

**New York State Department of Environmental Conservation**

**Office of Hearings and Mediation Services, 1<sup>st</sup> Floor**

625 Broadway, Albany, New York 12233-1550

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Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Joe Martens  
Commissioner

June 6, 2014

Mr. Jonathan Rizzo  
CWM Chemical Services, LLC  
1550 Balmer Road  
PO Box 200  
Model City, New York 14107

RE: 6 NYCRR Part 361 Hazardous Waste Facility Siting Application;  
6 NYCRR Part 373 Hazardous Waste Management Permit Modification  
Application, et al.  
Notice of Joint Public Statement Hearing  
Notice of Extension of Public Comment Period

Dear Mr. Rizzo:

Enclosed is a copy of the Notice of Joint Public Statement Hearing (Notice) for the captioned permit applications. Hearing sessions will be held on July 16, 2014 at 1:00 PM and 6:30 PM in the Lewiston-Porter High School auditorium at 4061 Creek Road, Youngstown, New York 14174.

To fulfill the notice requirements in 6 NYCRR 624.3(a), you must publish the enclosed Notice once during the week of June 9, 2014 as a legal notice in the *Buffalo News*, the *Niagara Gazette*, and the *Lewiston Porter Sentinel*. Applicant is responsible for the publication costs. After publishing the Notice, you must obtain an affidavit of publication from the newspapers. Please mail the affidavits to me as soon as they are available. The public hearing will not proceed without this proof. I will have the Notice published in the Department's *Environmental Notice Bulletin* on Wednesday, June 11, 2014.

The notice requirements concerning a permit application for a hazardous waste management facility also require public notice by means of radio announcements (*see* 6 NYCRR 624.3[a]). Enclosed is a radio announcement that must be broadcast on radio stations WJL, WLVL, WBEN and WGR at least twice on June 11, 2014, once between the hours of 9:00 AM and 11:00 AM, and once between the hours of 1:00 PM and 4:00 PM. This must be a paid announcement, and applicant is responsible for the cost. After the broadcasts are made, applicant must obtain affidavits of broadcast. Please mail the affidavits to me as soon as they are available. The public hearing will not proceed without this proof.

Additional notice requirements are outlined at 6 NYCRR 361.4(c), which refer to 6 NYCRR 361.3(g) and (h), and require applicant to send a copy of the enclosed notice by regular

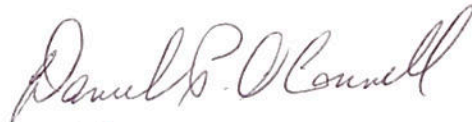
mail to property owners located within one-half mile of the facility. To identify these property owners in an inclusive manner, I recommend that applicant measure the one-half mile distance from the CWM property line. Applicant must provide me with an affidavit of mailing and a list of property owners with their respective mailing addresses.

I will send copies of the Notice to the Niagara County Clerk and the Supervisors for the Towns of Lewiston and Porter, and to those who have expressed an interest in this application.

A verbatim transcript of the public statement hearing sessions is required. Please make arrangements to have a certified reporter take the stenographic record. Applicant is responsible for the cost of the transcript. The Office of Hearings and Mediation Services will require the original and two copies of the stenographic transcript plus a copy of the transcript in electronic form on a computer disk formatted in TEXT, or MS Word 2007.

If there are any questions about the notice requirements or the procedures that will be followed at the hearing, call me at 518-402-9003.

Very truly yours,



Daniel P. O'Connell  
Administrative Law Judge

Enclosures

cc: Daniel M. Darragh, Esq.  
Cohen & Grigsby, PC  
625 Liberty Avenue  
Pittsburgh, Pennsylvania 15222

with Enclosures

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Assistant Regional Attorney  
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with Enclosures