

**NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
(NYSDEC)**

**6NYCRR PART 373
HAZARDOUS WASTE MANAGEMENT
PERMIT RENEWAL
FOR
CWM CHEMICAL SERVICES L.L.C.
MODEL CITY FACILITY
NIAGARA COUNTY**

**NYSDEC
RESPONSIVENESS
SUMMARY**

**SECTION II
CWM COMMENTS &
NYSDEC RESPONSES**

NOTE: Comment #s have been established in the order of the Permit Conditions and Attachment Sections to which they pertain, and do not necessarily correspond to the Comment #s in CWM's correspondence. However, in each case, the CWM # is also presented in brackets "[CWM #]".

COMMENT NUMBER: 1 [CWM #111]

For clarification and consistency with the Waste Analysis Plan and Module I, added citation for Parts 371 and 374 to reference management of hazardous waste with special provisions such as waste from a conditionally exempt small quantity generator and universal waste.

NYSDEC RESPONSE:

The NYSDEC conceptually agrees with the CWM comment. 6 NYCRR 371.1(j) exempts “Universal Wastes” from Part 373 regulation therefore, these wastes are exempt from regulation by this Part 373 Permit and can be managed at the CWM facility outside of this Permit provided that such management is in compliance with 6 NYCRR 374-3. Similarly, the CWM facility can function as a “Household hazardous waste collection facility”, as defined by 6 NYCRR 370.2(b)(93) outside of this Permit provided that the CWM facility is authorized to accept such hazardous wastes from Households or Conditionally Exempt Small Quantity Generators (CESQGs) under 6 NYCRR 373-4.

Based on review of this CWM comment, the NYSDEC has determined that it is also appropriate to expand the above requested clarification to include the collection of Electronic Waste (“e-waste”) at the CWM facility for recycling purposes, as allowed pursuant to Environmental Conservation Law (ECL) § 27-2613. Therefore, the NYSDEC has revised this condition in the manner described above. The NYSDEC has also revised similar conditions which appear in other parts of the Permit as indicated in the “Permit Revisions” below.

Furthermore, since CWM operates a hazardous waste landfill at its facility, the NYSDEC has determined that it is appropriate to clarify at appropriate locations in this Permit, that e-waste is prohibited from disposal at the CWM facility pursuant to the disposal ban under ECL § 27-2611.

All of the clarifications indicated in the permit revisions are intended to ensure there are no conflicts between the Permit and the above cited statutes and regulations.

COMMENT NUMBER: 2 [CWM #2]

The current permit allows these dynamic documents to be updated by a technical review and an Engineering approval.

NYSDEC RESPONSE:

Documents incorporated by reference into the Permit, are as much a part of the Permit and as enforceable as conditions contained in Permit Modules and attachments.

Module I, Condition B and Condition D in this Permit state this.

The intent of the above identified Permit conditions are to treat revisions of Documents incorporated by reference as they have been in the past.

The subject Permit condition has not been revised as requested by the CWM comment.

COMMENT: 3 [CWM #1]

Module I, Condition G.3., page I-9 correct language to be consistent with the General Inspection requirements in 6 NYCRR 373-2.2(g)(1).

NYSDEC RESPONSE:

NYSDEC agrees with CWM's proposed modification to make this Permit condition consistent with the cited regulation.

COMMENT: 4 [CWM #3]

Module I, Condition N.1, page I-10, Condition as written would require third party validation of routine monitoring performed under the Post-Closure Plan and the Corrective Action program such as sampling and analysis of leachate from closed landfills and ground water extraction systems. Third party review and preparation of a DUSR is onerous, costly, and not warranted for routine monitoring analysis. Condition revised to include only sampling and analysis that will be used to certify that remediation plan/project standards have been achieved.

NYSDEC RESPONSE:

The NYSDEC agrees with the CWM comment with respect to the need for analytical data validation by a third party. The NYSDEC considers that third party validation of data obtained from a laboratory which is NYSDOH approved under their Environmental Laboratory Approval Program (ELAP) is not necessary for data associated with most monitoring/sampling that the Permit requires to be conducted at regular intervals (e.g., monthly, quarterly, etc.). However, such validation is necessary for analytical data associated with environmental decision points. For example, the NYSDEC considers that third party validation is necessary for analytical data associated with: 1) a closure certification in accordance with 6

NYCRR 373-2.7(f); 2) a post-closure certification in accordance with 6 NYCRR 373-2.7(f); 3) an investigation of a newly identified Solid Waste Management Unit (SWMU) as required by DER-10; and 4) a decision involving changes to approved corrective measures. Such validation is also necessary in situations where a potential anomaly is identified in any analytical data set, regardless of whether it is data associated with a decision point or routine monitoring data. Lastly, since situations other than the above could occur where the NYSDEC would consider third party validation to be warranted, the Permit condition should require CWM to submit such validation if requested by the NYSDEC.

Therefore, the NYSDEC has revised this condition to limit requirements for third party validation of analytical data as specified above.

COMMENT NUMBER: 5 [CWM #4]:

Correction to number of areas with hazardous waste treatment tanks.

NYSDEC RESPONSE:

With regard to the number of areas in which “T01” type treatment tanks are located, the NYSDEC has reviewed the list of tanks/areas in Exhibit D of Schedule 1 of Module I in the Draft Permit and has determined that “11” is the correct number of areas with respect to T01 tanks. It should be noted that the Mix Pit treatment tanks, which may have been in CWM’s count of treatment tank areas, are classified as “T04” type treatment tanks since they process waste in units of “short tons per day”, and as such, these tanks and the area in which they are located are listed separately in the table under Condition A. Therefore, the number of T01 areas in the table has not been revised.

COMMENT NUMBER: 6 [CWM #4]

Correction of the maximum quantities of liquid and solid incinerables to be consistent with the Closure Cost Estimates. Also see CWM Comment #15.

NYSDEC RESPONSE:

With regard to the quantity limits of incinerable liquids and solids in Footnote 3, the NYSDEC has reviewed CWM’s June 2012 Closure Cost Estimate and based on this review, has determined that, at closure, an additional 4246 gallons of liquid PCB incinerables would be generated from transformers stored in the T.O. Building CSA. This quantity was inadvertently not counted by the NYSDEC in its original summation of the incinerable liquid closure inventory. The NYSDEC has also determined that, at closure, an additional 32,000 pounds of solid incinerables would be generated from the AWTS Filter Cake CSA. Again, this quantity was

inadvertently not counted by the NYSDEC in its original summation of the incinerable solids closure inventory. When these additional quantities are accounted for, the total amount of incinerable liquids in the closure inventory increases from 126,200 to 130,636 gallons and the total amount of incinerable solids in the closure inventory increases from 601,500 to 633,500 pounds. Therefore, the NYSDEC agrees with CWM's proposed modification of the quantitative limits in Footnote 3 of the table under Condition A and has revised this footnote accordingly.

COMMENT NUMBER: 7 [CWM #5]:

Relocate documents from Permit Attachments to Documents Incorporated by Reference so they are grouped with other similar documents such as the CWM Meteorological Monitoring Network – Quality Assurance Project Plan and the Groundwater Sampling and Analysis Plan.

NYSDEC RESPONSE:

The NYSDEC does not consider that CWM has provided a substantive reason for relocating these Plans within the Permit. Such relocations would also entail changing citations of these Plans throughout the Permit. The NYSDEC does not see a need to relocate these Plans, and therefore the subject Permit condition has not been revised as requested by the CWM comment.

COMMENT NUMBER: 8 [CWM #6]

CWM asked the Department for clarification of the Schedule 1 of Module I, Condition D, page S1-6 (first item in table) draft permit condition, seeking revision to reflect the facility's understanding of the intent of this condition.

NYSDEC RESPONSE:

CWM is correct in that one of the purposes of this deliverable item in the Schedule of Deliverables table is to require CWM to verify that any and all citations of Permit conditions in Permit Attachments and Documents Incorporated By Reference, correctly correspond to the Permit conditions in the renewed Permit. However, it is also correct that the original intent of this deliverable item was to incorporate the Exhibits in Schedule 1 of Module I into appropriate sections of the CWM application for subsequent incorporation into the Permit. The purpose of relocating the content of these exhibits is to consolidate all the specific requirements which are unique to CWM into the Permit's Attachments.

However, the NYSDEC understands the logistical complexities and potential problems associated with making this substantial administrative change in the required time period. NYSDEC has also considered the significance of this

deliverable item in relationship to other required Permit submissions and obligations. As a result, NYSDEC has revised the condition to require the submission incorporating the Exhibits into Attachments 180 days prior to Permit expiration so that it coincides with the required submission of the next Permit renewal application.

NYSDEC has revised Condition D to add a deliverable requirement to the table which requires CWM to provide a Permit modification request within a 90 day time period to add reference tables to the Permit.

NYSDEC still considers it necessary to have CWM verify that any and all citations of Permit conditions in Permit Attachments and Documents Incorporated By Reference, correctly correspond to the Permit conditions in the renewed Permit. Therefore, NYSDEC has also revised Condition D to add a deliverable requirement to the table which requires CWM to submit within a 90 day time period a review of all Attachments and Incorporated Documents for citation errors, and, if necessary, submit a Permit modification request to correct any and all identified citation errors.

COMMENT NUMBER: 9 [CWM #7]

Depending on the timing of the approval of the Process Area III Construction Report and the issuance of the permit, the construction report may be approved, but the SMP may not yet have been created based on the item in the Schedule of Deliverables that requires that a draft SMP be submitted within 90 days of the effective date of the permit. Schedule 1 of Module I, Condition D, page S1-8 (10th Item in table) needs to be revised to reflect this.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised this condition to require the incorporation of the Process Area III GWES into the SMP with its original submission.

COMMENT NUMBER: 10 [CWM #7]:

Depending on the timing of the approval of the Process Area IV Construction Report and the issuance of the permit, the construction report may be approved, but the SMP may not yet have been created based on the item in the Schedule of Deliverables that requires that a draft SMP be submitted within 90 days of the effective date of the permit. Schedule 1 of Module I, Condition D, page S1-9 (14th Item in table) needs to be revised to reflect this.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment, therefore, the NYSDEC has revised this condition to require the incorporation of the Process Area IV GWES into the SMP with its original submission.

COMMENT NUMBER: 11 [CWM #8]

Schedule 1 of Module I, Condition F, page S1-11 (1st Item in table) - Reference to Attachment M (Surface Water SAP) should be deleted – Surface water data is submitted monthly to the Division of Water under the DMR program.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment. A review of the reporting requirements in Attachment M confirms that all reporting of surface water chemical analysis is to be made in the form of SPDES Discharge Monitoring Reports (DMRs) to the NYSDEC's Division of Water, and therefore it is not required by Attachment M. With respect to the radiological analysis of surface water required by Attachment M, but which is not reported under SPDES, these results are already required to be reported to NYSDEC by Deliverable Item 27 on Page S1-13 of the Draft Permit, so it is not necessary to also require submission under Item 1. Therefore, the NYSDEC agrees with CWM's proposed modification.

COMMENT NUMBER: 12 [CWM #12]

Schedule 1 of Module I, Condition F, page S1-12, (16th item in table) needs to be revised since Exhibit B is Corrective Measures and it does not have a Condition F.2.d. Correct reference is Condition D.3.d of Exhibit B.

NYSDEC RESPONSE:

The NYSDEC agrees that the requirement citation in this item is incorrect and that CWM has proposed the correct citation in its comment.

COMMENT NUMBER: 13 [CWM #9]

Schedule 1 of Module I, Condition F, page S1-12, (21st Item in table) requires submittal of results of quarterly leachate level measurements and verification within 30 days of end of quarter. The requirement to report the result of the measurement and verification results performed whenever a level probe is moved or replaced would be more practical if the results could be submitted along with the quarterly leachate level data rather than at the end of each month.

NYSDEC RESPONSE:

The NYSDEC agrees that incorporating leachate level measurements from any probe movement events into the quarterly reports, as suggested by this CWM comment, is an acceptable reporting consolidation. Therefore, the NYSDEC agrees with CWM's proposed modification of this item in the table under Condition F.

