of Radio Station WJJL-AM, and that broadcasts were made during the period: 10/01/14 - 10/31/14.

=====

Date	Times
Oct 20	10:30A 2:00P

=====

Oct 20 10:30A 2:00P

-----  
 Total: 2 at 250.00 each.  
 Gross Invoice: \$500.00

DUE DATE: 11/05/14 NET AMOUNT DUE: \$500.00

=====

I certify that the above units were aired within 5 minutes of the times listed.

Signed: Mr. John Phillips

Affirmed this 29 Day of October, 1914

In testimony whereof I have set my Hand and Seal the day and year aforesaid.

My commission expires CHRISTOPHER HORBACZ

Notary Public, State of New York

Qualified in Erie County

Reg. No. 01HO6249437

My Commission Expires Oct. 17, 2015

Chris Harkin  
 Notary Public



**WLVL CULVER COMMUNICATIONS CORP.**

320 Michigan Street  
 Lockport, NY 14094  
 716-433-5944

\*\*\*\*PLEASE REMIT TO NEW ADDRESS\*\*\*\*

Advertiser: WASTE MGMT

Co-Op:

ScriptID: 10/20/15

Length: 2:00

CWM Chemical Services, L.L.C.  
 Model City, New York  
 Niagara County

**PROPOSED RMU-2 LANDFILL  
 RADIO ANNOUNCEMENT**

The New York State Department of Environmental Conservation (DEC) invites the public to review and comment on the proposal for CWM Chemical Services, L.L.C., to construct and operate a new landfill and other units to store, treat, and dispose of hazardous and industrial non-hazardous waste at the company's facility located in Model City, NY. The applications, draft environmental impact statement, and draft permits are available for review.

The date to file written comments has been extended from October 20, 2014 to November 21, 2014. All persons, organizations, corporations, or government agencies who may be affected by the proposal are invited to submit written comments.

Members of the public may email comments to DEC at CWM.RWMUNIT2@dec.ny.gov.

Written comments may be mailed to James T. McClymonds, Chief Administrative Law Judge, Office of Hearings and Mediation Services, New York State Department of Environmental Conservation, 625 Broadway, First Floor, Albany, New York 12233-1550.

Copies of a DEC Fact Sheet, the CWM applications, the DEIS and the draft permit documents are available through the DEC website at [www.dec.ny.gov/chemical/9075.html](http://www.dec.ny.gov/chemical/9075.html), or by visiting any one of the following locations:

The DEC Region 9 Office in Buffalo;  
 The Youngstown Free Library in Youngstown;  
 The Porter Town Hall in Youngstown;  
 The Ransomville Free Library in Ransomville; or  
 The Lewiston Free Library in Lewiston.

In addition, the date to file petitions for party status is extended from October 20, 2014 to November 21, 2014. Additional information about petitioning for party status is available through the DEC website at <http://www.dec.ny.gov/enb/97468.html>.

Radio Stations: WJLL  
 WLVL  
 WBEN  
 WGR

Dated: October 15, 2014

### Station Documentation Statement

This announcement was broadcast 2 times, as entered in the station's program log. The times this announcement was broadcast were billed to this station's client on our invoice number 14100273 dated 10/26/2014 at his earned rate of:

50.00 each for 2 announcements, for a total of	\$100.00
For a total of 2 announcements for a total of	\$100.00

Station Official Signature

STATE OF  
 COUNTY OF  
 Subscribed and sworn before me this  
 My commission expires August 25, 2017.

20th day of October 2014

Shawn L. Sawyer  
 PUBLIC NOTARY

## INVOICE



**WBEN**  
**500 Corporate Parkway**  
**Suite 200**  
**Buffalo, NY 14226**  
**Main: (716) 843-0600**  
**Billing: (716) 843-0600**

www.wben.com

Billing Address:

**CWM Chemical Services, LLC**  
**Attention: Accounts Payable**  
**1550 Blamer Road**  
**PO Box 200**  
**Model City, NY 14107**

Send Payment To:

**WBEN**  
**500 Corporate Parkway**  
**Buffalo, NY 14226**

Invoice #	Invoice Date	Invoice Month	Invoice Period
360989-1	10/26/14	October 2014	09/29/14 - 10/20/14

