

RWMUNIT2 CWM - CWM Landfill Public Comment Hearing

From: AJ Wright [REDACTED]
To: "CWMMU2@gw.dec.state.ny.us" <CWMMU2@gw.dec.state.ny.us>
Date: 7/3/2014 3:18 PM
Subject: CWM Landfill Public Comment Hearing

Greetings,

The Buffalo Niagara Partnership would like to provide testimony at the 1 p.m. public hearing for CWM's new landfill expansion.

Please let me know if there is anything else we need to do to ensure a speaking slot for the 1 p.m. hearing.

Thank you.

~AJ Wright



Alfred J. Wright | Senior Director, Government Relations

O: [REDACTED] | F: [REDACTED]

E: [REDACTED]

[Facebook](#) | [LinkedIn](#) | [Twitter](#) | [Website](#)

From: Jay Law [REDACTED]
Sent: Saturday, July 5, 2014 6:21 PM
To: dec.sm.CWM.RWMUNIT2; Law, Jay
Subject: CWM OU2 Comments

CWM RMU-2 Comments
Engineering Report

- The Engineering Report indicates that the facility design includes a double composite liner system. However, the GCL within the primary liner extends only 15 feet along the side slope. The remainder of the side slope (length) does not have a composite liner. Due to the potential for perched leachate zones and the duration of time where the liner system on the slope is exposed, the GCL should be extended along the entire side slope to achieve a complete composite liner system.
- The report indicates that the GCL in the primary liner should have hydraulic capacity equal to 1.5 feet of compacted clay. While a GCL can have the hydraulic properties of a 1.5 feet compacted clay liner, it fails to provide the equivalency of 1.5 feet of clay for diffusion capacity which is very critical for this type of waste containment. The GCL should be replaced with 1.5 feet of compacted clay.
- The design for RMU-2 and New Fac Pond 5 includes an operation layer. We recommend that puncture resistance calculations are performed to assure that the geotextile has adequate capacity against puncture. The specifications for the operation layer should be used during the completion of these analyses. These calculations should be made available for public review and comment.
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- The report indicates that the minimum distance between the top of operations layer and waste is about 20 feet. What is the distance between the top of aquifer and the bottom of the leachate sump? This should be the distance used for the isolation from the existing aquifer.
- Structural stability calculations should be completed for all piping under full waste loading to assure that the pipe has adequate buckling and compressive capacities and that anticipated deflections are within acceptable limits. These calculations should be made available for public review and comment.
- Section 4.5 of the engineering report indicates that the clay layer may not be present along the alignment of the cut off wall. Please explain. This layer is a major component of the soil deposits that is providing isolation from existing aquifer.
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collected and high quality consolidation testing should be completed to estimate proper compressibility parameters.

Appendix A 1

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design strength of this fill should be reduced to allow for the placement on soft soil foundations. The evaluation should be made available for public review and comment.

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Appendix C1

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Appendix C2

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- The value used for Cs appears to be very low.

Environmental Justice

Has there been an evaluation per the requirements for Environmental Justice? The U.S. Environmental Protection Agency (EPA), as part of the Federal Government, must comply with Title VI of the Civil Rights Act, Title 42 of the U.S. Code, Sec. 2000 et seq. To apply this to environmental permitting, considering Environmental Justice issues in Federal actions was elevated with the February 11, 1994, signing of Executive Order (EO) 12898, entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." EO 12898 requires that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations..." (Subsection 1-101).

Trackout and Fugitive Dust Control

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engineering controls first and personal protective equipment second when it comes to ensuring worker safety (i.e., an ounce of prevention is worth a pound of cure). Moreover, wash facilities typically only wash the sides of vehicles and fail to adequately clean the insides of tire treads and the undercarriages of vehicles so should not be relied upon as the sole means of trackout control.

2. Condition F.7 of Exhibit F of the permit states “All vehicles and equipment entering the RMU-1 operational area must be cleaned at the Department approved Truck Wash facility prior to leaving the landfill.” It is unclear how it is being confirmed that the truck wash is properly protective of human health and the environment. Merely operating a wash is not proof that departing trucks are clean; only proof that they are getting wet. Pavement, tire and undercarriage wipe testing should be required to be performed on a recurring basis to confirm that trackout controls are effective. Action levels must be established above which wipe test concentrations will trigger additional cleaning activity and corrective action plans to prevent reoccurrence of failed wipe test results. In fairness to the facility, it is not practical to perform wipe testing on every vehicle that exits the facility, nor would testing every vehicle be necessary to confirm suitable trackout control. A reasonable approach would be random, unannounced wipe tests by the Department’s on-site monitoring personnel or any independent third party to occur at least once per week on different days and at different times. Samples should be collected from tires (side walls and treads) and the undercarriages of trucks exiting the wash facility and along the pavement leading to and from the wash facility. Tire and undercarriage sampling locations should be defined. Samplers should be trained on the purpose of the sampling and what surfaces must be sampled. Wipe testing results should be reported to the NYSDEC and made available for public review.
3. Permit Attachment L Fugitive Dust Control Plan states “Vehicles or any other equipment which have entered the landfill facility where it has come into direct contact with waste, shall be inspected for gross contamination prior to leaving the landfill area.” All waste delivery trucks come into direct contact with waste regardless of how the facility positions the trucks during waste transfer. Every vehicle that unloads waste experiences contact between the waste and the rear tires of the vehicle and therefore every waste delivery vehicle is potentially tracking contamination out of the landfill onto other parts of the site and potentially off the facility’s property into the general public. The qualifier “where it has come into direct contact with waste” should be removed so there is no confusion. It should be clearly and unconditionally stated that every truck must be inspected and cleaned to remove gross contamination and that every truck must go through the truck wash. Again, as noted above, wipe samples should be required on a random and recurring basis to ensure that trackout controls are effective.
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which the facility is free to sweep as often as it deems appropriate provided that 100% of the random and recurring wipe tests are below the stipulated threshold for surface contamination on facility roads. Failed wipe tests would result in corrective action that, among other options, could result in mandatory increased sweeping frequency (e.g., from zero times per day to once per day to twice per day and so on until wipe tests are consistently below the stipulated threshold).

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7. The facility's permit, under Lightweight Wastes, says "Waste that has the potential to become airborne dust or debris must be containerized or otherwise managed in accordance with the Facility Fugitive Dust Control Plan." There is no definition of what "lightweight" means nor is there a definition of what it means to have "the potential to become airborne dust." Without definitions and quantified limits, this clause is effectively useless.
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9. If not already required, the facility should be required to monitor soil on all sides of the active landfill area, soil along both sides of on-site waste vehicle access roads, and sediment in on-site ditches and storm water runoff collection ponds. The purpose of this monitoring is to ensure that there is no impact caused by landfill operations. Samples should be collected quarterly and analyzed for VOCs, SVOCs (including PCBs) and heavy metals and compared to NYSDEC-approved action levels above which soil/sediment removal and replacement will be required and corrective actions will be implemented to prevent reoccurrence. Soil sampling locations should, at minimum, occur on the north, east, south and west sides of the active landfill and extend out radially in each direction at some appropriate interval (e.g., every 100 feet up to 500 feet, not less than two samples in each direction if the soil path is less than 100 feet). Soil sampling locations along access roads should be on either side of the road at some appropriate interval along the length of the road (e.g., every 100 feet). Sediment sampling locations should be along the bottoms of ditches at a suitable interval (e.g., every 100 feet) and a sampling grid should be created for the storm water runoff collection ponds. The facility should submit a sampling plan. This plan should be made available for public review and comment.

