

**STATE 6 NYCRR PART 373 PERMIT
PERMIT MODIFICATION
FACT SHEET
FOR
CWM CHEMICAL SERVICES, LLC
MODEL CITY, NEW YORK
NIAGARA COUNTY
EPA ID. No: NYD049836679
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

This fact sheet has been developed by the New York State Department of Environmental Conservation (DEC) in response to applications by CWM Chemical Services, LLC (CWM) for Permit modifications involving the management of hazardous waste at its facility at 1550 Balmer Road, Model City, NY, within the Towns of Porter and Lewiston (Niagara County). DEC has made a tentative determination to issue CWM the Part 373 Permit modifications for this Hazardous Waste Management Facility (HWMF). This fact sheet was prepared in accordance with the requirements of 6 NYCRR 373-1.4(f).

A. PROPOSED PERMIT MODIFICATIONS

CWM has submitted the following three (3) Permit modification applications:

Addition of Tank T-165

This proposed modification of CWM's Part 373 Permit would allow the addition of Tank T-165. Tank T-165 would be installed outside the southeast corner of RMU-1 within the Town of Porter and be used for storage of contaminated storm water run-off from the RMU-1 landfill. Tank T-165 has a designed capacity of 876,800 gallons and would result in a 35% increase in the overall facility's tank capacity. CWM submitted this Permit modification application to DEC in February 2010, with subsequent revisions submitted March 2010, along with a March 2010 "Tank System Design and Assessment Report for Tank T-165" which is considered a part of this application.

Addition of Tank T-220 and Tank Treatment Process Revisions

This proposed modification of CWM's Part 373 Permit would allow the addition of Tank T-220 and modifications of tank treatment processes. Tank T-220 would be used for treatment of aqueous wastes to supplement the current waste blending capabilities of Tanks T-210 and T-230. Tank T-220 has a designed capacity of 30,000 gallons. The tank treatment process revisions involve allowing waste treatment in certain existing tanks which are currently used for storage only. CWM submitted this Permit modification application to DEC in November 2005, with subsequent revisions submitted August 2007, along with a June 2003 "Tank System Design and Assessment Report for Tank T-220", with subsequent revisions submitted August 2007, which is considered a part of this application.

PCB Warehouse Container Storage Secondary Containment

This proposed modification of CWM's Part 373 Permit would allow the installation of coated steel containment pans in Area 3/6 to be used as secondary containment for the storage of drums containing liquid hazardous wastes. These pans would replace the current coated concrete secondary containment in Area 3/6. This modification would also result in a reduction of the number of drums allowed to be stored in Area 3/6 of the PCB Warehouse from 2,338 drums to 1,358 drums. CWM submitted a Permit modification application to DEC in March 2008, with subsequent revisions submitted in June 2008.

DEC has reviewed the above applications and has TENTATIVELY DETERMINED these applications to be complete pursuant to 6 NYCRR Parts 373 and 621. As a result, DEC has prepared the appropriate DRAFT Permit modifications for public review.

B. PUBLIC INVOLVEMENT IN THE PERMIT MODIFICATION PROCESS

The purpose of public involvement in the Permit modification process is to allow interested citizens and other governmental entities the opportunity to evaluate the proposed Permit modifications as they relate to compliance with the applicable requirements promulgated under New York State Laws. State regulations provide the public with the opportunity to comment through a minimum forty-five (45) day comment period and Legislative Public Statement Hearing.

1. DOCUMENT AVAILABILITY

Hard copies of the DRAFT Permit modifications and CWM's applications are available for inspection at DEC's Region 9 Office, 270 Michigan Avenue, Buffalo, NY 14203-2915 (contact person: Bidjan Rostami at (716) 851-7220); and at:

Youngstown Free Library
240 Lockport Street
Youngstown, NY 14174

Lewiston Public Library
305 South Eighth Street
Lewiston, NY 14092

Porter Town Hall
3265 Creek Road
Youngstown, NY 14174

Electronic copies of the DRAFT Permit modification documents (in "pdf" form) can be downloaded from DEC's public website at <http://www.dec.ny.gov/chemical/8766.html>.

2. PUBLIC STATEMENT HEARING AND COMMENT PERIOD

A Legislative Public Statement Hearing on the DRAFT Permit modifications and CWM's applications will be held at the **Lewiston-Porter High School Auditorium, 4061 Creek Road, Youngstown, NY on May 17, 2010. The Hearing will begin at**

6:00 pm, and will be presided over by Administrative Law Judge (ALJ) Ms. Molly McBride, from the DEC Central Office.