Station	Account Executive	Sales Office	Sales Region
WBEN	Paul Maurer	Buffalo Local	Local

Advertiser	Product	Estimate Number
CWM Chemical Services, LI	October 20, 2014 public no	

Flight Dates	Order #	Alt Order #
10/20/14 - 10/20/14	360989	

Billing Calendar	Billing Type	Deal #
Broadcast	Cash	

Special Handling
Notarize Script & Invoice

IDB #	Advertiser Code	Product Code

Agency Ref	Advertiser Ref

Line	Start Date	End Date	Description	Start/End Time	MTWTFSS	Length	Spots/Week	Rate	Type
1	10/20/14	10/20/14	M-F	9:00 AM-11:00 AM	M-----	2:00	1	\$720.00	NM
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 10/20/14 10/26/14 M----- 1 \$720.00									
Spots: # <u>Ch</u> <u>Day</u> <u>Air Date</u> <u>Air Time</u> <u>Description</u> <u>Start/End Time</u> <u>Length</u> <u>Ad-ID</u> <u>Rate</u> <u>Type</u> 1 WBEN M 10/20/14 9:32 AM M-F 9:00 AM-11:00 AM 2:00 Proposed RMU-2 Landfill \$720.00 NM									
2	10/20/14	10/20/14	M-F	1:00 PM-4:00 PM	M-----	2:00	1	\$530.00	NM
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 10/20/14 10/26/14 M----- 1 \$530.00									
Spots: # <u>Ch</u> <u>Day</u> <u>Air Date</u> <u>Air Time</u> <u>Description</u> <u>Start/End Time</u> <u>Length</u> <u>Ad-ID</u> <u>Rate</u> <u>Type</u> 1 WBEN M 10/20/14 3:57 PM M-F 1:00 PM-4:00 PM 2:00 Proposed RMU-2 Landfill \$530.00 NM									
<b>Total Spots</b>							<b>2</b>		

**Due upon receipt**

Net Total **\$1,250.00**

*Denise Burt*  
 DENISE BURT  
 NOTARY PUBLIC, STATE OF NEW YORK  
 QUALIFIED IN ERIE COUNTY  
 LIC. #01BU4887599  
 My Commission Expires March 16, 2015



**CWM Chemical Services, L.L.C.  
Model City, New York  
Niagara County  
PROPOSED RMU-2 LANDFILL  
RADIO ANNOUNCEMENT**

Start: 10/20/2014  
End: 10/20/2014  
WGR & WBEN  
120 seconds

The New York State Department of Environmental Conservation (DEC) invites the public to review and comment on the proposal for CWM Chemical Services, L.L.C., to construct and operate a new landfill and other units to store, treat, and dispose of hazardous and industrial non-hazardous waste at the company's facility located in Model City, NY. The applications, draft environmental impact statement, and draft permits are available for review.

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Radio Stations: WJLL  
WLVL  
WBEN  
WGR

Dated: October 15, 2014

DENISE BURT  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
LIC. #01BU4887599  
My Commission Expires March 16, 2015

This announcement was broadcast 2 times, as entered in the station's program log. The time this announcement was broadcast was billed to this station's client on our invoice(s) number 360989-1 dated 10/26/14 at the agreed rate of 2 announcements for a total of \$ 1250.00  
Denise Burt  
Notary:  
Andrew L. Brown  
Signed:

## INVOICE



**WGR**  
**500 Corporate Parkway**  
**Suite 200**  
**Buffalo, NY 14226**  
**Main: (716) 843-0600**  
**Billing: (716) 843-0600**

www.wgr550.com

Billing Address:

**CWM Chemical Services, LLC**  
**Attention: Accounts Payable**  
**1550 Blamer Road**  
**PO Box 200**  
**Model City, NY 14107**

Send Payment To:

**WGR**  
**500 Corporate Parkway**  
**Suite 200**  
**Buffalo, NY 14226**

Invoice #	Invoice Date	Invoice Month	Invoice Period
361008-1	10/26/14	October 2014	09/29/14 - 10/20/14

Station	Account Executive	Sales Office	Sales Region
WGR	Paul Maurer	Buffalo Local	Local

Advertiser	Product	Estimate Number
CWM Chemical Services, L	October 20, 2014 public no	