From: William Hammers [REDACTED]
Sent: Sunday, July 6, 2014 7:48 PM
To: dec.sm.CWM.RWMUNIT2; Hammers, William
Subject: Comments on CWM Chemical Services' proposed expansion

James T. McClymonds
Chief Administrative Law Judge
NYSDEC Office of Hearings and Mediation Services
625 Broadway, 1st Floor
Albany, NY 12233-1550

These comments pertain to the CWM Chemical Services LLC's proposal for its facility in Model City, Niagara County.

To: James T. McClymonds
Chief Administrative Law Judge
NYSDEC Office of Hearings and Mediation Services
625 Broadway, 1st Floor
Albany, NY 12233-1550
Email: CWMRMU2@gw.dec.state.ny.us

Re: Comments on CWM Chemical Services LLC's Expansion Proposal

Date: July 7, 2014

The following is submitted in response to the Department of Environmental Conservation's invitation for public comments on CWM Chemical Services LLC's proposal to build and operate a new landfill to be designated as Residuals Management Unit - Two (RMU-2), and for other storage and treatment units at its facility in Model City, Niagara County, New York.

Engineering Report

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8. Permit Attachment L Fugitive Dust Control Plan states "*This monitoring program demonstrates CWM's compliance with the national primary and secondary 24 hour ambient air quality standard for particulate matter of 150 micrograms/cubic meter, 24 hour average concentration.*" Conformance to a national air quality standard for particulate matter fails to confirm public safety

is achieved with respect to individual contaminant concentrations in breathing air (VOCs, SVOCs, heavy metals, etc.) as there is no correlation established between dust levels and the corresponding concentrations of individual contaminants that may be emitted with or on the dust. The facility's Air & Meteorological Monitoring Plan states "*Additional air sampling and analysis for Volatile Organic Compounds (VOCs) and/or Polychlorinated biphenals (PCBs) shall be performed if deemed necessary by the NYSDEC.*" While the option exists to require additional testing, it is unclear when, if ever, the NYSDEC would require such testing. To leave no doubt with respect to public safety, the air should be monitored on a recurring basis for VOCs, SVOCs and heavy metals.

9. If not already required, the facility should be required to monitor soil on all sides of the active landfill area, soil along both sides of on-site waste vehicle access roads, and sediment in on-site ditches and storm water runoff collection ponds. The purpose of this monitoring is to ensure that there is no impact caused by landfill operations. Samples should be collected quarterly and analyzed for VOCs, SVOCs (including PCBs) and heavy metals and compared to NYSDEC-approved action levels above which soil/sediment removal and replacement will be required and corrective actions will be implemented to prevent reoccurrence. Soil sampling locations should, at minimum, occur on the north, east, south and west sides of the active landfill and extend out radially in each direction at some appropriate interval (e.g., every 100 feet up to 500 feet, not less than two samples in each direction if the soil path is less than 100 feet). Soil sampling locations along access roads should be on either side of the road at some appropriate interval along the length of the road (e.g., every 100 feet). Sediment sampling locations should be along the bottoms of ditches at a suitable interval (e.g., every 100 feet) and a sampling grid should be created for the storm water runoff collection ponds. The facility should submit a sampling plan. This plan should be made available for public review and comment.

RWMUNIT2 CWM - CWM Expansion Proposal

From: "Elisa Salvati" [REDACTED]
To: <CWMRMU2@gw.dec.state.ny.us>
Date: 7/6/2014 9:59 PM
Subject: CWM Expansion Proposal

Dear Sir/Madame,

I would like to express my opposition to the CWM expansion proposal. Our community has been bearing the burdens associated with chemical waste for far too long. The DEC's own citing report stated that there was enough national capacity for the 40 years. So to ask us to add another 4 million cubic yards of storage in our backyard is just abusive!

If the state of New York is determined to add capacity within its borders and it is so safe, I'm sure there are many other counties where the waste could be stored.

It is time for some environmental justice for Niagara County!

Sincerely,
Elisa C. Salvati

RWMUNIT2 CWM - Lewiston CWM Expansion

From: "Charles Scrufari" [REDACTED]
To: <CWMRMU2@gw.dec.state.ny.us>
Date: 7/7/2014 11:02 AM
Subject: Lewiston CWM Expansion

Dear Sir/Madame,

I would like to express my opposition to the CWM expansion proposal. Our community has been bearing the burdens associated with chemical waste for far too long. The DEC's own citing report stated that there was enough national capacity for the 40 years. So to ask us to add another 4 million cubic yards of storage in our backyard is just abusive!

If the state of New York is determined to add capacity within its borders and it is so safe, I'm sure there are many other counties where the waste could be stored.

It is time for some environmental justice for Niagara County!

Sincerely,
Charles Scrufari

RWMUNIT2 CWM - Expansion of chemical Waste mangement

From: Harriet Tower [REDACTED]
To: <CWMRMU2@gw.dec.state.ny.us>
Date: 7/7/2014 10:27 PM
Subject: Expansion of chemical Waste mangement

I am 74 years old and have lived in the town of Porter for many years. We have suffered higher rates of cancer and illness due to this facility. I attended Lewiston-Porter Central school which is less than one mile from this hideous place of toxic substances. No, we cannot expand this facility. We must protect the children, protect the wildlife, protect our beautiful Niagara River and Lake Ontario. I can remember days when foam floated on the waters of Four Mile Creek which went into the Lake. I know there were many releases of toxins into the River thinking authorities would not notice only to have it bubble up and give away the cheating of this company.

The fish are impacted. Perch used to spawn there where the CWM outlet is. No more. Why are we fouling our own nest. I say No No No. No in this vulnerable land. We have done it for years. No more. We have done our part. No expansion. Close this place down. Trucks leak all along our highways. Not now, not ever! Please. Listen to the people.

Harriet Lane Tower
Youngstown former resident and member of farm family there

RWMUNIT2 CWM - NO to waste site

From: Jack Whiting [REDACTED]
To: <CWMRMU2@gw.dec.state.ny.us>
Date: 7/8/2014 10:49 AM
Subject: NO to waste site

Stop this needless building of more waste sites. We must stop are perpetual polluting of are air, water and land.

CWM land fill, Lewiston, NY



Kenneth Moore

Sat 7/12/2014 11:27 AM



To: dec.sm.CWM.RWMUNIT2;

JUDGES:

I am totally against the proposed landfill in Lewiston, so much so I will sell my place in the village of Lewiston if this landfill is approved.