COMMENT NUMBER: 14 [CWM #10]

Schedule 1 of Module I, Condition F, page S1-13, (27th Item in table) - Duplicate of first item in table.

NYSDEC RESPONSE:

The NYSDEC has reviewed these table items and agrees with CWM's proposed modification to delete the 27th item from the table under Condition F.

COMMENT NUMBER: 15 [CWM #11]

Schedule 1 of Module I, Condition F, page S1-13, (31st item in table) – needs to clarify that the report of the analysis of the AWT effluent required by the WAP is due 30 days after the end of the month in which the sampling event took place.

NYSDEC RESPONSE:

The NYSDEC agrees with CWM's proposed modification to clarify the monthly reporting timeframe for the AWT Effluent Report.

COMMENT NUMBER: 16 [CWM #13]

Schedule 1 of Module I, Exhibit A, Condition A.5., page A-1 The determination of whether assistance is needed from the local fire company should be made by the facility's on-site Emergency Coordinator. This is consistent with the facility's Contingency Plan. A mandatory requirement to respond or assemble at the facility's main entrance would be a burden for a volunteer fire company located in a rural community.

NYSDEC RESPONSE:

Since this condition is intended to cover incidents which effect or have the potential to effect off-site areas, the NYSDEC does not consider it appropriate for the CWM Emergency Coordinator or the permit to have the appearance of limiting the actions of the fire company/department when it comes to off-site properties, such as instructing them to "stand by" as requested by the CWM comment. Also, in

reviewing the original draft Permit condition for this CWM comment, the NYSDEC has determined that it might also be inappropriate to allow CWM to require the fire company/department to assemble at the entrance and await further instructions from CWM's Emergency Coordinator when off-site property is or may be involved. Therefore, to insure that this Permit condition does not place any limits on the actions of the fire company/department when off-site property is or may be involved, the condition has been revised to simply require CWM to alert the local fire company/department to respond.

Note: Public Comment #48-199 has also been considered with respect to the revision of this Permit condition.

COMMENT NUMBER: 17 [CWM #14]

Schedule 1 of Module I, Exhibit A, Condition E.1.a., page A-7 - Verbal notification of the On-Site DEC Monitors should suffice to notify them that the facility will be updating/modifying an Safe Division Practices (SDP). The update process cannot be completed in five days. It generally involves input from one or more Operations Supervisors and/or Technical personnel, then a review and approval by the Technical Manager, Safety Specialist and Facility Manager. If the On-site Monitor has questions about the scope and content of the update, information will be provided upon request. If they would like to see a working draft of the update, they may request one from the Environmental Department.

NYSDEC RESPONSE:

With regard to the type of notification to be provided for an SDP modification (i.e., written or verbal), the NYSDEC notes that each such written notification can be provided via an E-mail containing a description of the modification. The NYSDEC does not consider such a written notification as being too onerous. Furthermore, it is considered appropriate in this case that the notification be in writing to avoid possible misinterpretations and to establish a documentary record confirming compliance with this Permit condition. Therefore, the NYSDEC has retained the requirement to provide written notification in this Permit condition.

With regard to the time limit for providing copies of each actual SDP modification to the NYSDEC, it was assumed that these would be finalized copies of the SDP modification having already received all the internal CWM approvals necessary for their finalization. While the NYSDEC has no problem with having this 5 day period begin on the date upon which an SDP modification is internally finalized, there must be an allowance prior to implementation for the Department to review the SDP modification in order to determine consistency with Permit requirements. Therefore, the NYSDEC has revised this condition to allow the Department sufficient time to review the actual SDP modification prior to implementation.

COMMENT NUMBER: 18 [CWM #15]

Schedule 1 of Module I, Exhibit A, Condition G.1., page A-8 – requires correction of the maximum quantities of liquid and solid incinerables to be consistent with the Closure Cost Estimate (June 2012). As discussed with the Department, quarterly assessment of the incinerables in storage is sufficient. Clarification that assessment will be based on a “snapshot” taken at the end of the quarter.

NYSDEC RESPONSE:

See response to Comment #5 regarding the quantities of material. NYSDEC also agrees that the draft text could be interpreted as requiring a summation of all incinerable wastes received over a given period for a comparison to the given limits with no subtraction of incinerable wastes transported off-site during that same given time period. This is not the intended meaning since the purpose of this condition is to verify compliance with the quantity limits with respect to the incinerable wastes that are actually being stored on-site during the given time period. The NYSDEC also agrees that a quarterly rather than monthly verification is acceptable. Therefore, NYSDEC agrees with CWM’s proposed modification to quantities and text in Condition G.1.

COMMENT NUMBER: 19 [CWM #16]

Schedule 1 of Module I, Exhibit A, Condition H.3.a., page A-10 - On February 5, 2010, as required by Module I, Condition W(6), of the Part 373 Permit No. 9-2934-00022/00097, CWM submitted an update to the real risk free discount rate, which is used to calculate the Perpetual Post-Closure Care Cost Estimate for the CWM Model City Facility. The update was prepared by KPMG LLP, using the arithmetic average Annual Total U.S. Long Return, adjusted by the Consumer Price Index for the years 1800 through 2008, as specified by the referenced permit condition. The update concluded that the appropriate new discount rate was 4.05%. The evaluation revised the previously proposed KPMG discount rate of 3.96%, submitted on August 29, 2005, and compares reasonably well with the discount rate of 3.85% calculated by Arthur Anderson LLP using the same calculation method, submitted on April 30, 1997, and approved by the NYSDEC on February 12, 1999. NYSDEC responses have not been received for the proposed 2005 and 2010 updates. The 3.85% discount rate was used in the most recently approved post-closure cost estimate.

CWM requests NYSDEC review and approval of the 2010 evaluation and the use of a 4.05% discount rate. CWM will then utilize the new discount rate in future Perpetual Post-Closure Care Cost Estimates.

NYSDEC RESPONSE:

CWM's February 5, 2010 update to the real risk free discount rate from KPMG LLP was considered by NYSDEC during the development of the Draft Permit for this renewal, along with other relevant considerations. Among these other considerations was the fact that the submission is reportedly based on a Consumer Price Index for years up through 2008, and does not reflect the economic downturn and generally lower interest rates which have occurred between 2008 and the present. Taking all factors into account, as well as the need to apply an adequate degree on conservatism in deriving such an assumed rate, the NYSDEC decided to leave the rate unchanged in the Draft Permit. Therefore the subject Permit condition has not been revised as requested by the CWM comment.

COMMENT NUMBER: 20 [CWM #17]

Schedule 1 of Module I, Exhibit B, Conditions D.1. and D.3, Pages B-10 and B-11 - Citation needs to be corrected A.7 no A.8.

NYSDEC RESPONSE:

The NYSDEC agrees that the reference made in Conditions D.1 and D.3 of Exhibit B should be to Condition A.7 in Module I which prescribes procedures for CWM submissions and has modified the permit.

COMMENT NUMBER: 21 [CWM #18]

Schedule 1 of Module I, Exhibit C, Condition A.1. , table pages C-1 through C-4 - Container type 11G was apparently inadvertently omitted from Area III.

Additional review of types of containers received at CWM has identified 6G (composite packaging, exterior fiberboard) that must be added to the list of authorized containers for Container Storage Areas 1-6, 8-10, and 22. Containers 11H (rigid plastic IBC) and 11HZ (composite IBC) must be added to the list of authorized containers for Container Storage Areas 1, 2, 4-6, 8-10, and 22. New large packaging designated as Flexible Bulk Container (FBC) with a code of BK3 was added to the DOT regulations on January 7, 2013. See attached proposed revision to Condition A.1 of Exhibit C.

Thought for consideration – packaging types and codes are often changed in the DOT regulations. There are usually one or two rules dealing with packaging published during a year by the Pipeline and Hazardous Materials Safety Administration. Each change to the types of packaging listed in the permit will require a permit modification. As all DOT specification containers are authorized for transportation, shouldn't they also be authorized for storage?

Alternately, language could be included in the Permit that would allow the On-site monitor to approve storage of other DOT container types upon receipt.

NYSDEC RESPONSE:

Container Type 11G – US DOT Container Type 11G “Fiberboard for Solids Discharged By Gravity” containers, were not inadvertently omitted from the list of allowable containers for hazardous waste storage in Drum Management Building (DMB) Area III. DMB Area III is designated for the segregated storage of oxidizers, and “11G” is not one of the allowable container types for storage of solid oxidizers according to the CWM provided table in Section B.(4) of Appendix D-1 in Attachment D of the Permit, nor is it indicated as an authorized container type for all types of solid oxidizers under 49 CFR 172.101. In addition, the NYSDEC considers the storage of wastes in combustible fiberboard containers in the same area in which oxidizers are stored, to be incompatible storage. Therefore the subject Permit condition has not been revised to allow the use of 11G container types in DMB Area III as requested by the CWM comment.

Container Type 6G – Although US DOT Container Type 6G “Composite Packaging, Exterior Fiberboard” containers were not one of the types in the CWM provided table in Section B.(4) of Appendix D-1 in Attachment D of the Permit, the NYSDEC would agree that the “6G” container type is similar to the “4G” and “11G” fiberboard container types already allowed for use in certain Container Storage Areas (CSAs), and appear authorized for the storage of specific solid hazardous wastes as are designated by the 6G code under 49 CFR 172.101. However, for reasons stated above with respect to Container Type 11G, the NYSDEC does not consider Container Type 6G as appropriate for use in DMB Area III. Therefore, the NYSDEC has revised this condition to allow the use of 6G container types in DMB Areas I, II, IV, V & VI; DMB Truck Load/Unload Ramp; PCB Warehouse Areas 1 & 3/6; and Stabilization Facility, Upper Drum Shredder Area, but not in DMB Area III.

Container Types 11H & 11HZ – Although US DOT Container Type 11H “Rigid Plastic IBC for Solids Discharged By Gravity” and US DOT Container Type 11HZ “Rigid Plastic Composite IBC meeting only Packing Group III Tests for Solids Discharged By Gravity” containers were not the types in the CWM provided table in Section B.(4) of Appendix D-1 in Attachment D of the Permit, the NYSDEC would agree that the “11H & 11HZ” container types are similar to the other rigid plastic container types already allowed for use in certain Container Storage Areas (CSAs), and appear authorized for the storage of specific solid hazardous wastes as are designated by the 11H & 11HZ codes under 49 CFR 172.101. Therefore, the NYSDEC has revised this condition to allow the use of 11H & 11HZ container types in DMB Areas I, II, IV, V & VI; DMB Truck Load/Unload Ramp; PCB Warehouse Areas 1 & 3/6; and Stabilization Facility, Upper Drum Shredder Area.

Container Type BK3 - Although US DOT Container Type BK3 “Flexible Bulk Container” containers were not one of the types in the CWM provided table in Section B.(4) of Appendix D-1 in Attachment D of the Permit, the NYSDEC would agree that this container type appears authorized in accordance with 49 CFR 173.240 for the storage of specific hazardous wastes as are designated by the “B120” code in the table under 49 CFR 172.101. However, since the “B120” code does not appear in the table for oxidizers, the NYSDEC does not consider Container Type BK3 as appropriate for use in DMB Area III. Therefore, the NYSDEC has revised this condition to allow the use of BK3 container types in DMB Areas I, II, IV, V & VI; DMB Truck Load/Unload Ramp; PCB Warehouse Areas 1 & 3/6; and Stabilization Facility, Upper Drum Shredder Area, but not in DMB Area III.

Unlisted Container Types – With respect to the storage unlisted container types resulting from US DOT regulatory changes or other factors, which could occasionally be shipped to CWM, NYSDEC would point out that the CWM procedure under Section B.(4).(a) of Appendix D-1 in Attachment D of the Permit (on pages 6 & 7) provides a process by which containers other than those listed in the table maybe accepted for storage in the proper CSA provided they meet the criteria contained within the procedure. Permit modification requests should be made for new US DOT container types that CWM intends to accept and store on a regular basis.

Based on the above discussion, Schedule 1 of Module I, Exhibit C, Condition A.1 , Table on Draft Pages C-1 through C-4 has been revised in the final permit.