Flight Dates	Order #	Alt Order #
10/20/14 - 10/20/14	361008	

Billing Calendar	Billing Type	Deal #
Broadcast	Cash	

Special Handling
Notarize Script & Invoice

IDB #	Advertiser Code	Product Code

Agency Ref	Advertiser Ref

Line	Start Date	End Date	Description	Start/End Time	MTWTFSS	Length	Spots/ Week	Rate	Type
1	10/20/14	10/20/14	M-F	9:00 AM-11:00 AM	M-----	2:00	1	\$380.00	NM
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 10/20/14 10/26/14 M----- 1 \$380.00									
Spots: # Ch Day Air Date Air Time Description Start/End Time Length Ad-ID Rate Type 1 WGR M 10/20/14 10:55 AM M-F 9:00 AM-11:00 AM 2:00 Proposed RMU-2 Landfill \$380.00 NM									
2	10/20/14	10/20/14	M-F	1:00 PM-4:00 PM	M-----	2:00	1	\$380.00	NM
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 10/20/14 10/26/14 M----- 1 \$380.00									
Spots: # Ch Day Air Date Air Time Description Start/End Time Length Ad-ID Rate Type 1 WGR M 10/20/14 1:37 PM M-F 1:00 PM-4:00 PM 2:00 Proposed RMU-2 Landfill \$380.00 NM									
<b>Total Spots</b>							<b>2</b>		

**Due upon receipt**

Net Total **\$760.00**

*Denise Burt*  
 DENISE BURT  
 NOTARY PUBLIC, STATE OF NEW YORK  
 QUALIFIED IN ERIE COUNTY  
 LIC. #01BU4887599  
 My Commission Expires March 16, 2015

We warrant that the actual broadcast information shown on this invoice was taken from the program log. Times are approximate within fifteen minutes. Agency and Advertiser agree and acknowledge that Station's Advertising Terms and Conditions govern this contract. Station's Advertising Terms and Conditions are available at www.entrcom.com



**CWM Chemical Services, L.L.C.**  
**Model City, New York**  
**Niagara County**  
**PROPOSED RMU-2 LANDFILL**  
**RADIO ANNOUNCEMENT**

Start: 10/20/2014  
End: 10/20/2014  
WGR & WBEN  
120 seconds

The New York State Department of Environmental Conservation (DEC) invites the public to review and comment on the proposal for CWM Chemical Services, L.L.C., to construct and operate a new landfill and other units to store, treat, and dispose of hazardous and industrial non-hazardous waste at the company's facility located in Model City, NY. The applications, draft environmental impact statement, and draft permits are available for review.

The date to file written comments has been extended from October 20, 2014 to November 21, 2014. All persons, organizations, corporations, or government agencies who may be affected by the proposal are invited to submit written comments.

Members of the public may email comments to DEC at [CWM.RWMUNIT2@dec.ny.gov](mailto:CWM.RWMUNIT2@dec.ny.gov).

Written comments may be mailed to James T. McClymonds, Chief Administrative Law Judge, Office of Hearings and Mediation Services, New York State Department of Environmental Conservation, 625 Broadway, First Floor, Albany, New York 12233-1550.

Copies of a DEC Fact Sheet, the CWM applications, the DEIS and the draft permit documents are available through the DEC website at [www.dec.ny.gov/chemical/9075.html](http://www.dec.ny.gov/chemical/9075.html), or by visiting any one of the following locations:

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The Porter Town Hall in Youngstown;  
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In addition, the date to file petitions for party status is extended from October 20, 2014 to November 21, 2014. Additional information about petitioning for party status is available through the DEC website at <http://www.dec.ny.gov/enb/97468.html>.

Radio Stations: WJLJ  
WLVL  
WBEN  
WGR

Dated: October 15, 2014

DENISE BURT  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
LIC. #01BU4887599  
My Commission Expires March 16, 2015

This announcement was broadcast 2 times, as entered in the  
announcement log. The times this announcement was broadcast were  
361008-1 10/26/14 at the agreed rate of  
2 announcements, for a total of \$ 760.00  
Notary: Denise Burt Signed: Andrew L. L...