I grew up in this area, but my career employment was in the Midwest. I returned upon retirement, and chose Lewiston for its natural and historical assets.

Hearing of the expansion of the proposed expansion of the landfill I traveled back to the Great Lakes area of the Midwest to look at property. I have already located the right place but not the property. If land fill expansion is approved, my lewiston property will go on the market this coming year.

Kenneth E. Moore Ph.D
Professor Emeritus
University of Notre Dame

Say No !



Deirdre Litt



Sun 7/13/2014 9:05 AM

To: dec.sm.CWM.RWMUNIT2;

We - our community- have done more than our fair share of accepting your money making toxic waste.

It is time to move on .

Dump sites should be created where the toxic waste is developed. The disposing of Toxic waste should be addressed before a product or idea is accepted and approved .

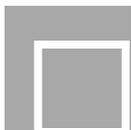
Let's think before we do !!!

In the mean time - find another location

for your waste and leave our community as we have served you and your truck traffic long enough !

Sent from my iPod

Chemical Waste Management (CWM) Hazardous Waste Site (Niagara County)



Tim Oswald



Sun 7/13/2014 11:01 AM

To: dec.sm.CWM.RWMUNIT2;

Hello:

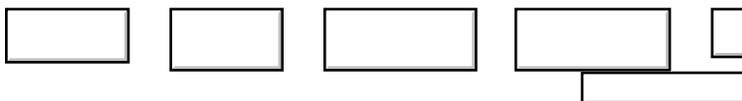
The Sierra Club and myself are **opposed** to the expansion of Chemical Waste Management for many reasons and here are some of them.

- Both DEC and EPA have said we don't need any more hazardous waste disposal capacity. However, states cannot ban them and are required to hear applications.
- Land burial has been legislated by state and federal regulations as the least desirable method of disposing of toxic wastes. Most hazardous waste can be recycled or decontaminated on site.
- The location of CWM a mile from all public schools for two towns, and just a few miles from the Great Lakes and the Niagara River is a serious problem. EPA has said that all land fills eventually leak, and this process has already begun at CWM. The Great Lakes contains 20% of the surface fresh water on the planet. CWM has already discharged PCB's into this water supply. It makes no sense to add danger to this water.
- We are very concerned about the nearby communities as cancer rates of some types of cancers are higher in the area around CWM than elsewhere. And trucks carrying the toxics drive past our schools and often leak according to regulators.
- Economic development is restrained because of CWM operations. This is especially true of the focus on tourism by the Regional Economic Development Council (REDC) that has been established by the Governor.
- CWM is not significant to brownfields or business in NY although it is often cited by supporters as important. Most waste already buried there has come from outside of New York.
- The Niagara County Legislature and all unrestricted municipalities in the area, including the Lewiston Porter School Board, are on record as opposing CWM expansion.

Thank you for your time and considering this information.

Tim Oswald
North Tonawada, NY

I OPPOSE CWM EXPANSION!!!!



Lori Elliott

Tue 7/15/2014 12:09 PM



To: dec.sm.CWM.RWMUNIT2;

Hello.

Please make CWM find somewhere other than Western NY to dump their chemicals! There is already far too much pollution in Niagara County, especially in the towns of Lewiston and Porter.

The EPA states that these types of proposed sites WILL leak over time and the location is far too close to the Great Lakes which hold 20% of the WORLD'S Fresh water supply!!!

Also, this site, which already contains hazardous waste, is DANGEROUSLY close to neighborhoods and, especially, Lewiston-Porter Central School!!

Manhattan Project (highly radioactive) waste is buried (and most likely leaking) just a mile from this campus.

The health of our children is at stake.

I was born and raised in Lewiston, attended Lew-Port and now live in Arizona. My family is very large and I am the only one that does not live in the area. Although the weather is a factor in this decision, I would put up with it and move home. But I will NOT due to the extremely high amount of hazardous and chemical waste buried in the area.

Counter arguments that the type of soil here is good and this will help job creation, hold no merit against the detrimental effects of the contamination of 20% of the WORLD'S FRESH WATER SUPPLY!!!

I have traveled ALOT around this beautiful country of ours. There is so much land that is not used, where this waste could be sent to.

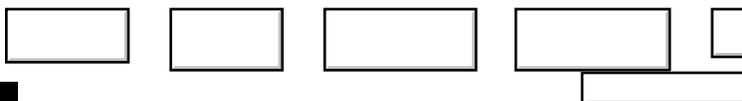
I respectfully urge you to vote in favor of preserving the community's health and protecting a huge amount of the world's fresh water supply!

With respect, hope and gratitude,

Lori Schug Elliott



CWM RMU2 Permit



Paul Hutchins [REDACTED]

Tue 7/15/2014 3:00 PM

To: dec.sm.CWM.RWMUNIT2;

Hello,

I am writing today concerning CWM's application for expansion in Lewiston, NY. I have been a resident of the town of Lewiston for 10 years. My wife and I have a 4 year old son who will begin kindergarten in the Fall of this year. We have chosen to have him attend school at St. Peter's Catholic on Center Street in Lewiston in lieu of having him attend Lewiston Porter schools on Creek Rd. My wife and I went over the many pro's and con's of paying tuition for our Son. One of our criteria was the truck traffic running by Lewiston Porter Schools down Creek Rd. on the way to CWM. We feel we would be putting our Son at risk by having him attend Lewiston Porter. There is the potential for accidents with these large trucks. We have had instances of spills from the trucks near the schools. The health effects of these chemicals in such close proximity to the school can not be good. If the decision to expand CWM is passed, it will have dire consequences for the Lewiston community. There will be more chemical spills, more accidents and more health problems. I am aware that there are now technologies available to more efficiently and effectively handle the hazardous chemicals that enter Lewiston and Porter. Please do not let this expansion take place.

Thank You,

Paul Hutchins



Chemical Waste Management (CWM) Hazardous Waste Site



Jackson, Jonathan <[REDACTED]>

Tue 7/15/2014 12:26 PM

To: dec.sm.CWM.RWMUNIT2;

As a home owner and father I am opposed to the expansion of Chemical Waste Management in Niagara County.

Additionally;

1. Both DEC and EPA have said we don't need any more hazardous waste disposal capacity. However, states cannot ban them and are required to hear applications.
2. Land burial has been legislated by state and federal regulations as the least desirable method of disposing of toxic wastes. Most hazardous waste can be recycled or decontaminated on site.
3. The location of CWM a mile from all public schools for two towns, and just a few miles from the Great Lakes and the Niagara River is a serious problem. EPA has said that all land fills eventually leak, and this
4. process has already begun at CWM. The Great Lakes contains 20% of the surface fresh water on the planet. CWM has already discharged PCB's into this water supply. It makes no sense to add danger to this water.
5. We are very concerned about the nearby communities as cancer rates of some types of cancers are higher in the area around CWM than elsewhere. And trucks carrying the toxics drive past our schools and often leak according to regulators.
6. Economic development is restrained because of CWM operations. This is especially true of the focus on tourism by the Regional Economic Development Council (REDC) that has been established by the Governor.
7. CWM is not significant to brownfields or business in NY although it is often cited by supporters as important. Most waste already buried there has come from outside of New York.
8. The Niagara County Legislature and all unrestricted municipalities in the area, including the Lewiston Porter School Board, are on record as opposing CWM expansion.