COMMENT NUMBER: 22 [CWM #19]

Schedule 1 of Module I, Exhibit C, Condition A.1, table pages C-1 through C-4 - The specification of <55 gallons is not consistent with the types of containers listed in the table (e.g. 11G is a bulk container such as a cubic yard box, which is larger than a 55 gallon drum).

Same correction made in Footnote 2; “less than 55 gallons” replaced with “other than 55 gallons”. The last sentence of footnote indicates that the maximum quantity of liquid waste that may be stored in an area is determined by multiplying the number of drums listed in the quantity column by 55 gallons. Same correction made in Footnote 9; replaced drums (55 gallon or less) with containers.

See Attachment 1 for proposed revisions to Condition A.1 of Exhibit C.

NYSDEC RESPONSE:

With regard to CWM's comment on the " ≤ 55 gallon" provision expressed in the "Container Specification" for some of the Storage Areas, NYSDEC would point out that this is modified by "Footnote 4" to allow storage of larger containers for certain storage areas. Therefore, the subject Permit provision in the table has not been revised as requested by the CWM comment. NYSDEC has revised Footnote 4 to reflect the storage of containers with up to a 330 gallon capacity.

With regard to CWM's comment on "Footnote 2", NYSDEC would point out that this footnote is intended to apply to containers whose individual capacity is less than 55 gallons. Storage of containers with capacities larger than 55 gallons are addressed by Footnote 4, as stated above. Therefore, the subject footnote in the table has not been revised as requested by the CWM comment. Also, see NYSDEC's response to Comment #23 regarding revisions to Footnote 4.

With regard to CWM's comment on "Footnote 9", NYSDEC conceptually agrees with this CWM comment in that storage of containers on flatbeds and in box vans does not necessarily need to be limited to drums with a capacity of 55 gallons or less. However, some capacity limitation is needed for individual containers for reasons expressed in NYSDEC's response to Comment #28. Therefore, NYSDEC has revised Footnote 9 to reflect the storage of containers with up to a 330 gallon capacity on flatbeds and in box vans.

COMMENT NUMBER: 23 [CWM #20]

Schedule 1 of Module I, Exhibit C, Condition A.1, table pages C-1 through C-4
Footnote 4 - Condition modified to provide for bulk containers such as 31H (e.g. 270 and 330 gallon totes). See Attachment 1 for proposed revisions to Condition A.1 of Exhibit C.

NYSDEC RESPONSE:

NYSDEC conceptually agrees with this CWM comment with regard to allowing the storage of containers in the specified areas with individual capacities greater than 55 gallons. However, some capacity limitation is needed for individual containers for reasons expressed in NYSDEC's response to Comment #28. Therefore, NYSDEC has revised Footnote 4 to reflect the storage of containers with up to a 330 gallon capacity.

COMMENT NUMBER: 24 [CWM #21]

Schedule 1 of Module I, Exhibit C, Condition A.1, table pages C-1 through C-4
A cargo tank is only one type of DOT specification bulk liquid containers. A footnote needs to be added to indicate that other types of bulk liquid containers may also be stored in these areas (e.g. portable tank like a Baker tank used for tank clean out activities). See Attachment 1 for proposed revisions to Condition A.1 of Exhibit C.

NYSDEC RESPONSE:

The NYSDEC agrees with CWM's comment proposing to add a footnote to the table under Condition A.1 to allow the storage of other containers meeting DOT specifications in storage areas where Cargo Tank storage is indicated. However, the footnote number should more appropriately appear on the "Container Specifications" column header since this is the column where "Cargo Tanks" are indicated. Also, NYSDEC considers it appropriate that the footnote indicate that the number of units and individual capacity limits for Cargo Tanks are applicable to other type containers meeting DOT specifications. The table has been revised in the final permit to add the following as Footnote 17: Where "Cargo Tank" is listed in the preceding table, the Permittee may also store other bulk liquid containers meeting USDOT specifications for such storage, provided that the capacity of each such container does not exceed the indicated capacity limit for Cargo Tanks and the number of such containers does not exceed the indicated quantity limit for each storage area.

COMMENT NUMBER: 25 [CWM #22]

Schedule 1 of Module I, Exhibit C, Condition A.1, table page C-2 - Bulk liquid containers were inadvertently excluded from Area IV. See Attachment 1 for proposed revisions to Condition A.1 of Exhibit C.

NYSDEC RESPONSE:

The NYSDEC agrees that Stabilization Facility, Trailer Parking Area IV is constructed with secondary containment of sufficient capacity to allow for cargo tank storage. However, the dimensional limits of Area IV (35' x 100') do not allow for storage of 5 cargo tanks, based on a typical trailer length of between 40 and 50 feet. CWM's proposed modification limits the combined capacity of Areas III & IV to 5 Cargo Tanks, but does not provide a limit of how many Cargo Tanks can be stored in each area. Since Area IV is not of sufficient size to support the storage of 5 tanks, a limit for each area is necessary.

In reviewing the dimensions of both Area III and IV, the NYSDEC has determined that it would be difficult, if not impossible to store any more than 4, 5500 gallon

Cargo Tanks entirely within the dimensions of Area III (35' x 200'). Therefore, NYSDEC has revised the table to set a Cargo Tank limit of 4 for Area III and 1 for Area IV in the final permit.

COMMENT NUMBER: 26 [CWM #23]

Schedule 1 of Module I, Exhibit C, Condition A.1, table pages C-1 through C-4 Retain condition from the current Sitewide Permit that allows for the storage of containers of solid and liquid waste.

25. Inbound tanker spotted at AWT for sampling and analysis may have an oil skim and be directed to the oil-water separator for unloading.

28. T.O. Bldg. Loading Ramp may have a tanker with transformer oil and/or diesel fuel from draining and flushing transformers.

30. T-130 leachate from landfill SLF 1-6 is bi-phased.

31. T-108 leachate from SLF 11 occasionally has a small organic layer.

32. T-109 leachate from SLF 10 might have a small organic layer.

See Attachment 1 for proposed revisions to Condition A.1 of Exhibit C.

NYSDEC RESPONSE:

As CWM is aware, the term “liquid” is a broad term which is used in this table to allow for the storage of both aqueous and incinerable type wastes (i.e., water-based and oil-based wastes). However, the total quantity of incinerable liquid storage at the facility is limited to the total volume expressed in the Facility’s closure cost estimate by Condition G.1 in Exhibit A of Schedule 1 of Module I in the draft Permit. As a result of this limit, NYSDEC uses the term “aqueous waste” in this table which is intended to be applied to container storage areas where the closure cost estimate indicates that only aqueous waste will require on-site treatment/disposal at closure (i.e., no incinerable liquids will be stored in these areas at closure).

Based on the above, NYSDEC has re-examined the closure cost estimate to determine whether the storage of incinerable liquids is accounted for in the estimate, for the areas identified by this CWM comment.

For the T.O. Bldg. Loading Ramp, the closure cost estimate does account for the off-site disposal of incinerable liquids at closure. Therefore, NYSDEC has determined that restricting this area in the table to only aqueous waste storage was an inadvertent error. NYSDEC has therefore revised the table to use the more broad term of “liquid” with respect to the T.O. Bldg. Loading Ramp.

For the other four (4) container storage areas mentioned in the comment, CWM indicates that the aqueous wastes stored in these areas may contain small quantities of incinerable oils miscible within the aqueous waste or on the surface as a thin organic layer. However, the closure cost estimate does not account for the off-site disposal of incinerable liquids at closure from these 4 areas. So, revising the table to use the broad term “liquid” for these areas, as requested by the CWM comment, would be inappropriate since it could be interpreted as allowing the storage of large quantities of incinerable liquids in these areas which is not accounted for in the closure cost estimate. However, having small quantities of incinerable oils contained within the aqueous wastes stored in these areas is not considered by the NYSDEC to be significant in terms of closure costs, and as such, should be allowed by the Permit.

Therefore, to clarify this matter, NYSDEC has revised this table to include a footnote 18 applicable to the 4 container storage areas mentioned in the comment, to make clear that the aqueous wastes stored in these areas may contain small quantities of incinerable liquids.

Footnote 18 (as follows) will be added to the final permit: The containerized aqueous wastes in the noted storage areas may contain small quantities of incinerable liquids within the waste.

COMMENT NUMBER: 27 [CWM #24]

Schedule 1 of Module I, Exhibit C, Condition B.1.a.iii, Page C-6 - Existing condition would prohibit storage of cardboard, fiberboard, textile fabric or other non-metal or non-plastic materials even in box vans in outdoor CSAs. Triple walled cardboard with a plastic liner is a very durable container and unlikely to deteriorate to any extent during a limited storage period in an outdoor containment area. Polypropylene bags with plastic liners are very weather resistant and suitable for storage in an outdoor containment area for an extended period. Both should be identified as allowable containers in this schedule.

NYSDEC RESPONSE:

NYSDEC does not agree with the CWM comment that certain non-metal or non-plastic (e.g., polypropylene bags with plastic liners) are suitable for long-term outdoor storage (one year or more as allowed under the regulations) since such materials are known to deteriorate over time due to environmental conditions and no testing or other information has been provided which would conclusively confirm the weather resistance of such containers over long periods of outdoor storage. However, the NYSDEC would agree that short duration outdoor storage of solids in cardboard, fiberboard, textile fabric or other non-metal or non-plastic containers under limiting conditions, should not pose container integrity problems. Therefore, the NYSDEC has revised this condition to allow short-term outdoor storage of non-metal or non-

plastic containers under limiting conditions, and to clarify that such containers may be used for long-term storage inside box trailers.

COMMENT NUMBER: 28 [CWM #25]

Schedule 1 of Module I, Exhibit C, Condition B.1.b, page C-6 - requests modification to adjust the maximum container size so that the condition allows containers up to the size of totes (31H, 270 or 330 gallons), which are stored in the Drum Warehouse, but excludes tankers and roll-off boxes that are stored in outdoor containment areas. A bulk container such as a 31H is about the width of two 55-gallon drums, and thus totes (and cubic yard boxes) should be placed in single rows to allow for adequate aisle space and access for inspection.

NYSDEC RESPONSE:

The NYSDEC agrees with the CWM comment that containers with capacities of up to 330 gallons which meet USDOT specifications are acceptable for hazardous waste storage in CSAs which are identified in Condition A.1 (table) for storage of containers with capacities of ≤ 55 gallons. However, while 55-gallon drums and 85-gallon overpack drums can be stored in a similar manner, containers with capacities of between 85 and 330 gallons require special storage restrictions. For instance, as pointed out in the CWM comment, the dimensions of containers with larger capacities necessitate that they be stored in single rows so as to maintain proper aisle space. Also, NYSDEC does not consider it appropriate to stack these larger containers due to their larger size. Therefore, the NYSDEC has revised this condition to allow storage of containers with capacities of 330 gallons or less in CSAs designated for of containers ≤ 55 gallons, with certain specified restrictions. Also, NYSDEC has revised Condition B.1.b.i.'d' to reflect requirements for storage of non-metal or non-plastic containers on flatbeds as indicated by NYSDEC's response to Comment #27.

COMMENT NUMBER: 29 [CWM #26]

Schedule 1 of Module I, Exhibit C, Condition B.1.c, page C-6 - requests modification to the minimum container size so that the condition applies to tankers and roll-off boxes that are stored in outdoor containment areas, but excludes totes, which are stored in the Drum Warehouse.

NYSDEC RESPONSE:

The intent of the revision proposed by this CWM comment is to make Condition B.1.c consistent with the revision of Condition B.1.a to allow containers with capacities up to 330 gallons to be stored in ≤ 55 -gallon CSAs, as addressed in NYSDEC's response to Comment #28. The NYSDEC agrees with this comment

which clarifies that “larger containers” are those with capacities above 330 gallons and will make CWM’s proposed modification to Exhibit C, Condition B.1.c.

COMMENT NUMBER: 30 [CWM #27]

Schedule 1 of Module I, Exhibit D, Condition A.1, table page D-2 - Correction of footnote reference for tank T-220.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment. Footnote 25 on Tank T-220 inappropriately refers to this tank as being constructed of HDLPE. Therefore, NYSDEC has revised Condition A.1 as requested by the CWM comment.