It is not necessary to file a written request in advance to speak at this Hearing. Written Statements are encouraged and may be filed at this Hearing. At their option, persons filing written statements may also present a short oral summary at this Hearing. All written statements as well as oral statements made at this Hearing will be given equal weight and will become part of the official record. A time limit on oral statements may be imposed by the presiding ALJ at her discretion.

All persons, organizations, corporations or government entities which may be affected by these proposed Permit modifications are invited to submit written comments on the DRAFT Permit modifications and CWM's applications. During the comment period, written statements may be mailed to:

Ms. Molly McBride
NYSDEC Central Office
625 Broadway
Albany, NY 12233-1550

ALL COMMENTS MUST BE RECEIVED BY June 14, 2010 TO BE CONSIDERED.

C. DESCRIPTION OF PROPOSED PERMIT MODIFICATIONS

The following is a summarized description of each of the three (3) proposed Permit modifications:

Addition of Tank T-165

Tank T-165 consists of a new circular, Glass Fused Steel (GFS) tank which is approximately 70 feet in diameter by 31 feet high on a coated concrete foundation. It is an open top tank with a designed capacity of 876,800 gallons. Required secondary containment for this tank would be provided by a circular vault consisting of a coated concrete base and GFS walls, which is designed to hold greater than 100% of the tank's capacity. Both the tank and the secondary containment walls would be assembled on-site by bolting and sealing GFS panels together. The Tank T-165 system would also include leak detection channels under the tank, as well as pumps, piping and other miscellaneous equipment. A sketch of the Tank T-165 system is attached to this Fact Sheet.

Tank T-165 would be installed outside the southeast corner of RMU-1 and be used for storage of contaminated storm water run-off from the operational area of CWM's RMU-1 landfill. Accumulated run-off would be pumped to Tank T-165 from a retention basin

within the RMU-1 landfill during storm events, and then pumped after storm events (at a slower rate) through the RMU-1 leachate transmission piping, to the facility's Leachate Tank Farm and Aqueous Waste Treatment Facility.

Presently, the waste/fill progression plans for the RMU-1 landfill require a sequential advancement of the landfill's final cover to decrease the volume of contaminated run-off, before allowing waste placement in the retention basin which would reduce its run-off storage capacity. Unavoidable circumstances can sometimes delay final cover installation (e.g., shortage of gradable waste needed to support the cover, seasonal limitations on cover installation, etc.), and in turn, prevent waste placement in the basin, causing temporary curtailments in the disposal of drums and other large waste containers. The addition of Tank T-165 would allow CWM to remove contaminated storm water from the RMU-1 basin at a faster rate than currently possible through existing piping systems, thereby allowing a reduction in the capacity of the basin needed to contain contaminated run-off from the 25-year design storm event. Wastes could then be placed in the basin before sequential final cover advancement without any increase in the potential for excursions of contaminated storm water out of the landfill.

Addition of Tank T-220 and Tank Treatment Process Revisions

Tank T-220 is a new, prefabricated 30,000 Fiberglass Reinforced Plastic (FRP) tank which would be located outside, just to the east of the Aqueous Waste Treatment (AWT) building. Secondary containment for Tank T-220 sufficient to contain greater than 100% of its capacity, would be provided by an existing coated concrete vault that presently provides secondary containment for Tanks T-210, T-230, T-310 & T-320. The Tank T-220 system would also include leak detection channels under the tank, as well as piping and other miscellaneous equipment. A figure showing the layout of Tank T-220 and its secondary containment, is attached to this Fact Sheet.

Tank T-220 would be used as a treatment tank to blend compatible aqueous wastes from various sources prior to further treatment. This blending process is identical to the treatment conducted by existing Tanks T-210 & T-230. Therefore, Tank T-220 would serve to supplement existing treatment capacity and would allow for backup capacity should Tank T-210 or T-230 have to be removed from service for maintenance.

The tank treatment process revisions would allow existing Tanks T-3011, T-3012, T-100, T-125, T-58, T-3003, T-150, T-160, T-101, T-102 & T-103 to be used for treatment as well as storage of liquid hazardous waste. This entails allowing the addition of specific reagents and/or the use of treatment techniques in these tanks as necessary to enhance treatment capabilities.