Jonathan Jackson | United Operations Support Center

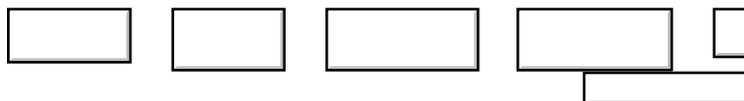
(office) [REDACTED] 3 | (mobile) [REDACTED] | (email) [REDACTED]

■ Integrity ■ Compassion ■ Relationships ■ Innovation ■ Performance



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Opposition to CWM Chemical Services Application



[Redacted]

Tue 7/15/2014 10:06 PM

To: dec.sm.CWM.RWMUNIT2;

To whom it may concern,

I am submitting this email to express my vehement opposition to the application by CWM Chemical Services for a permit to construct a new hazardous waste landfill in Western New York.

It is beyond my imagination that lessons haven't been learned from previous attempts to dump toxic waste in populated areas (may I refresh your memory on the Love Canal?). It especially upsets my intellect that one would consider doing so near the world's largest source of fresh water.

Surely in this great nation of ours, there is a more suitable environment (desert, perhaps) where this hazardous waste could be contained?

I don't care how many jobs would be compromised. Let those jobs go elsewhere. Those lost jobs do not equate to the lost lives through illness, nor the disastrous consequences that will effect thousands, if not millions of people, should our fresh water be irreparably polluted. There is no technology available that will contain this waste for a millennium.

Only responsible government can do the right thing -- I hope this current government is responsible enough to finally say NO to such a reckless disregard for life.

Submitted,

Barbara Johnson

Residing at [Redacted]
[Redacted]

Sent from Windows Mail

NO CWM Expansion!



Eva Jonsson [REDACTED]

Tue 7/15/2014 8:31 PM

To: dec.sm.CWM.RWMUNIT2;

Cc: [REDACTED]

Eva Nicklas



July 16, 2014

My name is Eva Nicklas and I am a resident of Lewiston. We are all here today because we are fighting for our future. There is no hidden agenda. We are just ordinary people willing to confront the odds in order to restore environmental justice for our community, a locality so rich in the Arts, Music, History & Culture.

The earth is poisoned at CWM and we are already afraid of the air we breathe, the water we drink and the cancers and immune diseases that too many of us will experience. We dread the huge trucks that thunder by on our roads...

We realize that toxic waste has to go somewhere, but these poisons should be kept away from humans, animals and all living things, as far away as possible. The damage has already been done.... But please stop degrading our environment by adding MORE!

Look at all the people who are here. Listen to what they are saying! Is one company so powerful that thousands of voices cannot be heard? Please do the right thing and say NO to this proposed expansion.

Thank you

CWM Legislative Public Hearing comments

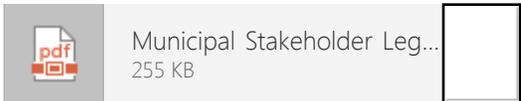


Gary Abraham [REDACTED]

Wed 7/16/2014 2:29 PM

To: [REDACTED]
[REDACTED].sm.CWM.RWMUNIT2;

1 attachment



Gentlemen:

Attached please find a copy of the comment letter to be submitted this evening on behalf of the Municipal Stakeholders, in the matter of CWM's applications for the proposed RMU-2 landfill and ancillary facilities.

A hard copy will not follow. Feel to contact me with any questions or concerns.

--Gary Abraham

--

Gary A. Abraham, Esq.



LAW OFFICE OF GARY A. ABRAHAM

July 16, 2014

MUNICIPAL STAKEHOLDERS' STATEMENT FOR THE
JOINT PUBLIC STATEMENT HEARING FOR THE NEW YORK STATE
HAZARDOUS WASTE FACILITY SITING BOARD AND THE
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
IN THE MATTER OF CWM CHEMICAL SERVICES, LLC, APPLICATIONS TO
CONSTRUCT AND OPERATE A NEW LANDFILL AND OTHER UNITS TO
STORE, TREAT AND DISPOSE HAZARDOUS AND NON-HAZARDOUS
INDUSTRIAL WASTE IN THE TOWNS OF LEWISTON AND PORTER, NEW YORK

Good afternoon Honorable Judge O'Connell and distinguished members of the State Siting Board. I represent Niagara County, the Town of Lewiston and the villages of Lewiston and Youngstown, each hosting or adjacent to host communities for CWM's proposal to construct and operate a new hazardous chemical waste landfill and ancillary facilities at its Model City site.

Model City, it will be recalled, was originally planned by William T. Love as part of a man-made canal to link the Niagara River to Lake Ontario, providing water and hydroelectric power for a model park-like industrial city of more than 1 million people. The project failed after excavating only a few thousand feet. The subsequent use of the canal to dispose of tens of thousands of tons of toxic waste and the environmental disaster that followed made the name of Love Canal notorious. However, Model City, at the other end of the canal, has an equally troubled history. The severe and varied contamination found at the site—explosive, chemical and radiological—makes it one of the worst candidates for the further disposal and management of chemical and other industrial wastes.

Because the DEC has issued a State Hazardous Waste Facility Siting Plan that concludes New York has no need for additional commercial disposal facilities like CWM's, the company has an added burden to demonstrate why the facility should not be allowed to close. CWM's effort to meet that burden has put a tremendous burden on this community to review and understand the issues presented by further development of the site. As DEC's 12-page Fact Sheet for CWM's proposal notes, eight new or modified waste storage or treatment units in addition to RMU-2, the new landfill, will be required; another seven units must be closed clean; and no less than seven different state environmental permits will need to be obtained. Not noted in the Fact Sheet is that at least two federal permits must be obtained. CWM has requested one permit from the U.S. Army Corps of Engineers (USACE). The permit, if granted, would allow CWM to flood an area of the CWM site that is known to be still contaminated with radium and plutonium. This contaminated wetland is to be compensated for wetland that will be destroyed by the RMU-2

development.¹ The U.S. Environmental Protection Agency (EPA) must also issue a chemical waste landfill permit to authorize disposal of PCB wastes under the federal Toxic Substances Control Act (TSCA).²

The issues presented by the site and by the assertions made in CWM's applications for all these permits is, to say the least, a challenge for which we have been provided limited time. While we have watched the development of CWM's applications since 2003, major changes to the proposal were being made right up to the time the public received notice that its state applications are ready for public review. As a result, we will be able to offer to you our perspective on only a handful of significant issues. We anticipate filing a petition for full party status by the September 30 deadline, including reports on technical issues by experts in radioactive waste, hydrogeology, air emissions, and landfill engineering. However, today, as time is limited, we offer our perspective on two key issues.³

First, the CWM site is contaminated with residual radioactivity. The site has never been cleaned up to the standard necessary to avoid exposure to the public.

