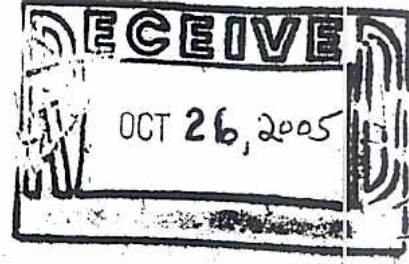


cc: Sturges  
Banarzak  
Hino  
Darragh



STATE ENVIRONMENTAL QUALITY REVIEW ACT  
POSITIVE DECLARATION  
NOTICE OF DETERMINATION OF SIGNIFICANCE and  
INTENT TO PREPARE A DRAFT ENVIRONMENTAL IMPACT STATEMENT  
DEC PERMIT APPLICATION NUMBER 9-2934-00022/00225

This notice is issued pursuant to Part 617 of the State regulations for Article 8 (the New York State Environmental Quality Review Act) of the New York State Environmental Conservation Law (ECL).

The New York State Department of Environmental Conservation (the Department), as SEQR Lead Agency, has determined that the proposed action described below may have a significant effect on the environment and that a Draft Environmental Impact Statement (EIS) will be prepared after scoping.

TITLE OF ACTION:

CWM Chemical Services, LLC (CWM) proposes to increase its existing disposal capacity by addition of a new landfill unit identified as Residuals Management Unit 2 (RMU-2) Landfill, located in Model City, Town of Porter, Niagara County

DEPARTMENT PERMIT JURISDICTION:

The Department's jurisdiction includes permits required by ECL Article 27, Titles 9 (Industrial Hazardous Waste Management) and 11 (Industrial Siting Hazardous Waste Facilities), Article 17 (State Pollutant Discharge Elimination System), Article 19 (Air Pollution Control) and possibly 6 NYCRR Part 608 (Water Quality Certification). The Department intends to handle the ECL Article 27, Title 9 Permit application as a major permit modification to the sitewide facility permit pursuant to Part 373-1.7 and Part 621 of the State regulations.

OTHER INVOLVED AGENCIES:

Town of Porter approvals include an Excavation and Development Permit, Building Permits and Site Plan approval.

- Industrial Hazardous Waste Facility Siting Board which includes representatives from:
  - New York State Department of Health (NYSDOH)
  - New York State Department of Transportation (NYSDOT)
  - New York State Department of Economic Development (NYSDOED)
  - New York State Department of State (NYSDOS)
  - New York State Department of Environmental Conservation (NYSDEC)
- NYSDOH determination relative to the applicability of their 1972 Commissioner's Order

SEQR STATUS: Type I Action

Applicable Threshold: The physical disturbance and alteration of more than 10 acres of land (approximately 50 acres) for a purpose other than constructing residential structures.

## DESCRIPTION OF ACTION:

Site/construct/operate a 50 acre landfill to be designated as RMU-2 for an estimated 3,976,100 cubic yards of hazardous and industrial non-hazardous waste. The proposed landfill would employ state-of-the-art design and operating technology, incorporating primary and secondary liners, and independent primary and secondary leachate collection and pumping systems. A perimeter berm would surround the proposed landfill to control stormwater run-on and run-off. In order to accommodate the proposed landfill, the existing on-site Empty Trailer Parking Area, Full Trailer Parking Area, Emergency Response Garage, Heavy Equipment and Facility Maintenance/Rolloff Repair Building and Meteorological Tower and Drum Management Building will be relocated or replaced at other locations within CWM's Model City Landfill Facility.

## LOCATION:

The CWM Model City Facility is located along Balmer Road, 1.9 miles east of the intersection of Balmer Road and Creek Road (NYS Route 18) in the Town of Porter, Niagara County. The proposed RMU-2 Landfill will be located immediately adjacent to the western edge of the existing RMU-1 Landfill at the Model City Facility.

## REASONS SUPPORTING THIS DETERMINATION:

During review of this project, the Department identified the following potentially significant adverse environmental impacts:

1. Noise, air quality (including odors), surface water and groundwater quality impacts from project site disturbance and preparation, including demolition, relocation and reconstruction of existing landfill operational and support buildings and facilities on the proposed landfill site, including mining soils and importation for landfill construction.
2. Release of contaminants in the disturbance, handling, treatment or disposal of on-site structures and soils which may contain chemical or radiological contaminants from historic usage of the CWM Model City site.
3. Noise, air quality (including odors), surface water and groundwater quality impacts from operation of the proposed landfill.
4. Light pollution effects from night time operations of the proposed landfill.
5. Visual impacts during facility construction and operation, including filled and closed site configuration.
6. Impacts on historic/archeological resources, on-site and in the project area.
7. Truck traffic impacts on area roads from movement of landfill construction materials, and from waste shipments.
8. Impacts to local community services, such as fire protection, other emergency service and response, and security.
9. Commitment of project site to waste disposal; negating various potential future uses of those lands.

SUMMARY/CONCLUSIONS:

The Department, therefore, has concluded that the project may have a significant effect on the natural resources of the State and/or the health, safety and welfare of the public. Therefore, a Draft EIS will be prepared. In reaching this decision, the Department carefully considered the "Criteria" for Determination of Significance listed in the SEQRA Regulations (6 NYCRR 617.7). The Department will require that the applicant prepare a draft scoping document. Once the Department has reviewed the draft scoping document for adequacy, a public scoping session will be scheduled prior to the preparation of a Draft EIS.

FOR FURTHER INFORMATION:

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270 Michigan Avenue  
Buffalo, NY 14203-2999  
(716) 851-7165

Date: 10/12/2005

*Steven J. Doleski*

Regional Permit Administrator

cc: DEP File  
Environmental Notice Bulletin  
Division of Environmental Permits, Albany Main Office  
Mr. William Popham, Blasland, Bouck & Lee, Inc.  
Honorable Merton Wiepert, Supervisor, Town of Porter  
Mr. John Hino, CWM, Attn: Ms. Jill Banaszak