PCB Warehouse Container Storage Secondary Containment

Currently CWM is allowed to store a maximum 2,338 55 gallon drums, solid or liquid, in Area 3/6 of the PCB Warehouse with secondary containment provided by a coated concrete floor and curb. Due to difficulties CWM has encountered in maintaining the

coated concrete floor, they propose to install coated steel containment pans in Area 3/6 to replace the secondary containment presently provided for liquid waste drums by the building's coated concrete floor and curb. Each pan is approximately 9'W x 50'L x 2"H and constructed of ¼" thick continuously welded ASTM Grade A36 carbon steel coated with vinyl ester. Each pan can contain a maximum of 40, 55-gallon drums, single stacked and would be designed to contain the capacity of a single drum and 10 percent of the volume of all drums stored within the pan, as required by DEC regulations. The utilization of these pans for secondary containment would limit liquid container storage in Area 3/6 to 160 drums, and reduce the total storage capacity (liquid and solid containers) from 2338 to 1358 drums. A figure showing the layout of PCB Warehouse Area 3/6 and the proposed containment pans is attached to this Fact Sheet.

D. PERMIT ORGANIZATION

The DRAFT Permit modifications contain modified pages of Modules I, III, and IV, and Attachments A, D, F, I, J & O of the Part 373 Permit. For Permit Modules I, III and IV, text which is to be deleted from the Permit is indicated in blue highlight with a horizontal line through the text (eg. ~~Text~~), and text which is to be added to the Permit is indicated by red highlighted (eg. **Text**). The DRAFT Permit modifications also contain modified pages for the above referenced Permit Attachments. Instruction sheets indicating how pages are to be replaced or added to the Permit Modules and Attachments are included in the DRAFT Permit modifications.

E. BASES FOR DRAFT PERMIT MODIFICATIONS

The DRAFT Permit modifications are based on the requirements of 6 NYCRR Part 370 (Hazardous Waste Management System: General), Part 371 (Identification and Listing of Hazardous Wastes), Part 372 (Hazardous Waste Manifest System and Related Standards for Generators, Transporters, and Facilities), Subpart 373-1 (Hazardous Waste Treatment, Storage, and Disposal Facility Permitting Requirements), and Subpart 373-2 (Final Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities).

Some modified pages for Permit Attachments were taken from CWM's application. It is the DEC's tentative determination that these modified pages are consistent with 6 NYCRR Parts 370-372 and Subparts 373-1 and 373-2.

In addition, other hazardous waste management activities which were not described in the DRAFT Permit modifications, but are authorized under the facility's existing 6 NYCRR Part 373 Permit, are not affected.