COMMENT NUMBER: 31 [CWM #27]

Schedule 1 of Module I, Exhibit D, Condition A.1, table page D-6 - Correction of tank materials of construction for tank T-8010.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment to correct Tank T-8010’s material of construction. Therefore, the NYSDEC agrees with CWM’s proposed modification to correct this inadvertent omission by adding the following: Footnote 28. HDPE = High Density Polyethylene

COMMENT NUMBER: 32 [CWM #28]

The current permitted actual horizontal and vertical limits which govern the amount of waste that may be disposed of in RMU-1 are present on “Top of Waste Grade” Drawing No. 11a in Attachment J, Appendix D 6 of the Permit.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment that the appropriate Drawing indicating the limits of waste disposal in RMU-1 is Drawing 11a and has revised Condition A.1 Table Footnote 3 in the final permit as requested by the CWM comment.

COMMENT NUMBER: 33 [CWM #29]

Schedule 1 of Module I, Exhibit F, Condition E.1.c.i, pages F-10 and F-11 - Current language indicates that permittee should perform a 2% Organic Limit Analysis using GC/FID. This is a method that CWM developed for screening waste for VOCs prior to the development of the waste characterization methods in SW-846 and the implementation of the LDRs. The method is outdated and should be deleted. The proposed modification simply indicates that the Permittee must comply with the LDRs and references the WAP for details.

NYSDEC RESPONSE:

The modification which CWM is proposing would simply state that they are required to comply with the LDRs under Part 376, which is already required by Condition E.1 of this Exhibit. However, the LDRs are only applicable to hazardous waste, not non-hazardous waste, so referencing them as proposed would effectively eliminate the condition in the Permit to analyze non-hazardous waste for organic content and the associated 2% limit of organics in such non-hazardous waste.

This Permit condition was established a number of years ago to allay concerns about placing organic constituents from non-hazardous wastes in the landfill. NYSDEC's rationale for such a condition is based on the concern that many of the same organic constituents now limited by the LDR regulations for hazardous waste would be allowed to go into the landfill untreated if they are contained in non-hazardous waste. These organic constituents at high concentrations above 2% may mobilize hazardous constituents in LDR treated wastes, may be toxic, and may generate leachate which could limit the throughput of the wastewater treatment system. Because there is no limit on the amount of non-hazardous waste that can be accepted for landfill disposal, the unchecked allowance of wastes with elevated concentrations of organic constituents is unacceptable.

The NYSDEC would point out that the condition allows CWM to demonstrate the necessity of land disposal of specific non-hazardous wastes with organic contents above 2%, and obtain NYSDEC approval for their disposal in RMU-1 on a case-by-case basis. The NYSDEC, in the process of approving such non-hazardous waste containing organic constituents, may require CWM and the generator to demonstrate why pre-treatment and alternate disposal options are not available for the waste stream in question. Such review is already part of the Department waste approval process.

With regard to CWM's comment that the GC/FID analytical method is out of date, the NYSDEC would agree that this method is outdated. However, NYSDEC would point that the existing condition already allows for the usage of GC/MS method as an alternative for VOC analysis. Nonetheless, NYSDEC has revised this condition to

explicitly define EPA SW-846 Method 8260 as the appropriate method for VOC analysis.

Therefore, for reasons indicated above, the subject Permit condition has only been revised with respect to the subject analytical method.

COMMENT NUMBER: 34 [CWM #30]

Schedule 1 of Module I, Exhibit F, Condition E.1.c.iii.'a', page F-12- 6NYCRR 373-2.14(h) requires wastes that are Ignitable or Reactive to be treated to remove these properties prior to land disposal. The treated waste is no longer reactive and generally not incompatible with other wastes. 6NYCRR 373-2.2(i)(3) requires documentation that waste has been segregated to avoid reaction of incompatibles. Proposed modification separates these two requirements and refers the reader to subsequent sections that describe segregation of potential incompatibles in the landfill and documentation of compliance.

NYSDEC RESPONSE:

NYSDEC agrees with this CWM comment that the condition should also address the regulatory restrictions on land disposal of incompatible wastes. As stated in the CWM comment, these are two separate requirements, and as such the NYSDEC considers that they should appear as separate conditions under Condition E.1.c.iii. Therefore, the NYSDEC has revised this condition to create a separate condition to address restrictions on land disposal of incompatible wastes with appropriate regulatory citations.

COMMENT NUMBER: 35 [CWM #31]

Schedule 1 of Module I, Exhibit F, Condition E.1.d.v.'c', page F-14 - Interim storage of waste pending the result of strength testing is more conservative than Condition E.1.d.v.'e', which allows disposal of the test load prior to completion. CWM often prefers to schedule the first shipment as a test load and analyze a sample for strength to verify that additional shipments may be accepted for direct landfill. Strength testing is a permit condition, not a RCRA regulatory requirement.

NYSDEC RESPONSE:

As CWM is aware, Draft Condition E.1.f of Exhibit F prohibits the interim storage in the landfill of any waste load that has been stabilized to meet LDR requirements and for which CWM is awaiting TCLP testing results to confirm LDR compliance. This prohibition is intended to insure that no waste is placed in the landfill until LDR compliance has been confirmed. However, for waste loads which are already known to be LDR compliant but which require stabilization to meet waste strength criteria,

the NYSDEC would agree that placing such waste loads into the landfill for interim storage while awaiting strength testing results does not create any issues with regard to regulatory compliance. Therefore, the NYSDEC has revised Condition E.1.d.v in a similar manner as proposed by the CWM comment to allow interim storage in the landfill of waste loads that are previously determined to be LDR compliant but which have undergone stabilization for the sole purpose of meeting waste strength requirements. It should be noted however that the NYSDEC has revised Condition E.1.d.v.'e', and not 'c' since 'e' pertains to landfill placement of minimum strength wastes.

COMMENT NUMBER: 36 [CWM #32]

Schedule 1 of Module I, Exhibit F, condition F.3.e, page F-25 - CWM believes that the every other year schedule in the 2005 permit is sufficient to maintain the primary leachate collection pipes. CWM believes that once a cell is capped and the amount of stormwater that can enter the leachate collection system is minimized, that maintenance of the perforated leachate collection pipe in the floor of the landfill is no longer necessary.

NYSDEC RESPONSE:

In light of the clogging problems associated with the perforations in the RMU-1 leachate collection pipes, NYSDEC considers annual flushing of these lines to be an important maintenance activity to maximize flow in the leachate collection system and minimize heads on the primary liner during the cell's operational period. However, the NYSDEC would agree that the functionality of the leachate collection pipe is somewhat less important during a cell's post-closure period due to the anticipated substantially reduced leachate flows attributable to final cover installation and resultant cell dewatering. Therefore, the NYSDEC has revised this condition to allow CWM to decrease the frequency of the hydroflush and camera check to every other year for cell's which have had final cover in place for more than one year.

With regard to CWM's request to be allowed to discontinue the hydroflush and camera check upon NYSDEC approval, the NYSDEC sees no reason for such an allowance at the present time. Therefore, NYSDEC has not revised this portion of the Permit condition as requested by the CWM comment.

COMMENT NUMBER: 37 [CWM #33]

Schedule 1 of Module I, Exhibit F, Condition F.4.b, page F-27 – should CWM find it necessary to install intermediate cover late in a years' construction season, however, market conditions may be such there is not sufficient waste receipts to complete final cover in a large enough area the following year. CWM wants to petition the Department to allow the intermediate to remain in place over a longer period. The

intermediate cover would continue to be inspected daily and repairs made to the soil and/or geomembrane portions of the intermediate cover as necessary.

NYSDEC RESPONSE:

NYSDEC's Spring 2013 inspection of RMU-1 intermediate cover installed in mid-2012 found it to be in good condition after one winter season, with the temporary geomembrane having no significant defects and no signs of erosion of the underlying soil cover. Therefore, based on its 2012-2013 performance, NYSDEC agrees that leaving it in place for a longer period than allowed by the draft condition may be acceptable in specific cases, without significant degradation occurring over the extended period of use. However, NYSDEC does not agree with extending its use for an undefined length of time, as CWM proposed modification indicates. Based on its past performance, NYSDEC would consider it feasible for intermediate cover to function satisfactorily for one additional winter season in certain specific cases. Therefore, the NYSDEC has revised this condition to allow the NYSDEC to approve an extension of intermediate cover usage. NYSDEC has also corrected a typographical error identified in the draft condition.

COMMENT NUMBER: 38 [CWM #34]

Schedule 1 of Module I, Exhibit F, Condition F.5.e, page F-29 - The current CWM GPS records the location of waste in northing, easting, and elevation. The GPS readings are entered into a database along with the horizontal grid location identifier and waste lift number. The horizontal location readings recorded in the database are capable of being converted to latitude and longitude.

NYSDEC RESPONSE:

The NYSDEC agrees and has revised Condition F.5.e as requested by the CWM comment.

COMMENT NUMBER: 39 [CWM #35]

Schedule 1 of Module I, Exhibit F, Condition G.2, page F-31 - Leachate sampling and reporting follow the same schedule as the other environmental sampling programs, e.g. groundwater. The results of the quarterly leachate level verification measurements for RMU-1 are submitted following the end of the quarter. CWM would like to include the leachate level verification measurements for any probes moved along with the quarterly verification report rather than as separate monthly reports.

NYSDEC RESPONSE:

The NYSDEC agrees and has revised this condition in a manner similar to that proposed by the CWM comment.

COMMENT NUMBER: 40 [CWM #36]

Schedule 1 of Module I, Exhibit F, Condition I.1.b.i, page F-35 - Spelling correction. Also revised wording to reflect the fact that actual weights are obtained for bulk shipments by scaling the full container inbound and the empty container outbound. For drums the estimated weight provided on the manifest by the generator is used for landfill disposal records.

NYSDEC RESPONSE:

As required by 6 NYCRR 373-2.5(e)(4), the facility's annual report must include "the quantity of each hazardous waste the facility receives during a given year." and be provided using the report forms and instructions as designated by the Commissioner. These forms require that the quantity of each hazardous waste received be given by weight or by volume and density so that a weight can be calculated. CWM's proposed modification of Condition I.1.b.i does not seem to provide a way to comply with these regulatory requirements, in that it would only require weighing bulk wastes and gives no indication that quantities of non-bulk wastes would be determined as required by 6 NYCRR 373-2.5(e)(4). While the above cited regulations and annual report forms do not necessarily require CWM to weigh each and every waste it receives, they do require CWM to determine either the weight or volume and density of each waste disposed of in its landfill during a given year. Therefore, NYSDEC has revised the subject condition in a manner consistent with fulfillment of the regulatory requirements under 6 NYCRR 373-2.5(e). Also, NYSDEC has corrected the spelling error.

COMMENT NUMBER: 41 [CWM #37]

Schedule 1 of Module I, Exhibit F, Condition J.6, page F-44 - As final cover construction on RMU-1 continues to progress, there may be instances where there will be less than 1 foot of soil cover (0.5 foot grading layer) over the waste prior to geomembrane installation. There may be instances where it may not be feasible to contain the stormwater. In this situation, the stormwater would not have contacted waste, but if the language in the draft permit is not adjusted, it would be required to be managed as contact water.

NYSDEC RESPONSE:

NYSDEC understands this concern and has revised the condition as to require: surface water management during final cover construction shall focus on the restriction of sediment discharge from the work area. Except as described below, no surface water shall be allowed to exit the landfill until a minimum of one (1) foot of intermediate cover soil and a temporary geomembrane has been placed or until the geomembrane has been installed in the case of a GCL Final Cover system. In the case of the GCL Final Cover system, the permittee will have 7 calendar days from the time the six (6) inch soil grading layer has been placed over the waste to either cover the grading layer with GCL or temporary geomembrane. Surface water may exit the landfill during this 7 calendar day period.

COMMENT NUMBER: 42 [CWM #38]

Schedule 1 of Module I, Exhibit F, Condition K.4.a., page F-53 - Delete reference to F.3.e as CWM does not believe that primary leachate line flushing needs to be performed after the landfill is capped. Delete reference to F.6 as the condition requires maintenance of run-on controls until closure of the landfill; not applicable during post-closure period. Changed G to G.1-G.3, as G.4 includes requirements for maintenance of detention basins and stormwater contained by the basins. There will be no stormwater basis in RMU-1 after closure/capping. Module VI includes requirements for an operating landfill, which are not applicable after closure.

