



March 21, 2014

CWM CHEMICAL SERVICES, LLC

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

Mr. David F. Stever
Assistant Regional Attorney
New York State Department of
Environmental Conservation
Region 9
270 Michigan Avenue
Buffalo, New York 14203-2915

Re: RMU-2 - Record of Compliance – Permit Modification Application Supplement

Dear Mr. Stever:

As requested in your March 13, 2014 letter, please find attached additional Record of Compliance documentation in addition to the Record of Compliance submitted on December 10, 2013. The attached provides documentation of criminal violations and civil matters in excess of a penalty of \$25,000 at CWM/Waste Management subsidiaries licensed to, and engaged in, hazardous waste management for ten-year period.

If you have any questions or comments regarding the attached, I can be reached at 716-286-0241.

"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 that reads "Jill A. Banaszak". The signature is written in a cursive style with a long, sweeping underline.

Jill A. Banaszak
Technical Manager
Model City Facility

JPR/JAB/jpr
Attachment

Mr. David F. Stever

NYSDEC

March 21, 2014

Re: RMU-2 - Record of Compliance – Permit Modification Application Supplement

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cc: D. Denk - NYSDEC/Region 9
M. Passuite - NYSDEC/Region 9
J. Strickland - NYSDEC/Region 9
D. Weiss - NYSDEC/Region 9
B. Rostami - NYSDEC/Region 9
M. Cruden - NYSDEC/Albany, NY
T. Killeen - NYSDEC/Albany, NY
M. Mortefolio - NYSDEC/Albany, NY
G. Burke - NYSDEC/Albany, NY
On-site Monitors - NYSDEC/ Model City, NY
A. Park - USEPA/Region II
J. Devald - NCHD/Lockport, NY
M. Mahar - CWM/Model City, NY
J. Rizzo - CWM/Model City, NY
R. Zayatz - CWM/Model City, NY
D. Darragh - Cohen & Grigsby, PC/Pittsburgh, Pa
EMD Subject File
Q & A

CWM Landfills
Compliance History Report
(with Penalties of \$25,000.00 or more)
(March 1, 2004 to March 8, 2014)

Legal Entity	Tax ID	Facility Name	Issuing Agency	Date of Violation	Action Description	Nature of Violation	Disposition	Fine or Penalty
Chemical Waste Management, Inc.	36-2989152	CWM Emelle	ADEM	9/15/2006	Notice of Violation	<p>As a result of a facility inspection conducted April 17-20, 2006 the following violations were observed:</p> <ul style="list-style-type: none"> - An area of the secondary containment system was in need of repair. - Materials that had been accumulated in lieu of being disposed has not been subjected to a hazardous waste determination, as required. - A 55 gallon drum of hazardous waste was observed with a brownish, low viscosity liquid around the bung. - An area of the floor in Building 406 did not appear to have coating. - The Contingency Plan did not list the correct contacts. - Facility personnel were unable to identify any tracking logs for a box of filters in an active trench. - As a result of bolting thick rubber conveyor belt material to the floor, the facility failed to give notice prior to a physical alteration of the facility, and may have compromised the integrity of the floor. - A shipment was not classified as non-conforming for not matching the profile, as required by the Waste Analysis Plan. In addition the load was accepted and landfilled even though the waste did not match the profile. - For eighteen separate waste loads the discrepancy was not resolved within 15 days after receipt and the waste was not rejected back to the generator. 	See Consent Order dated 5/13/08.	
Chemical Waste Management, Inc.	36-2989152	CWM Emelle	ADEM	5/13/2008	Consent Order	See Notice of Violation dated 9/15/06	Consent Order Executed May 13, 2008, penalty of \$65,000 paid.	\$65,000.00
Chemical Waste Management, Inc.	36-2989152	CWM Kettleman Hills Landfill	EPA Region IX	4/8/2010	Notice of Violation	<p>As a result of an on-site compliance investigation, conducted February 8-12, 2010, the following violations are alleged:</p> <ul style="list-style-type: none"> - Failure to decontaminate structures prior to continued use. - Improper disposal of PCBs. - Failure to properly manifest PCBs and PCB Items. - Failure to resubmit Notification of PCB Activity Form No. 7710-53 to EPA. - Failure to indicate removal from service dates. 	See Consent Agreement and Final Order dated 11/29/10.	

CWM Landfills
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(March 1, 2004 to March 8, 2014)

Legal Entity	Tax ID	Facility Name	Issuing Agency	Date of Violation	Action Description	Nature of Violation	Disposition	Fine or Penalty
Chemical Waste Management, Inc.	36-2989152	CWM Kettleman Hills Landfill	EPA Region IX	7/15/2010	Administrative Complaint/Citation	It is alleged the facility improperly disposed of PCBs.	See Consent Agreement and Final Order dated 11/29/10.	
Chemical Waste Management, Inc.	36-2989152	CWM Kettleman Hills Landfill	EPA Region IX	11/29/2010	Consent Agreement and Final Order	See Notice of Violation dated 4/8/10 and Administrative Complaint/Citation dated 7/15/10.	Corrective action taken, penalty paid	\$302,100.00
Chemical Waste Management, Inc.	36-2989152	CWM Kettleman Hills Landfill	USEPA Region IX	2/25/2011	Notice of Violation	<p>As the result of a hazardous waste compliance inspection February 8 through 12, 2010 the following violations are alleged:</p> <ul style="list-style-type: none"> - Facility disposed of untreated F039 leachate approximately every 90 days from cell P-14 from 2005 through 2007 without determining whether the waste met treatment standards. - Between January 1, 2005 and July 23, 2010 the facility disposed of prohibited wastes that did not meet treatment standards. - Failure to follow sampling requirement in Waste Analysis Plan, the facility's lab did not always discontinue sample analyses when the calibration failed. - Failure to keep all universal waste containers closed. - Inspector observed a broken universal lamp in a containers, and a small amount of glass was on the floor underneath the container. - One 55-gallon container filled with non-RCRA oily water has an open bung in B-Cell. - Several open bulk containers of electrical equipment which were filled with non-RCRA hazardous waste oil in G-Cell had liquid in the bottom and an oily sheen on the equipment indicating possible leaks. - One 55-gallon drum of non-RCRA hazardous used oil waste had a small amount of yellowish liquid on the top of the drum cover in H-Cell. - In G-Cell four containers of universal waste lamps were not marked as universal waste lamps as required. 	Consent Agreement and Final Order filed 8/23/11. Corrective action taken, penalty paid.	\$400,000.00