F. SEQR AND SITING STATUS

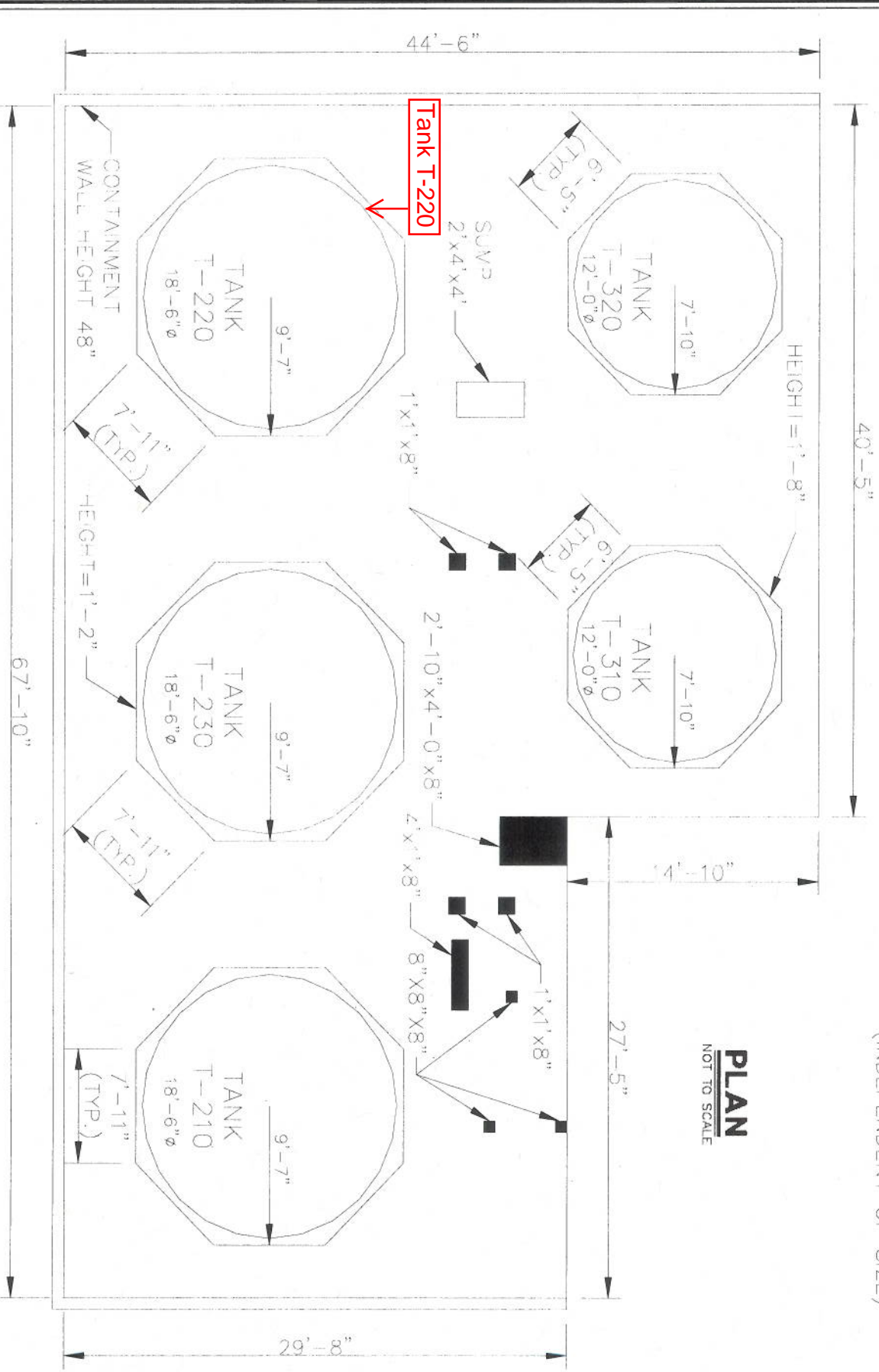
Pursuant to Part 617 of the New York State regulations for Article 8 (the State Environmental Quality Review Act), DEC has determined that the proposed actions, described above, are all Unlisted actions and will not have a significant effect on the environment. A Negative Declaration for each action is on file for this action in DEC's Region 9 Office and each is available in electronic form at the previously mentioned DEC web address. These determinations were made on the basis of Short-Environmental Assessment Forms submitted by CWM, which evaluate potential environmental impacts from each of the proposed modifications.

G. LEGAL REFERENCES FOR THIS PERMIT MODIFICATION

State permitting requirements for facilities that treat, store or dispose of hazardous waste are promulgated under the New York State Environmental Conservation Law pursuant to Article 19, Title 3; Article 23, Title 23; and Article 27, Titles 7 and 9.

Proposed Tank T-220 Layout

LEGEND:
 ■ CONCRETE SUPPORTS
 (INDEPENDENT OF SIZE)