STATE OF NEW YORK  
NIAGARA COUNTY, } SS, \_\_\_\_\_

Linda Elliott, of said county, being duly sworn, deposes and says that  
she is now and during the whole time hereinafter mentioned was the Clerk of

NIAGARA GAZETTE

A newspaper published in the County and State aforesaid,  
and that the annexed printed legal # 127650  
was printed and published in said paper on the following dates:

10/20/2014

Linda Elliott  
Principal Clerk

Subscribed and sworn to before me this

29 Oct 2014

Patricia J. King 07/27/2018

Notary Public

Expiration Date

PATRICIA J. KING  
Notary Public, State of New York  
Qualified in Niagara County  
My Commission Expires March 30, 2018



STATE OF NEW YORK  
FACILITY SITING BOARD

and the

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
NOTICE OF EXTENSION OF PUBLIC COMMENT PERIOD  
NOTICE OF EXTENSION TO FILE PETITIONS FOR PARTY STATUS

Applicant: CWM Chemical Services, L.L.C. (1550 Balmer Road, PO Box 200, Model City, New York 14107) (CWM), proposes to construct and operate a new landfill and other units to store, treat and dispose of hazardous and industrial non-hazardous waste at the company's existing facility located in the Towns of Porter and Lewiston, Niagara County. The proposed landfill would be designated as Residuals Management Unit - Two (RMU-2). The proposed RMU-2 landfill and other units are intended for the disposal and management of hazardous and industrial non-hazardous wastes at CWM's existing facility.

CWM has filed the following applications for the proposed RMU-2 landfill project:

- Part 361 Hazardous Waste Facility Siting Certificate Application (Environmental Conservation Law [ECL] Article 27, Title 11);
- Part 373 Hazardous Waste Management Facility Permit Modification Application (ECL Article 27, Title 9) (DEC Permit Application No. 9-2934-00022/00225);
- Part 663 State Freshwater Wetlands Permit Application (ECL Article 24, Title 7) (DEC Permit Application No. 9-2934-00022/00231);
- Section 608.9 Water Quality Certification Application (Section 401 of the federal Clean Water Act) (DEC Permit Application No. 9-2934-00022/00232); and
- Part 750 State Pollution Discharge Elimination System (SPDES) Permit Modification Application (ECL Article 17, Title 8) (DEC Permit Application No. 9-2934-00022/00049).

Document Availability: Hard copies of the CWM application materials, the draft environmental impact statement, and the draft permit documents are available for inspection at the following locations:

- NYS DEC, Division of Environmental Remediation, 625 Broadway, 12th Floor, Albany, NY 12233-7017. Telephone: 518-402-9814;
- NYS DEC Region 9 Office, 270 Michigan Avenue, Buffalo, NY 14203-2915. Telephone: 716-851-7220;
- Youngstown Free Library, 240 Lockport Street, Youngstown, NY;
- Porter Town Hall, 3265 Creek Road, Youngstown, NY;
- Ransomville Free Library, 3733 Ransomville Road, Ransomville, NY; and
- Lewiston Free Library, 305 South Eighth Street, Lewiston, N.Y.

Notice of Complete Application: A Notice of Complete Application ([http://www.dec.ny.gov/enb/20140507\\_not9.html](http://www.dec.ny.gov/enb/20140507_not9.html)) was published in the Department's Environmental Notice Bulletin (ENB) on May 7, 2014, and in local newspapers during the week of May 5, 2014.

Written Comments: The date to file comments is hereby extended from October 20, 2014 to November 21, 2014. Written comments must be postmarked by November 21, 2014 to be considered.

All interested persons, organizations, corporations or government entities may submit written comments by mail no later than November 21, 2014, to Chief Administrative Law Judge James T. McClymonds, Office of Hearings and Mediation Services, New York State Department of Environmental Conservation, 625 Broadway, 1st Floor, Albany, NY 12233-1550. The following email address is also available: [CWM.RWMUNIT2@dec.ny.gov](mailto:CWM.RWMUNIT2@dec.ny.gov). All comments submitted by email must be dated no later than November 21, 2014.

Issues Conference: Pursuant to 6 NYCRR 624.4(b), a pre-adjudicatory issues conference will be held. The purpose of the issues conference is to determine party status for any person who has properly filed a petition (as indicated below) and to define the scope of issues, if any, that require adjudication with regard to the permit applications pending before the Department, as well as the certificate requested from the Facility Siting Board. Please note that participation at the issues conference is limited to Department staff, applicant, and those persons requesting party status.