NYSDEC RESPONSE:

With regard to CWM's request to delete reference to Condition F.3.e so as to eliminate primary leachate pipe flushing from the list of required RMU-1 perpetual post-closure care activities, the NYSDEC disagrees with this proposed deletion. While the NYSDEC could agree that a decrease in the frequency of flushing to once every two years after a cell is closed is appropriate, as expressed in response to Comment #36, NYSDEC does not consider it prudent to completely eliminate the pipe flushing requirement after closure at this time. Therefore, the reference to Condition F.3.e in this Permit condition has not been deleted as requested by the CWM comment.

With regard to CWM's request to revise reference to Condition G, the NYSDEC agrees with this proposed revision to reference Condition G.1-G.3, since Condition G.4 does not apply after landfill closure as correctly pointed out by the CWM comment. Therefore, NYSDEC has revised the subject condition so that it references the specific Conditions in Condition G which are applicable to post-closure.

With regard to CWM's request to revise reference to Module VI to add the qualifying term "applicable sections", the NYSDEC agrees with CWM that some conditions in Module VI are not applicable as post-closure care requirements. However, NYSDEC

does not consider appropriate to use the vague term “applicable sections” as proposed by this CWM comment since it leaves open to interpretation which conditions apply during post-closure. Therefore, NYSDEC has revised the subject condition so that it references the specific Conditions in Module VI which are applicable to post-closure.

COMMENT NUMBER: 43 [CWM #40]

Schedule 1 of Module I, Exhibit F, Conditions L.1, L.8.c, & L.9.a.x, pages F-56, F-66, and F-68 Correction.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment. Figures 1&2 which are referenced by the subject conditions were inadvertently left out of the Draft Permit and will be added.

COMMENT NUMBER: 44 [CWM #39]

Schedule 1 of Module I, Exhibit F, Condition L.8.a.iv.'d', page F-61
Corrected reference to list of indicator parameters (27 VOCs).

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment to correct the referencing error and has revised Condition L.8.a.iv.'d' as requested by the CWM comment.

COMMENT NUMBER: 45 [CWM #41]

Module II, Condition B.3, page II-1 - Consultants working on plans/projects in their offices off-site may not require training under the Contractor's Safety Rules. Clarification that the completion of the training for required personnel will be documented, rather than demonstrated.

NYSDEC RESPONSE:

With regard to CWM's proposed inclusion of “on-site” in the subject condition, NYSDEC considers that this would inappropriately limit personnel training to only on-site corrective action activities. Since it is possible that future corrective actions could extend to off-site properties, it must be clear that field personnel must be trained regardless of where site related corrective action may be performed. With regard to the concern expressed in the CWM comment that this condition could be misconstrued as applying to off-site office workers doing administrative functions on corrective action projects, the NYSDEC has revised the condition to limit the training requirement to personnel doing corrective action “field” activities. Also, NYSDEC

has revised the condition to require the Permittee to “document” rather than “demonstrate” completion of appropriate training as requested by this CWM comment.

COMMENT NUMBER: 46 [CWM #42]

Module III, Condition D.3, page III-2 - Condition as written was unclear as to when and how the Permittee is to demonstrate Fire Code and NFPA 30 compliance.

NYSDEC RESPONSE:

NYSDEC agrees with this CWM comment that this condition is somewhat unclear with regard to demonstrating Fire Code and NFPA 30 compliance, but does not agree that the CWM proposed modification adequately clarifies the intended meaning of this condition. Since demonstrating compliance with these requirements can best be provided through documentation, NYSDEC has revised this condition to require CWM to maintain documents which demonstrate such compliance (e.g., CSA inspection records, etc.) and to make them available for NYSDEC review. NYSDEC considers that these revisions appropriately clarify the intended meaning of this condition.

COMMENT NUMBER: 47 [CWM #43]

Module III, Condition E.4, page III-2 Clarification needed. Revised condition #4 contains language taken from 6 NYCRR 373-2.4(g), the Contingency Plan and Emergency Procedures section of the regulations. Condition C.2 in Module I references 6 NYCRR 373-1.6, the reporting procedure for any noncompliance that threatens human health or the environment. The language in 373-2.4(g) seems more appropriate. As taken directly from that section of the regulation, the decision to implement the Contingency Plan and provide the required notifications of said implementation for the release from a container should be made by the Emergency Coordinator.

NYSDEC RESPONSE:

The NYSDEC agrees with the CWM comment that the subject condition should be consistent with the applicable regulations. Since this condition is intended to address container leaks which threaten human health or the environment, the NYSDEC considers such leaks as constituting releases to the environment which are subject to regulations contained in 6 NYCRR 373-2.4.

With respect to the specific modification requested by this CWM comment to reference the Emergency Coordinator, instead of simply referring to the Emergency Coordinator, NYSDEC has revised this condition to reference 6 NYCRR 373-2.4(g)

which requires CWM's Emergency Coordinator or his/her designee to determine if a release is a threat to human health or the environment, which would include releases from a leaking container. NYSDEC would also point out that 6 NYCRR 373-2.4(f) requires CWM to, at all times, have at least one employee qualified to act as an Emergency Coordinator either on the premises or on call available to respond to the facility within a short period of time.

To provide further consistency between this condition and the applicable regulations, the NYSDEC has revised the condition to reference 6 NYCRR 373-2.4(g)(4)(ii) with respect to the reporting of such incidents, which NYSDEC would agree is the more applicable notification requirement for incidents of this type. Also, NYSDEC has revised the condition to clarify that the term "as necessary" in the draft condition is meant to require any and all actions necessary to adequately control and resolve the situation.

COMMENT NUMBER: 48 [CWM #43]

Module III, Condition E.5, page III-2 – Clarification needed. Revised condition #5 indicates that the Permittee may use procedures in the Contingency Plan to clean up a leaking container (e.g. a weeping drum of soil boring material) without an Implementation of the Contingency Plan. This eliminates the need to request DEC authorization to restart facility operations, submit a written report within 15 days, etc. for a minor leak/spill.

NYSDEC RESPONSE:

The NYSDEC disagrees with the modification proposed by this CWM comment. Inserting the term "may be used" with respect to the spill/leak procedures contained in the Contingency Plan leaves open the question as to what procedures would be employed by CWM if they decided not to use those in the Contingency Plan. NYSDEC considers the use of other unspecified procedures to be unacceptable. However, NYSDEC has revised the condition to state that CWM will "use" the procedures in the Contingency Plan to clean up minor leaks/spills, instead of utilizing the term "in accordance with." By making this change the NYSDEC considers that the follow-up actions indicated in CWM's comment (e.g., approval to restart operations, written report within 15 days, etc.) which are required by 6 NYCRR 373-2.4(g)(9 & 10) any time the Contingency Plan is "implemented", are not applicable for minor spills/leaks in which Contingency Plan procedures are used to clean up a leak/spill.

COMMENT NUMBER: 49 [CWM #44]

Module III, Condition E.7, page III-2 & 3 Clarification needed. The defective “containment” area needs to be taken out of service and repaired, not the whole operating area. A defect in a containment area is unlikely to require an Implementation of the Contingency Plan.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised Condition E.7 as requested by the CWM comment.

COMMENT NUMBER: 50 [CWM #45]

Module III, Condition E.8, page III-3 Clarification. Procedure for issuing Environmental Work Orders includes selecting a or b, with an option to request an extension using c.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised Condition E.8 as requested by the CWM comment.

COMMENT NUMBER: 51 [CWM #46]

Module III, Condition H.2, page III-4 Clarification. When and where is Permittee to make this demonstration? When containers are placed into storage, Permittee must ensure that they are segregated from incompatible wastes types. When wastes are batched for treatment, compatibility testing must be performed. When wastes are placed in the landfill, compatibility must be considered such as high or low pH.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment with respect to the use of the word “ensure” instead of “demonstrate”. However, since this Module only deals with container storage, NYSDEC does not see a need to specify compatibility during storage, treatment and disposal, and considers the inclusion of these terms in the condition as unnecessarily confusing. Therefore, NYSDEC has not revised the condition to include these terms.

COMMENT NUMBER: 52 [CWM #47]

Module IV, Condition B.4.a, page IV-1 Added the most common means of letter transmittal submissions via electronic mail.

NYSDEC RESPONSE:

CWM may submit an electronic copy of the document, however, since this case involves the submission of a Professional Engineer's certification, note that a hard copy of certification page containing the Professional Engineer's raised stamp for authentication purposes must also be submitted.

COMMENT NUMBER: 53 [CWM #48]

Module IV, Condition E.4, page IV-2 Clarification. Revised condition #4 contains language taken from 6 NYCRR 373-2.10(g), the Response to leaks or spills from tanks section of the regulations. Condition C.2 in Module I references 6 NYCRR 373-1.6, the reporting procedure for any noncompliance that threatens human health or the environment. The language in 373-2.10(g) seems more appropriate.

NYSDEC RESPONSE:

To provide consistency between this condition and the applicable regulations, the NYSDEC has revised the condition to reference 6 NYCRR 373-2.10(g)(4) with respect to the reporting of "non-minor" tank system releases which are either controlled within secondary containment or extend beyond such containment. NYSDEC agrees with this portion of the CWM comment that this is the more applicable notification requirement for incidents of this type. Also, to insure further consistency with the applicable regulations, NYSDEC has revised this condition to replace the qualitative and somewhat vague "minor drips" exception to this condition with the more specific quantitative exception of "one pound" in accordance with 6 NYCRR 373-2.10(g)(4)(ii).

With respect to the modification requested by this CWM comment to allow the Emergency Coordinator to determine whether to implement the Contingency Plan for "non-minor" tank system releases, the NYSDEC does not consider it acceptable for an Emergency Coordinator to decide against implementation of the Contingency Plan in this situation. If the release is non-minor (i.e., greater than one pound), NYSDEC considers implementation of the Contingency Plan to be necessary to insure adequate resources are quickly deployed to control and clean up the release. However, as stated in the NYSDEC response to Comment #16, the decision to involve outside agencies for releases which are clearly limited to on-site areas, is left up to the judgment of the CWM Emergency Coordinator or his/her designee. Also, NYSDEC has revised the condition to clarify that the term "as necessary" in the draft condition

is meant to require any and all actions necessary to adequately control and resolve the situation.

COMMENT NUMBER: 54 [CWM #48]

Module IV, Condition E.5, pages IV-2 and IV-3 Clarification. Revised condition #5 indicates that the Permittee may use procedures in the Contingency Plan to clean up material from a tank release (e.g. a spill or leak into secondary containment) without an Implementation of the Contingency Plan as specified in the plan in this Draft Permit (Attachment G). This eliminates the need to request DEC authorization to restart facility operations, submit a written report describing the Implementation of the Contingency Plan within 15 days, etc. A written report is already required by Section 373-2.10(g) for any release of >1 pound from a tank system to the environment.

NYSDEC RESPONSE:

NYSDEC agrees with this CWM comment with respect to the requested modification. NYSDEC also agrees that usage of Contingency Plan procedures for cleaning up minor leaks or overflows that are less than one pound do not require the follow up actions expressed in the CWM comment (See NYSDEC response to Comment #48 for a more detailed explanation). However, NYSDEC has revised this condition to make clear that it applies to any leaks/overflows which are less than one pound for reasons expressed in the NYSDEC response to Comment #53.

COMMENT NUMBER: 55 [CWM#45]

Module IV, Condition E.8, page IV-3 - Clarification. Procedure for issuing Environmental Work Orders includes selecting a or b, with an option to request an extension using c.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised Condition E.8 as requested by the CWM comment.

COMMENT NUMBER: 56 [CWM #49]

Module IV, Condition K.3.d, pages IV-6 Clarification, “or as otherwise specified in Schedule 1 of Module 1” should apply to the original due date, not just the Department approved extension.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised Condition K.3.d as requested by the CWM comment.