PLAN
 NOT TO SCALE

EnSol, Inc.
 Environmental Solutions
 Niagara Falls, New York

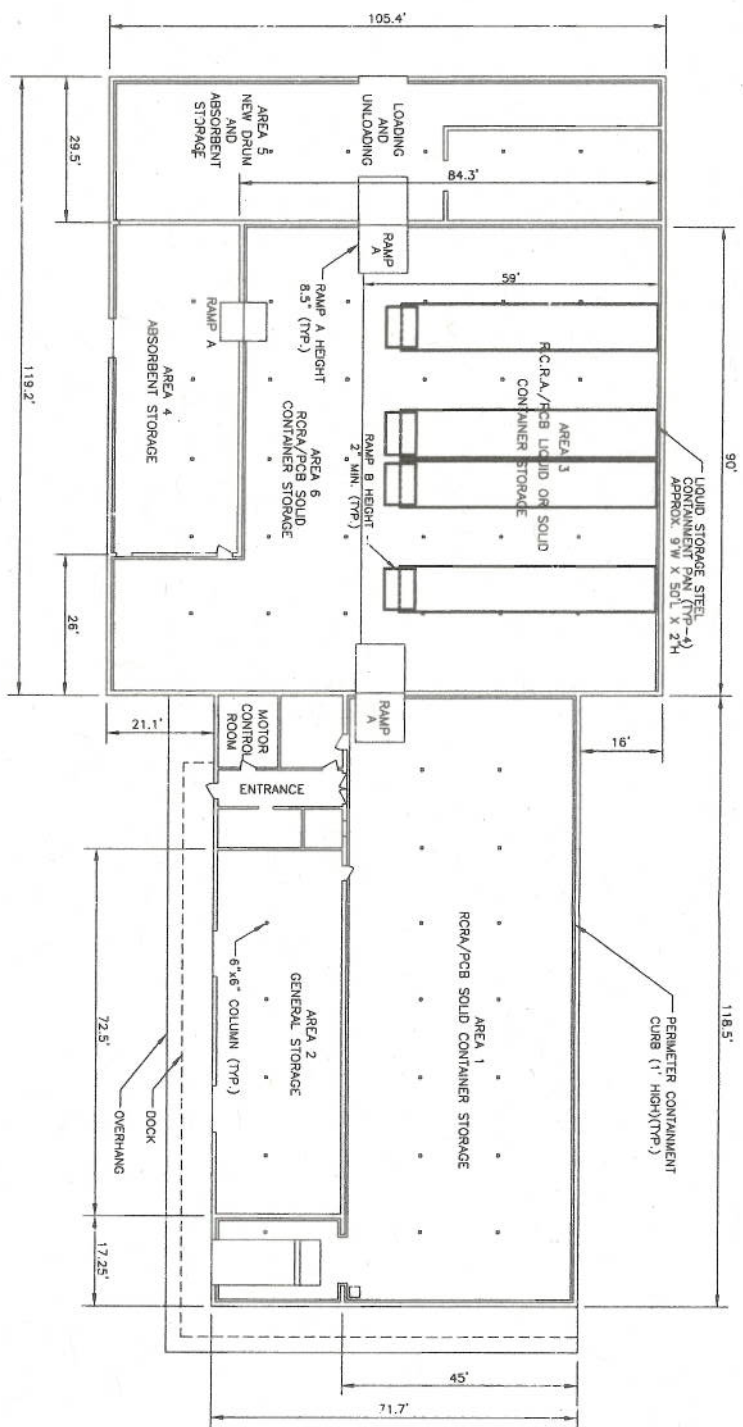
CWM Chemical Services, LLC

6NYCRR PART 373 PERMIT APPLICATION
 AWTS EAST TANK FARM

Date: Aug-07
 Project No: 07-7012
 Figure: D-19



PCB Warehouse Area 3/6 Layout & Proposed Pans



- NOTES:
1. BASE MAP BY RUST ENVIRONMENT & INFRASTRUCTURE 1/25/95, "PCB BUILDING LAYOUT", APRIL, 1995 862480Z.DWG
 2. THE ARRANGEMENT SHOWN MAY BE MODIFIED TO SUIT THE NEEDS OF SPECIFIC STORAGE REQUIREMENTS.
 3. A MINIMUM OF TWO FEET BETWEEN ROWS OF DRUM PANS WILL BE USED AS GUIDANCE FOR ASSESSING SPACING THROUGHOUT THE FACILITY.
 4. STEEL CONTAINMENT PANS WILL BE UTILIZED AS SECONDARY CONTAINMENT IN THE LIQUID WASTE STORAGE AREA 3.
 5. SOLID DRUMS WILL BE STORED AT LEAST 2 FEET FROM THE EDGE OF PERIMETER CURBING OF EACH AREA THAT IS PROVIDED WITH CURBING AT LEAST 8.5 HIGHER THAN THE MAXIMUM STORAGE HEIGHT OF LIQUID DRUMS. MAXIMUM STORAGE HEIGHT SHALL BE AT LEAST 10 FEET FROM THE EDGE OF PAN AND ONLY BE SINGLE STACKED.
 6. THIS DRAWING DEPICTS THE EXISTING BUILDING WITH PROPOSED CONTAINER STORAGE AREAS. DRAWING IS NOT TO SCALE.
 7. MAXIMUM HAZARDOUS WASTE LIQUID STORAGE-AREA 3. (35 GALLON DRUMS)-160
 8. MAXIMUM HAZARDOUS WASTE SOLID STORAGE-AREAS 1, 3 & 6. (35 GALLON DRUMS)-2,128

CWM CHEMICAL SERVICES, LLC MODEL CITY, NEW YORK GNYCRR PART 373 PERMIT APPLICATION	
PCB WAREHOUSE BUILDING LAYOUT	
EnSol, Inc. Environmental Solutions	
881 MAIN STREET NEW YORK, NY 10014 PHONE: (716) 255-3820 FAX: (716) 255-3829	
FIGURE D-2	