

STATE ENVIRONMENTAL QUALITY REVIEW ACT
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE
DEC PERMIT APPLICATION NUMBER 9-2934-00022/00097
EPA ID NO. NYD049836679

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 will not have a significant effect on the environment.

TITLE OF ACTION:

CWM Chemical Services, LLC (CWM)
RMU-1 Final Cover Geosynthetic Clay Liner (GCL)
Town of Porter - Niagara County

DEPARTMENT PERMIT JURISDICTION:

Modification of an existing Article 27, Title 9 (Industrial Hazardous Waste Management) Permit of the ECL. The Department intends to handle the ECL Article 27, Title 9 Permit modification as a major permit modification to the sitewide facility permit pursuant to Part 373-1.7 and Part 621 of the State regulations.

SEQR STATUS: Type I Action

Applicable Threshold: The physical disturbance and alteration of more than 10 acres of land (approximately 21 acres) for a purpose other than constructing residential structures.

DESCRIPTION OF ACTION:

Revising the design for the Residual Management Unit - One (RMU-1) Landfill final cover system for the currently permitted 47 acre RMU-1 Landfill. The proposed final cover design revises the existing permitted design by replacing two feet of Compacted Clay Liner (CCL) with a Geosynthetic Clay Liner (GCL) atop a six inch soil grading layer and reducing the thickness of the vegetative layer above the GCL from 36 to 24 inches. The 40 mil (0.04 inches) thick textured High Density Polyethylene (HDPE) Liner, the geocomposite drainage layer and the 6-inch vegetative cover components will remain unchanged in the final cover design. Due to the 30 inch reduction in the overall thickness of the final cover, the top of waste grades would be increased while maintaining the same permitted top of vegetative cover grades. Based upon utilizing the revised final cover system for all remaining phases of capping, an estimated increase of 106,870 cubic yards of gross air space capacity for waste disposal would be realized compared to the currently permitted volume.

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 Towns of Porter and Lewiston, Niagara County. The RMU-1 Landfill is located within CWM's 630 acre Model City Facility at 1550 Balmer Road in the Town of Porter. _____

REASONS SUPPORTING THIS DETERMINATION:

During review of this project, the Department identified the following environmental concerns which are analyzed below:

1. A Technical Equivalency Report for the GCL, prepared by CWM's consultant, IT Group/Emcon (Emcon), demonstrates that the GCL final cover system is technically equivalent to, and, in fact superior to, the CCL final cover system. From a standpoint of permeability, GCLs are manufactured to a designed permeability that is most often lower than that which can be achieved through construction of a natural CCL. Also, literature indicates that when exposed to freeze/thaw cycles, CCL barriers are susceptible to frost damage and an increase in permeability over time. The resulting increase in permeability can be as much as two orders of magnitude. Both laboratory and field test data indicate that GCLs are not as susceptible to frost action and, therefore, provide for improved long-term cover system performance (See the publication entitled "Assessment and Recommendations for Improving the Performance of Waste Containment Systems" developed under Cooperative Agreement Number CR-821448-01-0 awarded by the United States Environmental Protection Agency).
Publication No. EPA/600/R-02/099
<http://www.epa.gov/ORD/NRMRL/pubs/600r02099/600R02099.pdf>).

Due to the GCL's superior performance with respect to permeability and frost action, the original final cover system configuration can be modified to reduce the thickness of the final cover without a reduction of protection, and this modification will also conserve natural soil resources that would have been used for the CCL. In summary, after careful review of this proposal, the Department believes that the use of a GCL final cover system, in place of the CCL system, will have a positive environmental impact by being more protective.

2. While the proposed final cover design will increase the disposal capacity of the RMU-1 Landfill by 106,870 cubic yards, and thereby, increase its operational life by an estimated one year, there will be a decrease in truck traffic delivering clay for the landfill cover.
3. The method and handling of waste and the type and quantity of incoming waste would be substantially similar to the existing waste management operations at the active landfill site.

SUMMARY/CONCLUSIONS:

The Department, therefore, concludes that the project will not have a significant effect on the natural, cultural and social resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations brought to its attention. In reaching this decision, the Department carefully considered all "Criteria" for Determination of Significance listed in the SEQR Regulations (6 NYCRR 617.7). The Environmental Assessment Form completed for this project does not identify any potentially large or significant adverse impacts.

FOR FURTHER INFORMATION:

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Date: 09/24/2008

/s/
Steven J. Doleski
Regional Permit Administrator

cc: DEP File
Environmental Notice Bulletin
Honorable Merton Wiepert, Supervisor, Town of Porter
Mr. John Hino, CWM, Attn: Ms. Jill Banaszak

bcc: Ms. Abby Snyder, Regional Director
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Mr. James Strickland, Region 9 Hazardous Materials Unit
Mr. Robert Phaneuf, Division of Solid and Hazardous Materials, Albany
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