Second, the groundwater beneath the CWM site moves much faster than currently predicted by CWM. The groundwater is also severely contaminated in numerous areas of the CWM site. At present, there is a risk that contaminated groundwater will move off site undetected, along a preferential pathway. CWM intends to site RMU-2 over the preferential pathway which will act as a highway for contamination migration. This is likely to make it impossible to monitor groundwater contamination from RMU-2.

¹ Ample documentation exists showing CWM's proposed mitigation wetland would flood an area of Vicinity Property G. VPG contains the Castle Garden radioactive dump site, presently located under CWM's waste water storage ponds. The University of Rochester Burial Area containing animal carcasses, contaminated with plutonium, is also located in VPG. The Corps of Engineers has confirmed VPG remains contaminated with plutonium and radium, after three clean-up attempts and has recommended a remedial investigation of the area as soon as the ponds are closed.

² On May 15, 2003, CWM submitted a TSCA approval request to EPA at the same time as its Part 373 permit modification application for RMU-2 was submitted. In November 2009, CWM submitted a revised TSCA approval request to EPA reflecting design changes to RMU-2, principally a changed landfill footprint. On July 8, 2013, CWM submitted another revised TSCA approval request to EPA. *See* Jill A. Banaszak, CWM, Letter to John Gorman, EPA, July 8, 2013 (attaching July 2013 revision of TSCA approval application).

³ Although as noted expert reports detailing the basis for these issues will be submitted later, please consider factual statements made in the remainder of this statement an offer to appropriately prove these facts in an adjudicatory hearing.

The Model City site is radioactively contaminated

As is well known, CWM's Model City facility was part of a much larger site called the Lake Ontario Ordnance Works (LOOW), which was a military TNT production plant. The TNT plant only operated for a few months before the plant was shut down and the site divided up. The part of the LOOW site now occupied by CWM was turned into a radioactive waste depot and disposal area by the Atomic Energy Commission. A variety of radioactive wastes, including Manhattan Project wastes from development of the first atom bomb, nuclear fuel reprocessing wastes and animal carcasses containing plutonium from experiments at the University of Rochester were all dumped on CWM property. Radioactive wastes were seriously mismanaged with wastes left on the surface or carelessly buried. Open burning of some wastes led to fallout of radioactive particles on some areas of the CWM site. The Atomic Energy Commission attempted to clean up radioactive contamination on the CWM site in the 1950s, followed by a second attempt on the 1970s. Radioactive contamination remained, however, and a third attempt at clean up was carried out by the Department of Energy (DOE) in the 1980s. Since then, the Army Corps of Engineers has taken jurisdiction of those areas of CWM which DOE was unable to completely clean up. Subsequent investigation of one of these areas has shown it remains contaminated, even after DOE reported it was cleaned up. Continued development of the CWM Model City facility interferes with the Army Corps' ability to investigate and remediate areas of radioactive contamination, putting off the day that the community can feel some assurance that their air, surface water and ground water will not expose them to radiation.

The federal Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM),⁴ provides detailed guidance for planning, implementing, and evaluating environmental and facility radiological surveys conducted to demonstrate compliance with dose-based soil action levels. Under the guidance, planning a cleanup of radiological contamination requires an investigation of the history of the contaminated area. MARSSIM focuses on demonstrating compliance based on the results of a final status survey. MARSSIM is the most comprehensive guidance document currently available for developing radiological surveys.

CWM has never complied with MARSSIM, despite conditions in its current operating permit requiring it to do so,⁵ and despite a directive from NYSDOH requiring that it comply with MARSSIM to demonstrate clean closure of radiologically contaminated areas, prior to major

⁴ NUREG-1 1575, Rev. 1, August 2000 (U.S. Environmental Protection Agency, U.S. Nuclear Regulatory Commission, and U.S. Department of Defense). This protocol has been followed by USACE at the NFSS. USACE, *Remedial Investigation Report for the Niagara Falls Storage Site*, Contract No. W912P4-04-D-0001 (December 2007), Appendix B, Gamma Walkover Survey (Continued Remedial Investigation Characterization Report) (May 30, 2003), p. 5-1. USACE also measured background gamma radiation at the Lew-Port schools at ~10 cm. from the ground surface. *Final Gamma Walkover Survey Report, Lewiston-Porter School Property Youngstown, New York*, Contract No. DACW49-00-R-0027 (February 6, 2002), p. 2.

⁵ CWM Part 373 Permit (2010), Module II, Condition J.3.

excavation.⁶ The NYSDOH directive is relevant to RMU-2 specifically because Fac Pond 8, which has been found to contain substantial amounts of radiologically contaminated soil, must be closed clean under MARSSIM before it can be excavated, and it must be excavated because the RMU-2 footprint includes the pond. However, CWM has never accomplished a clean closure of any area on site under MARSSIM. Nor has it ever reported any investigation of the history of how the site was used for radiological waste storage and disposal. As a result, the company has never properly characterized or mapped radiologically contaminated areas on the site.

CWM has performed no more than a partial radiological investigation of the Model City site. A gamma scan of the surface will not detect buried contamination. We have ample evidence that ongoing earth movement by CWM and its predecessors has redistributed and covered over radioactive contamination. For example, radioactive scrap was inadvertently incorporated into the floor and walls of one of the CWM wastewater storage ponds. CWM has conducted a scan of the surface, avoiding areas of brush overgrowth, wastewater and stormwater storage ponds, but subsurface contamination of areas it scanned cannot be detected by the method CWM employed. MARSSIM specifies that for radiological scan surveys the detector must be held about 10 cm from the soil surface.⁷ CWM held its radiation scanner three times higher above the soil surface.⁸ Moreover, some radionuclides known to have been dumped on the site such as Plutonium do not emit significant amounts of gamma radiation, and CWM employed only a gamma detector and has conducted only minimal subsurface investigation for radioactive materials.

⁶ In 1972 and 1974 NYSDOH issued Orders prohibiting major excavation at specific areas of the former LOOW, including CWM and Modern Landfill, based on residual radioactive contamination posing a risk of unsafe exposure. In 2003, at the time it submitted the present application for approval of RMU-2, CWM asked NYSDOH to lift the Orders, because the Orders had been previously lifted in the case of the neighboring Modern Landfill. One year later, after review of the Department of Energy (DOE) reports for the CWM site, NYSDOH rejected CWM's request on the basis that the potential still existed for radioactive contamination to be present on CWM property. NYSDOH concluded that landfilling activities before and during the DOE surveying and remediation had likely redistributed and concealed radioactive contamination on the CWM site. *See also* Letter from S. Gavitt, NYSDOH to James Devald, Niagara County Health Department, July 16, 2001, p. 3 ("Before the DOH Orders [prohibiting excavation on site], remediation and final status survey consistent with MARSSIM will need to be performed.").