Filing for Party Status: Persons seeking to participate in the issues conference and any subsequent adjudicatory public hearing, if one is necessary, must file a petition (a written statement) explaining whether the request is for full party status or amicus status. For the required contents of petitions for full party status, see 6 NYCRR 624.5(b)(1) and (2). To determine whether an issue is substantive see 6 NYCRR 624.4(c)(2), and to determine whether an issue is significant, see 6 NYCRR 624.4(c)(3).

The August 13, 2014 ENB Notice (<http://www.dec.ny.gov/enb/98374.html>) set October 20, 2014, as the deadline to file petitions for party status. Please take notice that the date to file petitions for party status or amicus status is extended from October 20, 2014 to November 21, 2014. All filings for party status or amicus status must be sent to ALJ Daniel P. O'Connell, Office of Hearings and Mediation Services, New York State Department of Environmental Conservation, 625 Broadway, 1st Floor, Albany, NY 12233-1550, and must be received by 4:00 P.M. on Friday, November 21, 2014.

In addition to filing a petition with the ALJ, a copy of any petition must also be sent at the same time and in the same manner to counsel for Department staff (David Stever, Esq., Assistant Regional Attorney, NYSDEC Region 9, 270 Michigan Avenue, Buffalo, New York 14203), and to CWM's counsel (Daniel M. Darragh, Esq., Cohen & Grigsby, PC, 625 Liberty Avenue, Pittsburgh, Pennsylvania 15222).

A notice of when the issues conference will be held will be issued separately, and will set forth the date, time and place for the issues conference.

James T. McClymonds  
Chief Administrative Law Judge

Albany, New York  
October 15, 2014

# THE BUFFALO NEWS

## -Affidavit-

Marcy Lombardo of the City of Buffalo, New York, being duly sworn, deposes and says that he/she is Principal Clerk of THE BUFFALO NEWS INC., Publisher of THE BUFFALO NEWS, a newspaper published in said city, that the notice of which the annexed printed slip taken from said newspaper is a copy, was inserted and published therein **1** times, the first insertion being on **10/20/2014** and the last insertion being on **10/20/2014**

Marcy Lombardo

Dates Ad Ran:

Buffalo News (P1) 10/20/14

Sworn to before me this 23<sup>rd</sup> day of, October 2014

Lori A. Nieves

Notary Public, Erie County, New York

LORI A. NIEVES  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires 12/24/15









## Affidavit of Publication The Lewiston-Porter Sentinel

State of New York  
County of Niagara, ss

Glenda Pichette of Grand Island, in said County, being duly sworn, states that she is the bookkeeper of the Lewiston-Porter Sentinel, a Newspaper that is published weekly at Lewiston, in the county of Niagara, and that the legal, a printed copy of which is hereunto attached, was published once each week, for 1 week, in said newspaper, and that the said legal was so published on the 18th day of October, 2014

Glenda Pichette

Sworn to before me this 21<sup>st</sup> day

Of October, 2014

Becky T. Stufkosky

Notary Public

BECKY T. STUFKOSKY  
Notary Public, State of New York  
Qualified in Erie County  
Reg. No. 01ST6290683  
My Commission Expires 10-7-2017





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**CWM CHEMICAL SERVICES, L.L.C.**

**STATE OF NEW YORK  
FACILITY SITING BOARD  
and the**

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
NOTICE OF SECOND EXTENSION OF PUBLIC COMMENT PERIOD  
NOTICE OF EXTENSION TO FILE PETITIONS FOR PARTY STATUS**

**Applicant:** CWM Chemical Services, L.L.C. (1550 Balmer Road, PO Box 200, Model City, New York 14107) (CWM), proposes to construct and operate a new landfill and other units to store, treat and dispose of hazardous and industrial non-hazardous waste at the company's existing facility located in the Towns of Porter and Lewiston, Niagara County. The proposed landfill would be designated as Residuals Management Unit - Two (RMU-2). The proposed RMU-2 landfill and other units are intended for the disposal and management of hazardous and industrial non-hazardous wastes at CWM's existing facility.