COMMENT NUMBER: 57 [CWM #50]

Module V, Condition D.3, pages V-1 and V-2 Clarification. Revised condition #3 contains language taken from 6 NYCRR 373-2.11(e), the Emergency Repairs; Contingency Plan section of the Surface Impoundment regulations. Condition C.2 in Module I references 6 NYCRR 373-1.6, the reporting procedure for any noncompliance that threatens human health or the environment. The language in 373-2.11(e) seems more appropriate.

NYSDEC RESPONSE:

The NYSDEC disagrees with the CWM proposed modification to reference the cited regulation instead of Condition C.2 in Module I with respect to reporting any surface impoundment overflows. While 6 NYCRR 2.11(e) is associated with surface impoundments, it is specifically related to sudden drops in the impoundment's level of liquid and dike leaks, not overflows. Also, it only requires written notification to be provided to the Commissioner within 7 days. Since an overflow of an impoundment constitutes a release to the environment, more immediate notification of the NYSDEC as provided by the presently cited Permit condition is warranted. Therefore, NYSDEC has not revised the citation as requested by this CWM comment.

With respect to the modification requested by this CWM comment to allow the Emergency Coordinator to determine whether to implement the Contingency Plan for surface impoundment overflows, the NYSDEC does not consider it acceptable for an Emergency Coordinator to decide against implementation of the Contingency Plan in this situation. Since any impoundment overflow would constitute a release to the environment, NYSDEC considers implementation of the Contingency Plan to be necessary to insure adequate resources are quickly deployed to control and clean up the release. However, as stated in the NYSDEC response to Comment #16, the decision to involve outside agencies for releases which are clearly limited to on-site areas, is left up to the judgment of the CWM Emergency Coordinator or his/her designee.

Also, NYSDEC has revised the condition to clarify that the term "as necessary" in the draft condition is meant to require any and all actions necessary to adequately control and resolve the situation.

COMMENT NUMBER: 58 [CWM #50]

Module V, Condition D.4, page V-2 Clarification. Revised condition #4 indicates that the Permittee may use procedures in the Contingency Plan to clean up material from an overflow from a surface impoundment without an Implementation of the Contingency Plan. This eliminates the need to request DEC authorization to restart facility operations, submit a written report describing the Implementation of the Contingency Plan within 15 days, etc. A written report is required by Section 373-2.11(e)(2)(vi) if a surface impoundment must be removed from service for a repair.

NYSDEC RESPONSE:

While the NYSDEC agrees with the specific modification proposed by this CWM comment (i.e., use of procedures from the Contingency Plan instead of requiring implementation of the Contingency Plan), the NYSDEC disagrees with the fact that this change would not require implementation of the plan for overflows. This would conflict with Condition D.3 which requires implementation of the Contingency Plan for overflows, for reasons expressed in NYSDEC's response to Comment #57. Therefore, to rectify this conflict NYSDEC has revised this condition so as to limit it to identified conditions creating the potential for an overflow, so as to allow usage of Contingency Plan procedures, but not require implementation of the Contingency Plan nor require the follow up actions under the regulations which such implementation would entail.

COMMENT NUMBER: 59 [CWM #51]

Monitoring and Inspection: [6 NYCRR 373-2.11d] Corrected reference.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised Condition D.5 as requested by the CWM comment.

COMMENT NUMBER: 60 [CWM #45]

Module V, Condition E.7, page V-2 Clarification. Procedure for issuing Environmental Work Orders includes selecting a or b, with an option to request an extension using c.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised Condition E.7 as requested by the CWM comment.

COMMENT NUMBER: 61 [CWM #61]

Module VI, Condition E.3, pages VI-2 Clarification. Revised condition #3 contains reference to 6 NYCRR 373-2.14(e), Monitoring and Inspection section of the Landfill regulations. Condition C.2 in Module I references 6 NYCRR 373-1.6, the reporting procedure for any noncompliance that threatens human health or the environment. The language in 373-2.14(e) seems more appropriate.

NYSDEC RESPONSE:

The NYSDEC disagrees with the CWM proposed modification to reference the cited regulation instead of Condition C.2 in Module I with respect to reporting any operating landfill surface water run-off overflows. While 6 NYCRR 2.14(e) is associated with landfills, it is not specifically related to overflows of contaminated surface water, nor does it contain any NYSDEC notification requirement. Since an overflow of contaminated surface water from an operating landfill constitutes a release to the environment, immediate notification of the NYSDEC as provided by the presently cited Permit condition is warranted. Therefore, NYSDEC has not revised the citation as requested by this CWM comment.

With respect to the modification requested by this CWM comment to allow the Emergency Coordinator to determine whether to implement the Contingency Plan for landfill overflows of contaminated surface water, the NYSDEC does not consider it acceptable for an Emergency Coordinator to decide against implementation of the Contingency Plan in this situation. Since any such overflow would constitute a release to the environment, NYSDEC considers implementation of the Contingency Plan to be necessary to insure adequate resources are quickly deployed to control and clean up the release. However, as stated in the NYSDEC response to Comment #16, the decision to involve outside agencies for releases which are clearly limited to on-site areas, is left up to the judgment of the CWM Emergency Coordinator or his/her designee.

NYSDEC has revised the condition to clarify that the term “as necessary” in the draft condition is meant to require any and all actions necessary to adequately control and resolve the situation.

COMMENT NUMBER: 62 [CWM #52]

Module VI, Condition E.4, pages VI- Clarification. Revised condition #4 indicates that the Permittee may use procedures in the Contingency Plan to clean up material from an overflow from a surface impoundment without an Implementation of the Contingency Plan. This eliminates the need to request DEC authorization to restart facility operations, submit a written report describing the Implementation of the Contingency Plan within 15 days, etc.

NYSDEC RESPONSE:

While the NYSDEC agrees with the specific modification proposed by this CWM comment (i.e., use of procedures from the Contingency Plan instead of requiring implementation of the Contingency Plan), the NYSDEC disagrees with the fact that this change would not require implementation of the plan for overflows. This would conflict with Condition D.3 which requires implementation of the Contingency Plan for overflows, for reasons expressed in NYSDEC's response to Comment #61. To rectify this conflict NYSDEC has revised this condition to limit it to identified conditions creating the potential for an overflow, to allow usage of Contingency Plan procedures, but not require implementation of the Contingency Plan nor require the follow up actions under the regulations which such implementation would entail.

COMMENT NUMBER: 63 [CWM #45]

Module VI, Condition E.7, pages VI-2 Clarification. Procedure for issuing Environmental Work Orders includes selecting a or b, with an option to request an extension using c.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment. Also, although not indicated in the CWM comment, Condition E.7.c was inadvertently omitted from Module VI in the Draft Permit. Therefore, NYSDEC has revised this condition to include it as well.

COMMENT NUMBER: 64 [CWM #53]

Module VIII, Conditions B.1.b & B.1.b.i, page VIII-2 CWM currently ships blended fuel to Systech in Paulding, Ohio. Systech is a RCRA permitted receiving/blending facility. They are a subsidiary of Lafarge Cement. Systech is located on property adjacent to the Lafarge Cement kiln. The blended fuel is pumped via pipeline to the cement kiln operation, which is a BIF. Systech and Lafarge cement have separate EPA ID#s, different "owners" and are therefore, different facilities. The modification proposed above allows the Permittee to ship waste derived fuel to a receiving facility (Systech), which blends the material to the specifications of the cement kiln (BIF) and transfers it to the Lafarge facility.

NYSDEC RESPONSE:

NYSDEC disagrees with this particular CWM proposed modification. Use of the broad term "receiving facility" would leave open the option to ship blended or comingled hazardous waste to any type facility, and as such would not mandate that the "end treater" be a BIF, which is the intent of Condition B.1.b. However, with respect to the specific blended waste management scenario described above in the

CWM comment (i.e., shipping of blended waste to a RCRA facility adjacent to a BIF), NYSDEC would point out that Condition B.1 already allows to a “RCRA-authorized facility located immediately adjacent to the RCRA-authorized facility that will burn the fuel blended waste.” While NYSDEC considers that this condition already allows for the specific shipment scenario described by CWM due to the adjacent nature of the two facilities, NYSDEC has revised Condition B.1.b to make it clear that such alternative shipment is also applicable when the end treater is a BIF.

NYSDEC has revised this condition to substitute written documentation for a “contract” as requested by this CWM comment.

COMMENT NUMBER: 65 [CWM #54]

Module VIII, Condition B.1.b.v, page VIII-2 Initial condition only referenced New York regulations; should include references to federal regulations and other state equivalent regulations added to address BIF/receiving facilities in other states.

NYSDEC RESPONSE:

NYSDEC agrees with this CWM comment with respect to including references to other applicable regulations for blended wastes which are shipped to BIFs in states other than New York. However, NYSDEC has not included the part in CWM’s proposed modification which refers to where the wastes are shipped to, since it is not considered by NYSDEC to be necessary.

COMMENT NUMBER: 66 [CWM #55]

Module VIII, Condition B.1, page VIII-2 Revision needed since RCRA only applies to US facilities; need to include that Canadian facilities must comply with the Canadian and provincial regulations and their facility permits.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment, however, since CWM or other New York waste blending facilities may find a need to ship such waste to other countries besides Canada, NYSDEC has added a generic condition for all out-of-country shipments.

COMMENT NUMBER: 67 [CWM #56]

Module VIII, Condition B.5, page VIII-3 A minimum heat value is not applicable to a shipment of commingled organics shipped to a RCRA incinerator for destruction.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised Condition B.5 as requested by the CWM comment.

COMMENT NUMBER: 68 [CWM #57]

Attachment C, WAP, throughout. Replacement of outdated acronym for “Waste Profile Sheet” (WPS) to current Waste Analysis Plan (WAP). Deletion of sentence describing the pages 2-5 of the Waste Profile and its completion process. Waste Profiles are now generally filled out on-line using WM’s web site, WMsolutions.com. The customer submits the profile on line, can check the status on-line and receives an electronic approval. See comment Attachment 2 for proposed revisions to Attachment C (Waste Analysis Plan).

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment both with respect the proposed modification to the term “Waste Profile Sheet” and to Section C-2d(1). Also, based on NYSDEC’s review of the version of the Waste Analysis Plan (WAP) which CWM has attached to its comments, NYSDEC has replaced the Waste Profile Sheets in provided as Figure C-1 in Section C with the new forms provided with CWM’s comments and has made the revisions throughout the permit

COMMENT NUMBER: 69 [CWM #58]

Attachment C, WAP, multiple references to the 2% OLA (Organic Limit Analysis). Current language indicates that permittee should perform a 2% Organic Limit Analysis using GC/FID. This is a method that CWM developed for screening waste for VOCs prior to the development of the waste characterization methods in SW-846 and the implementation of the LDRs. The method is outdated and should be deleted. The proposed modifications either delete the reference to the method or replace it with a volatile organic scan using GC/MS (method 8260). See comment Attachment 2 for proposed revisions to Attachment C (Waste Analysis Plan).

NYSDEC RESPONSE:

For reasons detailed in NYSDEC’s Response to Comment #33, NYSDEC has not revised the above identified sections of the Waste Analysis Plan (WAP) to delete the requirement for a 2% Organic Limit Analysis of non-hazardous wastes destined for land disposal. However, NYSDEC has revised sections of WAP to explicitly define EPA SW-846 Method 8260 as the appropriate method for VOC analysis with respect to determining compliance with the 2% Organic Limit. Also, NYSDEC has revised certain sections

to clarify that LDRs apply to hazardous waste and the 2% organic limit applies to non-hazardous waste.

COMMENT NUMBER: 70 [CWM Attachment 2 Proposed Revisions]

Attachment C (WAP), Section C-1, Tables C-1 & C-2, Footnote (4), page C-63:
Include reference to *Condition E.1.c.v in Schedule F for storage and disposal requirements for these wastes.*

NYSDEC RESPONSE:

The NYSDEC conceptually agrees with this CWM proposed modification and has revised the footnote and corrected the citation error.

COMMENT NUMBER: 71 [CWM Attachment 2 Proposed Revisions]

Attachment C (WAP), Section C-2b(2), page C-72 delete “revision: February 14, 1995”.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM proposed modification and has revised Section C-2b(2) as requested by the CWM comment to delete the inadvertently included text.