⁷ MARSSIM, p. 6-44.

⁸ CWM's gamma walkover scan survey was performed with the gamma detector 30.8 cm (one foot) from the ground surface. CWM, *Results of Gamma Walkover Survey, Soil Sampling, and Legacy Building Surveys* (December 2008), p. 1-3. The Municipal Stakeholders will offer to prove that, "for small particles, with radius 1 cm, the measured radioactivity declines by a factor of 9 when the height of the detector changes from 10 cm to 30 cm." Radioactive Waste Management Associates, *Critique of CWM Walkover Survey & Radiological Investigation* (March 2009), 12.

New excavation of soils in the areas scanned by CWM could therefore release radioactive material into the environment and expose the public. The health threat of exposure to radioactive materials is assessed over a lifetime because any exposure additional to background radiation, which is elevated as a result of nuclear bomb tests, nuclear bomb warfare, and releases from nuclear power plants, and additional to nuclear medical procedures, elevates the risk of cancer.

Effective subsurface soil tests and other measures to prevent radioactive particles from being transported off-site by air dispersal as a result of major excavation would not be employed for the RMU-2 project. Up to now, and since 2005, NYSDOH and DEC have approved small excavations, necessary to clean up spills and the repair or replacement of ancillary facilities at Model City. The protocol imposed on CWM for these small excavations has been deemed safe: CWM must scan for radiation at each six-inch level of the excavation. In effect all of the excavated soil is being scanned as it is excavated, so that the radioactive material is immediately detected before it becomes a problem. However, for RMU-2 CWM proposes to dispense with this protocol. Instead, if approved as proposed, CWM would haul excavated soils by the truckload to a stockpile. The trucks would pass through a radiation detector, but there are questions about whether radioactive materials buried in the truckload could be detected in this manner, or whether primarily alpha emissions from some radionuclides like Plutonium, which do not penetrate a piece of paper, could be detected through the steel walls of a dump truck. Once stockpiled, CWM would use a surface scanner to detect any radioactive materials. Only if the scan of the stockpile, or the radiation detector for dump trucks exceeds screening level would any scans be taken. In that event, CWM would spread out the stockpiled soil and scan it every six inches.

This proposal is on its face far less protective of the environment and public health than the current protocol CWM follows for small excavations. Illogically, CWM proposes that large excavations required for a new landfill should require far less stringent measures for protecting the community.

Finally, the RMU-2 footprint and the accessory facilities that must be modified or constructed require excavation of areas known to have been previously used for the disposal radioactive waste. However, because CWM has resisted compiling a comprehensive history of uses of the site, as would be required under MARSSIM, and has not conducted sufficient subsurface investigations of these areas, excavation in these areas could also release radioactive material into the environment.

We are therefore at a loss, to put it mildly, to see how any agency could approve major excavation at this site prior to fully characterizing all areas of potential soil disturbance. This is the position of my client the Niagara County Health Department, as well as the other Municipal Stakeholders.

The poor hydrogeology of the portion of the Model City site proposed for RMU-2

The CWM site is not hydrogeologically secure. Groundwater moves much faster than CWM has predicted, west toward the Niagara River and the LewPort schools. In addition, given

the severe groundwater contamination in the vicinity of the RMU-2 footprint, it is unlikely RMU-2 could be effectively monitored for leaks and spills. This has raised highly technical issues for which we will provide appropriate offers to proof in our request for party status in the permit and siting reviews. However, I can summarize here what we will offer to prove at that time.

Hydrogeology involves the investigation of what is occurring below the surface of the site, including below the depth of excavation where no one can see. Accordingly, monitoring wells and soil borings are used to develop a model of what is occurring at depth.

The hydrogeology of the CWM site has been studied at length. In 1977 numerous soil borings were taken for a comprehensive evaluation of how groundwater moves on the CWM site. This study correctly identified that the CWM site is vulnerable. A deep channel of sand and gravel runs from east to west across the southern-central part of the site and provides an escape route for contamination to leave CWM property.

From 1978 to 1984, landfills were sited in the northern section of the CWM site to avoid this potential highway for contaminant migration. In 1984 Waste Management purchased Model City for further landfill expansion. A new hydrogeological study was ordered and the earlier data was reinterpreted. Instead of highlighting the sand and gravel channel, where groundwater moves most rapidly, the new study disguised the vulnerability of the southern and central area of the CWM site by relying on the median rate of groundwater flow for the entire site. As time passed, further reevaluations produced even lower rates of median groundwater flow. Compare how the published rates of groundwater flow in the sand and gravel aquifer have changed since CWM acquired the Model City facility:

1977-1984	Groundwater flows at a rate of between 88 and 324 ft/yr
1985	Groundwater flows at a rate of 14.5 ft/yr
1988	Groundwater flows at a rate of 4.00 ft /yr
1993	Groundwater flows at a rate of 5.38 ft/yr
2013	Groundwater flows at a rate of 3.21 ft/yr

By combining groundwater flow rates for the sand and gravel channel with flow rates for groundwater in more dense silt, CWM has disguised the vulnerable area of the Model City facility, which is unsuitable for landfill development. In short, not only is the proposed site for RMU-2 unsuitable, RMU-1 should never have been built.

To this day, CWM has no wells monitoring the deep aquifer downgradient, to the west of the area proposed for RMU-2.⁹

⁹ In addition to hydraulic conductivity data, we will provide hydraulic gradient data showing that the alluvial channel in the deep aquifer beneath the southern-central area of the site in the vicinity of RMU-2 drops about five feet from east to west; and that less permeable

In 2007, the U.S. Army Corps of Engineers confirmed the existence of a localized variation in groundwater flow direction at the CWM site below the RMU-2 footprint, and has concluded this is caused by a thick alluvial sand and gravel deposit aligned in an east-west pattern, left after one of the many glacial oscillations, where glaciers progressively covered the area then receded, gouging out valleys in the bedrock some fifty feet below. These valleys were filled in by sand and gravel scoured from the bedrock by the glaciers. Relatively impermeable east-west ridges form the sides of these valleys.¹⁰ One such valley underlies the RMU-2 footprint, and the valley wall blocks the regional groundwater flow to the north.

This conclusion is important because groundwater in that area has become severely contaminated by CWM's operations over the years, and contaminated groundwater will discharge to the Niagara River. For example, PCBs are among the most toxic synthetic compounds known, and one of the contaminants most commonly found in soil and groundwater on the Model City site.¹¹ CWM has a history of violating the limits in its permit for the surface release of PCBs, which is 0.001 parts per billion in water.¹² Groundwater beneath the site has

overburden within the RMU-2 footprint is less than five feet thick and altogether missing in some areas, creating identifiable permeability windows to the alluvial channel. Relying on median hydraulic data showing a regional north-northwest groundwater flow, and asserting that site overburden acts as an effective aquitard, CWM as installed no groundwater monitoring wells in the deep aquifer to the west of RMU-2.