CWM has filed the following applications for the proposed RMU-2 landfill project:

- Part 361 Hazardous Waste Facility Siting Certificate Application (Environmental Conservation Law [ECL] Article 27, Title 11);
- Part 373 Hazardous Waste Management Facility Permit Modification Application (ECL Article 27, Title 9) (DEC Permit Application No. 9-2934-00022/00225);
- Part 663 State Freshwater Wetlands Permit Application (ECL Article 24, Title 7) (DEC Permit Application No. 9-2934-00022/00231);
- Section 608.9 Water Quality Certification Application (Section 401 of the federal Clean Water Act) (DEC Permit Application No. 9-2934-00022/00232); and
- Part 750 State Pollution Discharge Elimination System (SPDES) Permit Modification Application (ECL Article 17, Title 8) (DEC Permit Application No. 9-2934-00022/00049).

**Document Availability:** Hard copies of the CWM application materials, the draft environmental impact statement, and the draft permit documents are available for inspection at the following locations:

- NYS DEC, Division of Environmental Remediation, 625 Broadway, 12th Floor, Albany, NY 12233-7017. Telephone: 518-402-9814;
- NYS DEC Region 9 Office, 270 Michigan Avenue, Buffalo, NY 14203-2915. Telephone: 716-851-7220;
- Youngstown Free Library, 240 Lockport Street, Youngstown, NY;
- Porter Town Hall, 3265 Creek Road, Youngstown, NY;
- Ransomville Free Library, 3733 Ransomville Road, Ransomville, NY; and
- Lewiston Free Library, 305 South Eighth Street, Lewiston, N.Y.

**Notice of Complete Application:** A Notice of Complete Application ([http://www.dec.ny.gov/enb/20140507\\_not9.html](http://www.dec.ny.gov/enb/20140507_not9.html)) was published in the Department's Environmental Notice Bulletin (ENB) on May 7, 2014, and in local newspapers during the week of May 5, 2014.

**Written Comments:** The date to file comments is hereby extended from October 20, 2014 to November 21, 2014. Written comments must be postmarked by **November 21, 2014** to be considered.

All interested persons, organizations, corporations or government entities may submit written comments by mail no later than November 21, 2014, to Chief Administrative Law Judge James T. McClymonds, Office of Hearings and Mediation Services, New York State Department of Environmental Conservation, 625 Broadway, 1st Floor, Albany, NY 12233-1550. The following email address is also available: [CWM.RWMUNIT2@dec.ny.gov](mailto:CWM.RWMUNIT2@dec.ny.gov). All comments submitted by email must be dated no later than November 21, 2014.

**Issues Conference:** Pursuant to 6 NYCRR 624.4(b), a pre-adjudicatory issues conference will be held. The purpose of the issues conference is to determine party status for any person who has properly filed a petition (as indicated below) and to define the scope of issues, if any, that require adjudication with regard to the permit applications pending before the Department, as well as the certificate requested from the Facility Siting Board. Please note that participation at the issues conference is limited to Department staff, applicant, and those persons requesting party status.

**Filing for Party Status:** Persons seeking to participate in the issues conference and any subsequent adjudicatory public hearing, if one is necessary, must file a petition (a written statement) explaining whether the request is for full party status or amicus status. For the required contents of petitions for full party status, see 6 NYCRR 624.5(b) (1) and (2). To determine whether an issue is substantive see 6 NYCRR 624.4(c)(2), and to determine whether an issue is significant, see 6 NYCRR 624.4(c)(3).

The August 13, 2014 ENB Notice (<http://www.dec.ny.gov/enb/98374.html>) set October 20, 2014, as the deadline to file petitions for party status. Please take notice that the date to file petitions for party status or amicus status is extended from October 20, 2014 to **November 21, 2014**. All filings for party status or amicus status must be sent to ALJ Daniel P. O'Connell, Office of Hearings and Mediation Services, New York State Department of Environmental Conservation, 625 Broadway, 1st Floor, Albany, NY 12233-1550, and must be received by 4:00 P.M. on Friday, November 21, 2014.

In addition to filing a petition with the ALJ, a copy of any petition must also be sent at the same time and in the same manner to counsel for Department staff (David Stever, Esq., Assistant Regional Attorney, NYSDEC Region 9, 270 Michigan Avenue, Buffalo, New York 14203), and to CWM's counsel (Daniel M. Darragh, Esq., Cohen & Grigsby, PC, 625 Liberty Avenue, Pittsburgh, Pennsylvania 15222).

