



CWM Chemical Services, LLC - August 13, 2014

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CWM CHEMICAL SERVICES, L.L.C.
STATE OF NEW YORK
FACILITY SITING BOARD

and the

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION NOTICE OF SECOND EXTENSION OF PUBLIC COMMENT PERIOD NOTICE OF EXTENSION TO FILE PETITIONS FOR PARTY STATUS

Applicant: CWM Chemical Services, L.L.C. (1550 Balmer Road, PO Box 200, Model City, New York 14107) (CWM), proposes to construct and operate a new landfill and other units to store, treat and dispose of hazardous and industrial non-hazardous waste at the company's existing facility located in the Towns of Porter and Lewiston, Niagara County. The proposed landfill would be designated as Residuals Management Unit - Two (RMU-2). The proposed RMU-2 landfill and other units are intended for the disposal and management of hazardous and industrial non-hazardous wastes at CWM's existing facility.

CWM has filed the following applications for the proposed RMU-2 landfill project:

- Part 361 Hazardous Waste Facility Siting Certificate Application (Environmental Conservation Law [ECL] Article 27, Title 11);
- Part 373 Hazardous Waste Management Facility Permit Modification Application (ECL Article 27, Title 9) (DEC Permit Application No. 9-2934-00022/00225);
- Part 663 State Freshwater Wetlands Permit Application (ECL Article 24, Title 7) (DEC Permit Application No. 9-2934-00022/00231);
- Section 608.9 Water Quality Certification Application (Section 401 of the federal Clean Water Act) (DEC Permit Application No. 9-2934-00022/00232); and
- Part 750 State Pollution Discharge Elimination System (SPDES) Permit Modification Application (ECL Article 17, Title 8) (DEC Permit Application No. 9-2934-00022/00049).

Notice of Complete Application: A Notice of Complete Application was published in the Department's [Environmental Notice Bulletin \(ENB\) on May 7, 2014](#), and in local newspapers during the week of May 5, 2014.

Notice of Extension of Public Comment Period: A Notice of Joint Public Statement Hearing and Notice of Extension of Public Comment Period was published in the Department's [ENB on June 11, 2014](#), and in local newspapers during the week of June 9, 2014. The Notice of Extension of Public Comment Period extended the public comment period from July 7, 2014 to September 5, 2014.

Written Comments: The date to file written comments is hereby extended 45 days from September 5, 2014 to October 20, 2014. Written comments must be postmarked by **October 20, 2014** to be

considered.

All interested persons, organizations, corporations or government entities may submit written comments by mail no later than October 20, 2014, to Chief Administrative Law Judge James T. McClymonds, Office of Hearings and Mediation Services, New York State Department of Environmental Conservation, 625 Broadway, 1st Floor, Albany, NY 12233-1550. The following email address is also available: CWM.RWMUNIT2@dec.ny.gov. All comments submitted by email must be dated no later than October 20, 2014.

Issues Conference: Pursuant to 6 NYCRR 624.4(b), a pre-adjudicatory issues conference will be held. The purpose of the issues conference is to determine party status for any person who has properly filed a petition (as indicated below) and to define the scope of issues, if any, that require adjudication with regard to the permit applications pending before the Department as well as the certificate requested from the Facility Siting Board. Please note that participation at the issues conference is limited to Department staff, applicant, and those persons requesting party status.

Filing for Party Status: Persons seeking to participate in the issues conference and any subsequent adjudicatory public hearing, if one is necessary, must file a petition (a written statement) explaining whether the request is for full party status or amicus status. For the required contents of petitions for full party status, see 6 NYCRR 624.5(b)(1) and (2). To determine whether an issue is substantive see 6 NYCRR 624.4(c)(2), and to determine whether an issue is significant, see 6 NYCRR 624.4(c)(3).

The [June 11, 2014 ENB Notice](#) set September 30, 2014, as the deadline to file petitions for party status. Please take notice that the date to file petitions for party status or amicus status is extended from September 30, 2014 to **October 20, 2014**. All filings for party status or amicus status must be sent to ALJ Daniel P. O'Connell, Office of Hearings and Mediation Services, New York State Department of Environmental Conservation, 625 Broadway, 1st Floor, Albany, NY 12233-1550, and must be received by 4:00 P.M. on Monday, October 20, 2014.

In addition to filing a petition with the ALJ, a copy of any petition must also be sent at the same time and in the same manner to counsel for Department staff (David Stever, Esq., Assistant Regional Attorney, NYSDEC Region 9, 270 Michigan Avenue, Buffalo, New York 14203), and to CWM's counsel (Daniel M. Darragh, Esq., Cohen & Grigsby, PC, 625 Liberty Avenue, Pittsburgh, Pennsylvania 15222).

A notice of when the issues conference will be held will be issued separately, and will set forth the date, time and place for the issues conference.

James T. McClymonds
Chief Administrative Law Judge

Albany, New York
August 8, 2014