¹⁰ These east-west ridges were clearly visible as surface features in the early 1900s but have since been flattened by surface grading and excavation. *Cf.* 6 NYCRR § 360-2.4(d) (requiring an application to include detailed engineering drawings “that clearly show in plan and cross-sectional views, the original, undeveloped site topography before excavation or placement of solid waste”); 6 NYCRR § 373-1.1(b)(2) (incorporating Part 360 by reference into Part 373).

¹¹ DEC, *Statement of Basis, Selection of Final Corrective Measures, CWM Chemical Services, L.L.C.*, January 31, 2001, at 3 (“Volatile organic compounds (VOCs) and polychlorinated biphenyls (PCBs) are the hazardous constituents which are most commonly observed in the soil and groundwater at the facility.”).

¹² Chronic contamination of site stormwater with PCBs resulted in a condition added to CWM's 2005 permit renewal, and included in the current operating permit, requiring the company to locate and remediate the sources of PCBs, but to date CWM has not done so. PCBs are a group of seven “Arochlors,” the trade name under which the chemical was sold. As recently as December 2013, effluent from a tank holding treated wastewater (mostly on site landfill leachate) showed one Arochlor at a concentration of 0.054 µg/L. *See CWM, December Monthly AWT Effluent Analyses*, p. 11 of 16 (January 6, 2014). CWM's discharge permit includes an effective zero discharge limit for PCBs (a water quality based effluent limitation of 0.0000001 µg/L).

reached 35,000 ppb.¹³ This is three orders of magnitude higher than the solubility of PCBs in water, indicating that the PCBs are part of a release of additional non-aqueous chemicals that will be slowly released over time.¹⁴

The current permit provides this additional background:

In some locations (Landfills 2, 3, 4/East West Salts), it is not possible to conclusively attribute the presence of groundwater contamination to waste management activities at the regulated units, nor is it possible to rule out those units as potential sources of the contamination. In other locations (Landfill 7, 10, 11, RMU-1), the observed groundwater contamination has resulted from waste management activities that occurred before the units were constructed and, hence, is not attributable to releases from them.¹⁵

This factual background should result in considerable skepticism about whether the facility can achieve the goal of groundwater detection monitoring programs required under the current permit. “The programs are designed to provide unit-specific detection capabilities at those active or inactive Landfills and Surface impoundments which have not released hazardous waste constituents to the groundwater.”¹⁶ Clearly, if it is not possible to determine whether regulated units have contaminated groundwater, groundwater detection monitoring programs will not be capable of detecting whether specific units have released hazardous waste constituents detected in site groundwater.

The ability to operate effective detection monitoring programs is a basic precondition to qualify for a permit under Part 373.¹⁷ Because groundwater beneath the Model City site is already seriously contaminated with hazardous waste constituents released from CWM landfills and legacy waste on site, and these constituents include those that could be released from RMU-2,

¹³ Golder Associates, RCRA Facility Investigation Summary Report, Model City TSDR Facility, Model City, NY, January 14, 1993, Table 5.24-5, Sheet 2 of 4 (results for boring PRO-9).

¹⁴ *Cf.* 6 NYCRR § 373-1.5(a)(3)(iv) (requiring CWM’s application to include “[a] description of any plume of contamination that has entered the groundwater from a regulated unit, at the time that the application was submitted,” in compliance with several listed specifications). The DNAPL plume identified in CWM’s 1993 RCRA Facility Investigation Summary Report has not been described in its Part 373 application.

¹⁵ CWM Sitewide Permit, Mod. VIII, 1.

¹⁶ *Id.*

¹⁷ *See* 6 NYCRR § 373-2.6(h), especially subpara. (h)(1)(iii) (requiring monitoring capable of detecting contamination that has “migrated from the waste management area to the uppermost aquifer”).

additional groundwater monitoring will be unable to detect contamination that has migrated from the waste management area to the uppermost aquifer, and cannot be expected for this reason to be effective. RMU-2 cannot, in short, meet the general groundwater monitoring requirements under Part 373.

Scoring the Site Under Part 361

I want to conclude by briefly discussing the scoring system the Siting Board is required to use to determine whether to approve a certificate of environmental safety and public necessity.¹⁸ I will not get into the minutiae of how each factor is scored and weighted.

The public should understand that in addition to a hazardous waste facility permit from DEC, RMU-2 requires a score of under 200 from the Siting Board, based on various risk factors. Not all factors are necessarily relevant, and there is a certain amount of subjectivity in determining whether some factors, such as impacts to social character and planning opportunities of neighboring municipalities, are to be weighted as importantly as the risk of further releases to groundwater, surface water and local air. However, the passing scores this site obtained in two previous reviews, for the RMU-1 landfill and the SLF-12 landfill, were not based on complete and accurate information. As I indicated earlier, if what we know now about the site was known then, it is very likely the site would never have been approved. If the RMU-2 proposal advances to a Siting Board review, past scores should therefore not be considered the baseline for scoring the present proposal.

Respectfully submitted,


Gary A. Abraham
Attorney to the Municipal Stakeholders

gaa

cc: Claude George, Niagara County Attorney
Daniel Stapleton, Director, Niagara County Department of Health
Hon. Dennis Brochey, Town of Lewiston Supervisor
Hon. Terry Collesano, Village of Lewiston Mayor
Hon. Raleigh Reynolds, Village of Youngstown Mayor

¹⁸ See ECL § 27-1105.

CWM expansion



Heath, Kyle M [REDACTED]

Wed 7/16/2014 11:41 AM

To: dec.sm.CWM.RWMUNIT2;

To whom it may concern,

As a new resident in the town of Porter/Village of Youngstown I am steadfastly against any further expansion of this facility. We moved from Niagara Falls to the area where we grew up to enable our 3 children to have a cleaner air to breathe and an overall better environment to grow in. As graduates of Lewiston Porter Schools my wife and I watched several fellow students/teachers fall ill, unexpectedly. One can't help but realize the possible correlation between unexplained illnesses and proximity to the toxic dumps. I would like it to be on record that while I expect CWM is as safe as possible, it is unnecessary for them to intern any more toxic sludge in our backyards. Please have them find some other community to pollute.

Regards,

Kyle

Kyle M Heath | Licensed Relationship Manager NMLS 814664 | KeyBank National Association

Phone: [REDACTED] 8 | Fax: [REDACTED] | E-mail: [REDACTED]

Address: [REDACTED]

=====
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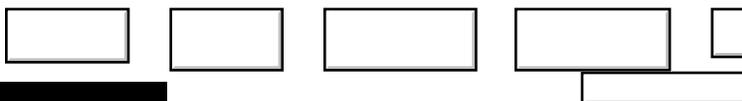
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CMW



Robert Lindsay

Wed 7/16/2014 4:47 PM



To: dec.sm.CWM.RWMUNIT2;

Keep your waste where it is and stop destroying the most beautiful part of Western NY. It is a hard working family town. Not to mention a huge source of tourism dollars for the state. Not to mention water and Power. Say No to Expansion of CWM!!!