COMMENT NUMBER: 72 [CWM Attachment 2 Proposed Revisions]

Attachment C (WAP), Section C-2c, page C-74
Add to 1 and 2 the following: “*which meets or requires treatment to the LDR standards in 6 NYCRR Part 376*”

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM proposed modification and has revised Section C-2c as requested by the CWM comment.

COMMENT NUMBER: 73 [CWM Attachment 2 Proposed Revisions]

Attachment C (WAP), Section C-2c(1), page C-74 allow additional methods

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM proposed modification and has revised Section C-2c(1) as requested by the CWM comment.

COMMENT NUMBER: 74 [CWM Attachment 2 Proposed Revisions]

Attachment C (WAP), Section C-2c(2), page C-74

Add sentence: *Detailed sampling procedures can be found in CWM's Standard Division Practices (SDPs).*

Add word *likely* as shown:

... The sampling devices are selected depending on the size and type of containment and on the specific material involved. *Detailed sampling procedures can be found in CWM's Standard Division Practices (SDPs).* The device *likely* to be used in each situation is described below.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM proposed modification to add the sentence regarding SDPs. However, NYSDEC disagrees with inserting the word “likely” in the last sentence, since there is no indication as to what other devices might be used. Attachment C, Section C-2c(2) on Draft Page C-74 has been revised.

COMMENT NUMBER: 75 [CWM #59]

Attachment C (WAP), Section C-2c(2), Table C-4, page C-75 - Section C-2c, Sampling Methodology (including Table C-4, Sampling Methods and Equipment) needs to be updated to include updated and new ASTM sampling methods and to reference the new sampling requirements in method 5035A (Closed-System Purge-and-Trap and Extraction for Volatile Organics in Soil and Waste Samples). In 2013, NYSDOH will drop certification for method 5035 and only provide certification for 5035A. The WAP has been updated to include the sampling methods required by this analytical method. See comment Attachment 2 for proposed revisions to Attachment C (Waste Analysis Plan).

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised Section C-2c(2), Table C-4 as requested by the CWM comment.

COMMENT NUMBER: 76 [CWM Attachment 2 Proposed Revisions]

Attachment C (WAP), Section C-2c(2)(a), page C-76

Add: *Easy Draw syringe or similar device may be used to obtain a sample of a solid waste for VOC analysis.*

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM proposed modification and has revised Section C-2c(2)(a) as requested by the CWM comment.

COMMENT NUMBER: 77 [CWM Attachment 2 Proposed Revisions]

Attachment C (WAP), Section C-2c(2)(d), page C-77 –

Allow for use of *peristaltic pumps*.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM proposed modification and has revised Section C-2c(2)(d) as requested by the CWM comment.

COMMENT NUMBER: 78 [CWM Attachment 2 Proposed Revisions]

Attachment C (WAP), Section C-2c(2)(e), pages C-77 and C-78

Revise paragraph to read:

The current EPA guidance for RCRA sampling is SW-846, see 40 CFR 260.11, which specifies representative and composite sampling for waste characterization. This type of sampling provides averaged concentration values or properties. The Land Disposal Restrictions, 40 CFR 268, have specified the use of "grab" sampling for most of the compliance demonstrations to the Land Disposal Restrictions treatment standards. For a large container, more than one grab sample may be collected. For LDR compliance, none of the samples may exceed the applicable LDR standard(s).

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM proposed modification and has revised Section C-2c(2)(e) as requested by the CWM comment.

COMMENT NUMBER: 79 [CWM Attachment 2 Proposed Revisions]

Attachment C (WAP), Section C-2d(1), page C-79

Delete: *Notification/Certification* as follows:

Land Disposal Restriction Notification/Certification Information and/or Data (6NYCRR 376 and 40 CFR Part 268).

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM proposed modification and has revised Section C-2d(1) as requested by the CWM comment.

COMMENT NUMBER: 80 [CWM Attachment 2 Proposed Revisions]

Attachment C (WAP), Section C-2d(1)(a), page C-80 – delete bullets 2 to 9

NYSDEC RESPONSE:

Since CWM is proposing deletion of the above waste streams from the list of waste streams that do not require sampling, it is NYSDEC's understanding that these deleted waste streams will not be accepted by the CWM facility. On that basis, NYSDEC agrees with this CWM proposed modification and has revised Section C-2d(1)(a) as requested by the CWM comment.

COMMENT NUMBER: 81 [CWM Attachment 2 Proposed Revisions]

Attachment C (WAP), Section C-2d(1)(a), page C-81 – add 6 NYCRR 376.1(b)(1)(vii)

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM proposed modification and has revised Section C-2d(1)(a) as requested by the CWM comment.

COMMENT NUMBER: 82 [CWM Attachment 2 Proposed Revisions]

Attachment C (WAP), Section C-2d(2), page C-82

Add: or media or debris contaminated with these wastes will be accepted at Model City. See Condition E.1.c.v in Schedule F. as shown:

CWM will not accept, for treatment or disposal, any current production waste or outdated products which are listed as hazardous waste by EPA because it contains, as a hazardous constituent (see 40 CFR Part 261, Appendix VII), a form of polychlorinated-dibenzo-dioxin (PCDD) or polychlorinated-dibenzo-furan (PCDF) (e.g., F020, F021, F022, F023, F026, F027, etc.). Only those waste materials that are classified as derived from F020 to F023 and F026 to F028 (e.g., leachate, filter cake from treatment of leachate, incinerator ash etc.) *or media or debris contaminated with these wastes will be accepted at Model City. See Condition E.1.c.v in Schedule F.*

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM proposed modification. However, there is an error in the cited reference. NYSDEC has revised the section and corrected the citation error.

COMMENT NUMBER: 83 [CWM Attachment 2 Proposed Revisions]

Attachment C (WAP), Section C-2d(4), page C-83

Add: *to supply a Profile Recertification form* as shown:

To augment this review, if existing analytical is not sufficient, the generator may be asked to review the current waste profile, *to supply a Profile Recertification form*, to supply a new profile, and/or to submit a sample for analysis, or CWM may obtain a sample from a shipment of the waste.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM proposed modification and has revised Section C-2d(4) as requested by the CWM comment.

COMMENT NUMBER: 84 [CWM Attachment 2 Proposed Revisions]

Attachment C (WAP), Section C-2e, page C-84

Delete: *laboratory*

Add: *receiving personnel*

Delete: all

Add: *the first shipment of*

Add: *that the waste requires treatment*

Delete: of the appropriate treatment standards and all applicable prohibitions which must be met and includes any applicable analytical data or reference to such data (see Section C-2d(1) third bullet) as shown:

... Waste shipments that have arrived at the facility are considered to be in the receiving process until such time that the ~~laboratory~~ *receiving personnel* makes a final decision regarding waste acceptability; at such time the wastes are considered accepted....

... Furthermore, ~~all~~ *the first shipment of* wastes which are subject to the Land Disposal Restrictions and require treatment must be accompanied by a form from the generator notifying the treater *that the waste requires treatment* ~~of the appropriate treatment standards and all applicable prohibitions which must be met and includes any applicable analytical data or reference to such data (see Section C-2d(1) third bullet)~~ in accordance with 6NYCRR Part 376 & 40 CFR Part 268....

Add: *and NYS*

Delete: *that certification has been received from the generator (or treater)*

Add: *and 6 NYCRR 373-2.14(j)*

Delete: *in accordance with 40 CFR Part 264.13(c)(3).*

Delete: sheet as shown:

... Federal *and* NYS regulation states that, for containerized waste intended for landfilling where the generator (or treater) has previously identified (see Section C-2d(1)) that sorbents have been added to the waste to sorb free liquids, a determination will be made, prior to disposal, ~~that certification has been received from the generator (or treater)~~ that no biodegradable sorbents (as described in 40 CFR Part 264.314(e)) *and 6 NYCRR 373-2.14(j)* are included in the waste ~~in accordance with 40 CFR Part 264.13(c)(3).~~ For landfill candidate wastes, such certification may be provided by the generator's signature on the Waste Profile ~~Sheet~~.

NYSDEC RESPONSE:

The NYSDEC agrees with the CWM proposed modifications to the above first and third paragraphs. However, NYSDEC disagrees that only the first shipment of a waste subject to LDRs needs to have a generator provided treatment notification. NYSDEC is concerned that the absence of such notification for subsequent shipments of the same waste over long periods of time could result in disposal of shipments without required LDR treatment due to the potential that information on the treatment requirements for such wastes may not get handed down to new CWM employees. Also, such forms could be discarded or misplaced over the years. However, NYSDEC does agree that in cases where a generator continually ships loads of the same waste all requiring LDR treatment, a single notification with the first load and annually thereafter, would be sufficient. Therefore, NYSDEC has revised the condition to account for this situation. Also, NYSDEC considers it appropriate to retain the requirement for the generator to provide any applicable analytical data they may have on the waste.

COMMENT NUMBER: 85 [CWM Attachment 2 Proposed Revisions]

Attachment C (WAP), Section C-2e(4), pages C-88 and C-89

Add: *A profile modification may be requested from the generator.*

Change WPS to *Waste Profile*

Change *new* to *the*

Change *prepared* to *modified* as shown:

An evaluation of whether discrepant wastes can or should be accepted or rejected.

Wastes found to be discrepant as defined above may be rejected; or they may be re-evaluated for possible acceptance at the site despite the discrepancy. *A profile modification may be requested from the generator.* This procedure is intended to prevent the unnecessary movement of a waste material back and forth between the facility and the generator in cases where the material can be readily handled by the facility. By eliminating this unnecessary movement, CWM is attempting to reduce further possible exposure of this waste to human health or the environment. The re-

evaluation procedures are designed to determine whether a waste material, in its form as identified by CWM (i.e., inconsistent with ~~WPS~~ *Waste Profile* and/or manifest data), can be handled by the facility, and whether the generator concurs with the site's identification. The re-evaluation will be based on the following criteria:...

... If all of the above criteria and results of the "Supplemental Analyses," if any, indicate the waste can be accepted and the generator concurs, ~~a new~~ *the* waste disposal decision form is *modified* ~~prepared~~ by CWM if the discrepancy will be a continuing variation and changes the originally approved method of management....

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM proposed modification and has revised Section C-2e(4) as requested by the CWM comment.

COMMENT NUMBER: 86 [CWM Attachment 2 Proposed Revisions]

Attachment C (WAP), Section C-2f(2), page C-93

Delete: *(e.g., constituent concentration in waste extract (CCWE) values), or appropriate prohibitions*

Add: *listed in 6 NYCRR 376.4(j)....* As shown:

Wastes or residue(s) resulting from the treatment of land disposal restricted wastes will be analyzed and/or evaluated, as specified in the following sections against the appropriate treatment standards ~~(e.g., constituent concentration in waste extract (CCWE) values), or appropriate prohibitions~~ *listed in 6 NYCRR 376.4(j)....*

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM proposed modification and has revised Section C-2e(4) as requested by the CWM comment.

COMMENT NUMBER: 87 [CWM Attachment 2 Proposed Revisions]

Attachment C (WAP), Section C-2f(2)(b), pages C-93 and C-94:

Delete: The untreated leachate will be sampled and analyzed for the full LDR list of constituents every four (4) years to further ensure that no changes effecting the leachate have occurred. CWM will provide a copy of the results of the characterization to the Department, along with the results of the monthly effluent sampling and analysis.

Add: *results for the* as shown:

In general, greater than 90 percent of the waste water processed in the Aqueous Treatment Plant is on-site generated leachate from the landfills and process areas. The untreated leachate (FO39) was sampled and analyzed for all the constituents on the F039 LDR list. This constituted the initial characterization. ~~The untreated~~

~~leachate will be sampled and analyzed for the full LDR list of constituents every four (4) years to further ensure that no changes effecting the leachate have occurred. CWM will provide a copy of the results of the characterization to the Department, along with the results of the monthly effluent sampling and analysis. Based on review of the raw leachate characterization and the *results for the* parameters being routinely monitored, if there is a concern that additional constituents should be tested for on a routine basis, a dialogue may take place between CWM and the Department and a permit modification may be proposed.~~

NYSDEC RESPONSE:

The NYSDEC disagrees with this CWM proposed modification to do away with the requirement for re-analysis of untreated leachate every (4) years. CWM has not provided any reasons or justification for deleting this periodic testing requirement, and as such NYSDEC has no basis for removing it from the WAP. In addition, recent problems associated with leachate treatment stemming from a change in RMU-1 leachate character (i.e., increased arsenic concentrations) suggest that periodic re-evaluation of untreated leachate is a prudent activity to detect possible changes over time. Therefore, NYSDEC has not modified Section C-2f(2)(b) to delete the 4 year testing requirement as requested by this CWM proposed modification.