A notice of when the issues conference will be held will be issued separately, and will set forth the date, time and place for the issues conference.

James T. McClymonds  
Chief Administrative Law Judge

Albany, New York  
October 15, 2014

## LEWISTON POLICE BLOTTER

The following activity occurred Monday, Oct. 6, to Sunday, Oct. 12, as reported by the Lewiston Police Department. LPD logged a total of 102 response calls during this period.

### Monday, Oct. 6

• **Lewiston-Queenston Bridge, agency assist.** LPD on location with U.S. Customs for a vehicle/traffic law issue. Call handled.

• **4200 block of Burch Road, public lewdness.** LPD assisted Niagara County Sheriff's Office on the call.

• **4100 block of Creek Road, aggravated harassment.** Juvenile issue reported; patrol's investigation to continue.

• **800 block of Center Street, larceny complaint.** Female, 34, listed as a complainant and a male, 27, as a suspect. Patrol reports the arrest of the male; appearance ticket issued for Lewiston Town Court. Report filed.

• **Lewiston-Queenston Bridge, open container complaint.** Unidentified subject issued a uniform traffic ticket to Lewiston Town Court.

• **1000 block of Pletcher Road, officer requested.** Call listed as a verbal only dispute between both parties. Patrol handled.

• **Saunders Settlement Road, check welfare.** Patrol reported a female, 51, was found slumped over the wheel at a traffic signal. Patrol conducted field testing and the woman was arrested for driving while intoxicated. Blood-alcohol content testing performed; BAC result, .16 of 1 percent. Driver released on appearance tickets to Lewiston Town Court. Report filed.

### Tuesday, Oct. 7

• **800 block of Foxwood Drive, burglary in progress call.** Statement taken from a male, 65, regarding a white male suspect, unknown. NCSO K-9 unit on scene for tracking; NCSO criminal investigation unit on location for processing. Investigation to continue. Report filed.

• **700 block of Pletcher Road, follow-up.** Patrol spoke with a male, 67, concerning a harassment complaint.

• **LPD office, walk-in fraud complaint.** Male, elderly, reported an individual was charging cell phone purchases to his checking account.

• **Ridge and Model City roads, reckless driver complaint.** Driver gone on arrival; patrol unable to locate.

• **Location not specified, follow-up to Center Street larceny complaint.** Investigation to continue.

• **1700 block of Saunders Settlement Road, commercial truck checks.** LPD in conjunction with the state Department of Transportation conducted a commercial vehicle checkpoint. Eight trucks were inspected with two placed out of service due to critical failures. Four uniform traffic tickets

issued for Lewiston Town Court. Patrol reported one driver, unidentified, was cited for operating a commercial vehicle without a commercial driver's license. Another male, 32, was cited for also operating without a CDL and for aggravated unlicensed operation. Appearance tickets issued to both for Lewiston Town Court. Reports filed.

• **Location unspecified, warrant execution.** Patrol reported the arrest of a male, 47, for criminal trespass, second degree, on an active warrant by the Brighton Police Department. Arraignment at Lewiston Town Court and suspect remanded to Niagara County Jail. Report filed.

• **Lewiston and Military roads, two-vehicle property damage accident.** Statements taken from drivers; no injuries or tows. Report filed.

### Wednesday, Oct. 8

• **300 block of Carrollwood Drive, suspicious person.** Area checked with negative results.

• **800 block of Foxwood Drive, follow-up to an earlier complaint.** Interview locations included four addresses on the 800 block of Foxwood Drive and the main office of the apartment complex.

• **700 block of Tuscarora Street, property damage.** Female, 71, listed as the property owner. Patrol spoke with the property manager concerning damage by a tenant who was moving out. Call listed as a civil matter.

• **800 block of Onondaga Street, suspicious vehicle.** Patrol spoke with a male, 27, regarding a white Chevrolet with two males who were checking out a neighbor's house. Patrol checked area; vehicle and subjects GOA.

• **3200 block of Manor Drive, assist.** LPD on location with State Police for a suicide. Male 38, reportedly slit his throat with a knife; subject dead on arrival.