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Chemical Waste Management, Inc.	36-2989152	CWM Kettleman Hills Landfill	CA Dept of Toxic Substances Control	5/20/2011	Enforcement order	It is alleged that the facility failed to report the discovery of the release of hazardous waste to the Department of Toxic Substances Control (DTSC) within 24 hours of discovering the release, and in writing within 10 days. The facility allegedly failed to report the following releases: - Laboratory analysis of initial soil samples taken on or around February 8, 2010, near the CWM PCB unit showed levels of PCB ranging up to 15 ppm and above the hazardous waste regulatory threshold for PCBs. Subsequent soil samples collected in this same area on or around June 14, 2010 found PCBs up to 440 ppm. - April 13, 2010 1 pint of sandblast grit from the removal of the floor epoxy in the PCB building spilled onto the soil around the PCB unit. - April 26, 2010 approximately 15 to 20 gallons of PCB liquid spilled on asphalt pad. - April 29, 2010 approximately 1 gallon of sandblast grit was spilled on the soil.	Enforcement order executed May 20, 2011. Penalty of \$46,000 paid.	\$46,000.00
Chemical Waste Management, Inc.	36-2989152	CWM Kettleman Hills Landfill	DTSC	10/22/2012	Notice of Violation	As the result of a June 29, 2012 request of reports for releases of hazardous wastes or hazardous constituents between July 1, 2008 and June 29, 2012 it is alleged that the facility failed to report the releases of hazardous wastes or hazardous constituents to the department verbally within twenty four hours and in writing within ten days of such discovery of seventy two incidents occurring between August 7, 2008 to May 24, 2012.	See Administrative Order dated 3/15/13.	
Chemical Waste Management, Inc.	36-2989152	CWM Kettleman Hills Landfill	California DTSC	3/15/2013	Administrative Order	See Notice of Violation dated 10/22/12.	Corrective action taken, penalty paid.	\$311,194.00

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Legal Entity	Tax ID	Facility Name	Issuing Agency	Date of Violation	Action Description	Nature of Violation	Disposition	Fine or Penalty
CWM Chemical Services, L.L.C.	36-4203347	Model City	NYSDEC	11/12/2008	Order on Consent	<p>Order on Consent executed November 12, 2008 covering the following alleged violations:</p> <ul style="list-style-type: none"> - August 3, 2006 the facility maintained a cardboard drum in the drum handling building without a cover or a proper label identifying it as hazardous waste. - February 14, 2007 the facility maintained several drums of hazardous waste in a leaking or bulging condition. - February 14, 2008 the facility maintained two 55-gallon drums of PCB waste in a leaking condition in the PCB warehouse. - October 9 and November 1, 2007 the facility discharged a substantial volume of visible foam through a vent line in the vicinity of outfall 001. - October 9, 10 and 26, 2007 the facility discharged the above referenced visible foam from a discharge point-namely an air vent that is not permitted outfall for this purposes. - Additionally the facility self-reported 87 violations of its permits and/or Part 373 regulations to the department between November 15, 2000 and December 12, 2007 encompassing handling, disposal and transportation related activities. 	Order on Consent executed November 12, 2008. Corrective action taken, penalty paid.	\$175,000.00

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Legal Entity	Tax ID	Facility Name	Issuing Agency	Date of Violation	Action Description	Nature of Violation	Disposition	Fine or Penalty
CWM Chemical Services, L.L.C.	36-4203347	Model City	NYSDEC	2/25/2011	Administrative Order	<p>The following violations are alleged as the result of self-reporting:</p> <ul style="list-style-type: none"> - May 2008 the inability to verify shipment of three boxes of fluorescent bulbs intended for recycling. - December 10, 2008 the shipment of pond sediment which included bentonite as a sorbent used to solidified free liquid rather than a proper stabilization material. - January 6, 2009 a shipment of filter media, which exceeded LDR level of 0.7 mg/l4 tetrachloroethylene. - March 25, 2009 four drums of asbestos without proper inspection for presence of free liquid. - September 22, 2009 two shipments of soil, with greater than 500ppm volatile organic compounds, stabilized and placed in the landfill. - April 11 and 12, 2009 the failure to perform daily tank inspections on groundwater extraction system tanks during startup sequence. - November 20, 2009 a drum of non-hazardous waste landfilled without department approval. - August 2009 a drum of site-generated waste with trace levels of radioactive material above ground levels landfilled without department approval. - Between April 1 and April 30, 2010 the facility failed to apply adequate daily cover on the open cells of RMU-1. 	Corrective and preventative actions implemented for each self-identified infraction at time of occurrence. Landfill spray-on cover re-applied in inactive areas due to deterioration by snow/rain.	\$45,000.00