Best Regards,
Robert Lindsay
Senior Regional Account Manager
Email : [REDACTED]
Main line: [REDACTED]



www.prodecotech.com

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Chemical Waste and the Public Good



Deborah Knight

Thu 7/17/2014 8:11 AM



To: matt.winterhalter@niagara-gazette.com; dec.sm.CWM.RWMUNIT2; 

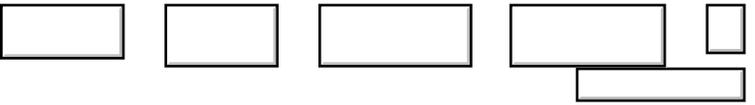
Gentlemen:

Last night, for the first time in my life, I attended a public hearing. Its purpose was to discuss the impact of the proposed expansion of the CWM facility and, for most attendees, to convince governmental decision-makers that approval should be denied.

What I learned at this meeting was horrifying:

- It has previously been determined that no new landfill sites are needed in NY state
- The chemicals stored at CWM are extremely hazardous
- CWM has a history of non-compliance and has been fined for violations
- Cancers and auto-immune illnesses are statistically high in this area
- The corporate owners, Waste Management, do not accept long term responsibility for the CWM site
- Because no one else wants toxic waste nearby (NIMBY), our existing status as a toxic dump makes us the ideal candidates for additional pollution
- Residents of this community have been fighting – unsuccessfully – for many years to prevent expansion by CWM
- Our State government continues to approve CWM's plans despite fervent public opposition

Re CWM Dumpsite expansion



Deirdre Litt



Thu 7/17/2014 10:52 AM

To: dec.sm.CWM.RWMUNIT2;

Lewiston Porter of Western New York has done more than its fair share storing millions & millions of tons of toxic waste over the years .

It is time for CWM to move on ! Perhaps we should look at creating smaller satellite sites where the toxic waste is created or look at other methods of dealing with the toxic waste rather creating mountains for us all to not admire ! It is obvious to me that we now need to look at other options .

The volume of toxic waste that is being created and proposed to be stored here in our Great Lake community is unreasonable and irresponsible .

Lewiston Porter can no longer be the toxic waste dump for the nation and beyond !

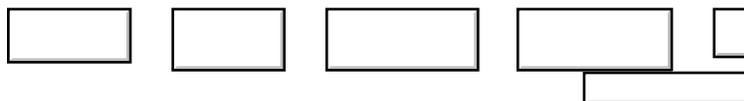
Say No to the Lewiston Porter CWM Dumpsite save our future .

Respectfully

Deirdre

Sent from my iPod

against proposal for expanding CWM



Gail Struzik



Thu 7/17/2014 10:45 AM

To: dec.sm.CWM.RWMUNIT2;

To Whom It May Concern:

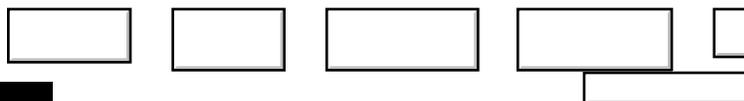
We were unable to attend the meetings held at LewPort Senior High on July 16, 2014 but wish to voice our opinions **against** allowing CWM to construct an expansion by adding a new hazardous waste landfill on approximately 50 acres to the present facility. Have we not learned our lessons from Love Canal or 102nd Street dump? Stop making us the garbage can for hazardous waste from the US and Canada!

Please listen to the residents and help keep us as clean and safe and healthy as possible by **NOT** allowing this proposal!

Thank you for letting us voice our opinions,
Joe & Gail Struzik



Too much waiste already-hazardus or otherwise!



Joann Flanagan

Fri 7/18/2014 1:08 PM



To: dec.sm.CWM.RWMUNIT2;

James T McClymonds, Chief Admin Law Judge
NYSDEC Office Of Hearings And mediation Services
625 Broadway 1st Floor
Albany, NY 12233-1550

Sir,

Regarding the proposal that a hazardous waste landfill be constructed in Lewiston, NY 14092 about 1.5 miles from Lewiston-Porter Public School: There is plenty of toxic waste around here already! More than enough to satisfy the public demand for it! We can produce all the hazardous waste we need and desire and do not require outside help to supply still more from anyone in the Government or out of it!

So said proposal is neither necessary nor desirable!

lanagan



CWM Expansion Proposal

DELETE REPLY REPLY ALL FORWARD **mark as unread**



Elisa Salvati [REDACTED]
Sat 7/19/2014 11:10 AM

To: dec.sm.CWM.RWMUNIT2;

Dear Sir/Madame,

I would like to express my opposition to the CWM expansion proposal. Our community has been bearing the burdens associated with chemical waste for far too long. The DEC's own citing report stated that there was enough national capacity for the 40 years. So to ask us to add another 4 million cubic yards of storage in our backyard is just abusive!

If the state of New York is determined to add capacity within its borders and it is so safe, I'm sure there are many other counties where the waste could be stored.

It is time for some environmental justice for Niagara County!

Sincerely,
Elisa C. Salvati

[REDACTED]
[REDACTED]

cwm chemical toxic wastes

DELETE

REPLY

REPLY ALL

FORWARD



Louise McGhee

Tue 7/22/2014 10:59 AM

mark as unread

To: dec.sm.CWM.RWMUNIT2;

No more toxic waste in our Lewiston area. Keep this from happening.

Louise mcghee

CWM Chemical Services Expansion

DELETE REPLY REPLY ALL FORWARD



Lee, Douglas

Sat 7/19/2014 1:45 PM

mark as unread

To: dec.sm.CWM.RWMUNIT2;

1 attachment



CWM Letter.docx
14 KB



James T. McClymonds

July 19, 2014

Chief Administrative Law Judge

NYSDEC

Office of Hearings and Mediation Services

625 Broadway, 1st Floor

Albany, NY 12233-1550

Dear Mr. McClymonds

I support CWM Chemical Services plan to expand their Hazardous Waste Storage Facility. The damage to land values in the Town of Porter happened when the Federal Government allowed the dumping of nuclear waste at the old Ordnance Works. There is no downside for adding a few more acres for new containment cells. CWM uses the latest containment technology for the wastes they accept and CWM is watched by local organizations for any missteps.

Niagara County is a very depressed economic zone and should not destroy a viable local business. CWM Chemical Services aides the local tax situation and greatly contributes the local community activities. Everybody wants their community to be pristine as possible, but many residents are fanatics and not realistic to the real world.

Best Regards,

Douglas C. Lee



James T. McClymonds
Chief Administrative Law Judge
NYSDEC

July 19, 2014

Office of Hearings and Mediation Services
625 Broadway, 1st Floor
Albany, NY 12233-1550

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Best Regards,

Douglas C. Lee

[REDACTED]

[REDACTED]

[REDACTED]