• **1100 block of Escarpment Drive, unwanted party.** Patrol spoke with a male, 40. Call resolved by patrol.

• **Lewiston Road, reckless driver.** Patrol located a 1997 Pontiac Grand Am and driver on the 900 block of Ridge Road. All OK.

• **1000 block of Brookside Drive, North, check welfare, attempt to locate.** Male, 57, sought by family members.

• **10 block of Main Street, Youngstown, assist.** LPD on location with Youngstown Police for a physical domestic. No further details.

• **Niagara University campus, Dwyer Ice Arena, fight.** Handled by patrol; no charges.

• **4800 block of Eddy Drive West, unwanted party.** Patrol spoke with caller; party GOA.

• **900 block of Center Street, follow-up.** Patrol spoke with a female regarding the above unwanted party call and advised her not to return to the address.

### Thursday, Oct. 9

• **900 block of Brookside Drive, North, follow-up.** Male party sought by family located at Buffalo General Hospital. Male, 62, notified by patrol.

• **2600 block of Upper Mountain Road, house fire.** Sanborn Volunteer Fire Co. on location. House reportedly filled with smoke; electrical problem suspected. Male, 52, listed as homeowner.

• **Upper Mountain and Military roads, reckless driver complaint.** Patrol checked area with State Police; negative results.

• **Dickersonville and**

**Youngstown-Lockport roads, assist agency.** LPD on location with NCSO for a father-daughter domestic. All OK; patrol cleared.

• **700 block of Cayuga Street, larceny complaint.** Statement taken from a male, 49, concerning missing funds from an adult rehabilitation facility. Investigation to continue.

• **900 block of Upper Mountain Road, unwanted party.** Patrol spoke with a female, 22, who stated her ex-boyfriend was harassing her at work. Report filed.

• **Location not specified, arrest.** Male, 23, arrested for harassment. Appearance ticket issued for Lewiston Town Court. Report filed.

• **5000 block of Dana Drive, juvenile problem.** Patrol spoke with a male, 45, regarding a male juvenile and problems with underage drinking and marijuana. Report filed.

• **4900 block of Indian Hill Road, injury hit-run.** Male, 45, listed as a victim reportedly struck by a black or blue sedan. Investigation to continue.

• **5800 block of West Street, suspicious person.** Male, 17, listed as person involved.

### Friday, Oct. 10

• **Niagara University campus, mental health response.** Female, 21, taken voluntarily to Niagara Falls Memorial Medical Center. Report filed.

• **800 block of Onondaga Street, suspicious person.** Patrol apprised of individuals soliciting in the area. Warnings issued by patrol to obtain permit.

• **2200 block of Saunders Settlement Road, Niagara-Wheatfield High School, harassment follow-up.** Female listed as complainant; female-juvenile listed as victim and male, no age, as a suspect.

• **Location not specified, follow-up arrest.** Patrol reported the arrests of a male juvenile from an Oct. 3 vehicle/traffic pullover-narcotics arrest at the Lewiston-Queenston Bridge. Male juvenile arrested and issued a juvenile appearance ticket to Lewiston Town Court. Report filed.

### Saturday, Oct. 11

• **Lewiston-Queenston Bridge, warrant execution.** Female, 48, arrested on a warrant extradition for New Jersey. Suspect remanded to custody of NCSO for a courtesy hold.

• **LPD office, arrest.** Patrol reported the arrest of a male, 65, from an earlier harassment complaint at Niagara-Wheatfield High School. Appearance tickets issued for Lewiston Town Court.

• **2500 block of Saunders Settlement Road, larceny complaint/forgery.** Male, elderly, listed as complainant and male, 29, as a suspect.

• **2500 block of Youngstown-Lockport Road, loud party complaint.** LPD on location with NCSO; music turned down.

### Sunday, Oct. 12

• **5100 block of Homestead Place, smoke in building.** Call unfounded.

• **5900 block of Kline Road, open burn complaint.** Patrol observed small branches being burned and advised property owner to extinguish.

• **500 block of Morgan Drive, check welfare.** Patrol reported a mother-daughter argument. All OK.

• **1100 block of Escarpment Drive, suspicious persons.** Male, 52, reported two male wearing dark hoodies with dogs in area. Patrol unable to locate.

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