With respect to the addition of clarifying text, NYSDEC agrees with this CWM proposed modification.

COMMENT NUMBER: 88 [CWM #60]

Attachment C (WAP), Section C-2f(2)(b), page C-94

Delete: *a representative composite*

Add: *Concentration standards for F039 wastewaters (WW) are based on the analysis of composite samples. The Clean Water Act (CWA) regulations specify that grab samples must be used for pH, cyanide and VOC analysis. A grab sample from the holding tank after the batch is completed and has been mixed/recirculated will satisfy both of these requirements as shown:*

In order to demonstrate compliance with the F039 wastewater standards, a composite sample of effluent will be analyzed for the following key control constituents: full volatile scan by GC/MS, metals including chromium, lead and nickel, and total cyanide. As the AWT system can operate in two modes, batch and continuous with up to two effluent qualification tanks, ~~a representative composite~~ samples may be collected at several different locations. *Concentration standards for F039 wastewaters (WW) are based on the analysis of composite samples. The Clean Water Act (CWA) regulations specify that grab samples must be used for pH, cyanide and VOC analysis. A grab sample from the holding tank after the batch is completed and has been mixed/recirculated will satisfy both of these requirements.*

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM proposed modification and has revised Section C-2f(2)(b) as requested by the CWM comment.

COMMENT NUMBER: 89 [CWM Attachment 2 Proposed Revisions]

Attachment C (WAP), Section C-2f(2)(b), page C-95 – Delete the third bullet, which reads:

- A daily composite sample will be collected from the effluent of the carbon beds. A 24 hour composite will be collected for metals; an autosampler may be employed. For volatile organics, samples will be collected and a composite prepared by the analyst; a minimum of 4 samples over a minimum of an 8 hour period.

NYSDEC RESPONSE:

In evaluating this CWM proposed modification, NYSDEC has determined that the above “Existing Condition” as presented in Attachment 2 of the CWM comments (i.e., AWTS “Continuous Operation” LDR testing requirements in of the AWTS Section C-2f(2)(b) of the WAP) matches text in the version of the WAP contained within CWM’s Permit renewal application. However, this text does not match that which is in the Draft Permit which is as follows:

“Continuous operation

- If two holding tanks are not available to operate in the fill, test and discharge mode, continuous operations (adding and discharging at the same time) may be employed if additional sampling and analysis controls are employed.
- A daily sample of the effluent from the carbon beds is analyzed for volatiles to ensure that the water entering the tank meets the LDR standards for organics monitored and that break through has not occurred.
- A daily sample is obtained from the holding tank and analyzed for volatiles, metals and cyanide to insure that the tank meets LDR standards.
- Compliance with LDR standards will be certified based on the analysis of a daily sample of the effluent as it is discharged from the holding tank. Monitoring the influent and the tank ensures that the discharge composite will also meet the LDR standards.
- An autosampler will remain available on the discharge side of the effluent tanks in order to provide a split sample when requested by DEC.”

The above text contained in the Draft Permit is identical to the WAP text in the current Permit, and was transferred without modification. The Draft (and current) Permit version requires the analysis of a daily sample from the treated wastewater holding tank for VOCs, metals and cyanide; a certification of LDR compliance based on analysis of a daily sample of the holding tank effluent; and the availability of an autosampler on the tank's discharge for DEC split sampling if requested.

Since CWM has not commented on the version of WAP Section C-2f(2)(b) in the Draft Permit. Therefore, NYSDEC has not modified Section C-2f(2)(b) with respect to the "Continuous Operation" LDR testing requirements which remain as presented in the Draft Permit.

COMMENT NUMBER: 90 [CWM Attachment 2 Proposed Revisions]

Attachment C (WAP), Section C-2f(2)(c), page C-96

Delete: *the BIF does not have a Certificate of Compliance and*

Add: *it is suspected that the BTUs are <5000 BTU/lb as shown:*

The incoming waste shipment is subjected to the applicable mandatory analyses consisting of physical description, water mix, flammability potential screen, and radiation screen. BTU analysis will be performed for wastes to be included in a blend that will be used as a fuel in boilers or industrial furnaces [BIF], if ~~the BIF does not have a Certificate of Compliance~~ *it is suspected that the BTUs are <5000 BTU/lb.*

Delete: *specified limits for all constituents listed in the receiving facility permit*

Add: *the limits specified by the BIF.*

Add *may* as shown:

In-process and post-treatment analyses must verify that the resultant fuel product is within ~~specified limits for all constituents listed in the receiving facility permit~~ *the limits specified by the BIF.* These parameters *may* include PCBs, % halogens, heating value, % sulfur, % ash, lead and other heavy metals

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM proposed modification with the exception of the post-treatment analytical requirements. NYSDEC has revised Section C-2f(2)c) to clearly require heating value testing to verify that the blended waste has a BTU value >5000 BTU/lb, so as to be consistent with Condition B.5 in Module VIII of the Permit.

COMMENT NUMBER: 91 [CWM #62]

Attachment C (WAP), Section C-2f(5), page C-97 - Supplemental analysis and ARP analysis is performed to confirm that the waste matches the profile and is suitable for direct landfill disposal. Interim storage in the landfill pending test results is appropriate. See comment Attachment 2 for proposed revisions to Attachment C (Waste Analysis Plan).

NYSDEC RESPONSE:

As stated in the NYSDEC Response to Comment #35, for waste loads which are already known to be LDR compliant but which require stabilization to meet waste strength criteria, the NYSDEC would agree that placing such waste loads into the landfill for interim storage while awaiting strength testing results does not create any issues with regard to regulatory compliance. Therefore, the NYSDEC has added the CWM proposed text with some revisions so that it matches the revised text in corresponding Condition E.1.d.v as presented under the Comment #35 Permit Revisions.

COMMENT NUMBER: 92 [CWM Attachment 2 Proposed Revisions]

Attachment C (WAP), Section C-2f(5), page C-97

Change from *will* to *may* as follows:

Up to 10 non-miscellaneous shipments per month *may* ~~will~~ be selected by the on-site DEC monitor as requiring additional review.

NYSDEC RESPONSE:

The NYSDEC disagrees with this CWM proposed modification which by the proposed substitution of the word “may” for “will”, would effectively make the DEC monthly selection of shipments for additional review an optional activity which would be left to CWM’s discretion. CWM has not provided any reasons or justification for changing this program from mandatory to discretionary, and as such NYSDEC has no basis for making this revision to the WAP. In addition, NYSDEC considers this program as an important DEC oversight activity to confirm that wastes are being properly characterized for landfill disposal. Spelling will be corrected

COMMENT NUMBER: 93 [CWM Attachment 2 Proposed Revisions]

Attachment C (WAP), Section C-2f(6), page C-100

Delete: *in the landfill (refer to CWM procedure on interim storage of stabilized waste) or in other*

Add: *(see Condition E.1.f in Schedule F)* as follows:

A post-treatment analysis, which includes TCLP, is conducted to assure that the process continues to be effective in meeting the treatment standards. The analysis will be performed on retained material in interim storage ~~in the landfill (refer to CWM procedure on interim storage of stabilized waste)~~ or in other containers such as roll-off boxes *(see Condition E.1.f in Schedule F)*. The test frequency will be that specified in the CWM procedure on demonstrating that stabilized residuals meet land ban standards. The post-treatment analysis procedure specifically addresses processes, frequency of analyses and corrective action.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM proposed modification. However, there is an error in the cited reference. **(Condition E.1.f in Exhibit F of Schedule 1 of Module I)** NYSDEC has revised the section and corrected the citation error.

COMMENT NUMBER: 94 [CWM #61]

Attachment C (WAP), Section C-2h(2), Appendix A - A number of methods required updating.

NYSDEC RESPONSE:

The NYSDEC agrees with these CWM proposed modifications and has revised Section C-2h(2), Appendix A as requested by the CWM comment.

COMMENT NUMBER: 95 [CWM #63]

Attachment D, Appendix D-1, Section A, page 2

Change: *providing to provided*

Delete: *85 gallon overpack drums and other liquid containers not exceeding 85 gallon capacity are allowed, based on the United States Department of Transportation (DOT) definition of small containers in 49CFR 171.8. Containers of solid materials, such as cubic yard boxes and super sacks, may also be stored in the drum storage areas, based on the DOT definition of intermediate bulk containers in 49CFR 171.8.*

Add: *and other liquid United States Department of Transportation (DOT) non-bulk and intermediate bulk (IBC) containers not exceeding 330-gallon capacity are*

allowed For solid materials, 55 gallon drums and other DOT non-bulk and intermediate bulk containers are allowed. Add: and other DOT specification bulk liquid containers

Add: *and IBCs* as shown:

Container types other than those listed above are also allowed, ~~providing~~ *provided* the secondary containment requirements are satisfied. For drum storage areas, 55 gallon drums ~~and other liquid, 85-gallon overpack drums and other liquid containers not exceeding 85-gallon capacity are allowed, based on the~~ United States Department of Transportation (DOT) *non-bulk and intermediate bulk (IBC) containers not exceeding 330-gallon capacity are allowed* ~~definition of small containers in 49CFR 171.8. For solid materials, 55 gallon drums and other DOT non-bulk and intermediate bulk containers are allowed~~ Containers of solid materials, such as cubic yard boxes and super sacks, may also be stored in the drum storage areas, ~~based on the DOT definition of intermediate bulk containers in 49CFR 171.8.~~ The number of containers allowed in each drum storage area is based on 55-gallon equivalents. For bulk container storage areas, rolloffs, tankers, flat beds, box vans, *and other DOT specification bulk liquid containers* are allowed. Flat beds and box vans are only used in conjunction with storage of non-bulk containers *and IBCs* and not for direct storage of un-containerized bulk waste.

NYSDEC RESPONSE:

The NYSDEC conceptually agrees with this CWM proposed modification. However, NYSDEC has made some alternative modifications to better clarify allowable container types. Descriptions of the specific alternative modifications are as follows:

- Allowable container types have been clearly tied to DOT definitions of “bulk packaging”, “non-bulk packaging” and “intermediate bulk containers”;
- Application of the 330 gallon limit to solid containers in drum storage areas;
- Inclusion of a reference to Condition B.1.a.iii in Exhibit C of Schedule 1 of Module I of the Permit with respect to restrictions on the storage of non-weather resistant containers; and
- Clarification that only DOT containers as specified under Section B.4.(a) of the appendix are allowed for waste storage.

Attachment D, Appendix D-1, Section A on Draft Page 2 has been revised to reflect CWM’s comments with DEC revisions as detailed in this response.

COMMENT NUMBER: 96 [CWM #64]

Attachment D, Appendix D-1, Section B.4.(a), page 4

Add: *received from customers, which is a hazardous material and is* as shown:
Under USDOT regulations, it is the shipper's responsibility to ensure that waste which is a DOT hazardous material conforms to the container packaging requirements. All waste *received from customers, which is a hazardous material and is* stored in containers shall conform to these requirements as follows:

NYSDEC RESPONSE:

The NYSDEC disagrees with the modification proposed by this CWM comment will not modify the permit. Regardless of whether wastes are generated on-site or off-site, or whether they are hazardous or non-hazardous, all waste being stored in container storage areas must be in containers meeting appropriate specifications to insure that they are properly contained. In the absence of any acceptable alternative container specifications, NYSDEC considers DOT specifications as applicable to all wastes. If non-hazardous waste arrives in a non-DOT container, it should be transferred into a container meeting DOT specifications prior to being placed into storage. Wastes which are not being stored (i.e., wastes taken directly to the landfill for disposal or to the Mixing Pit Tanks for stabilization) may be in non-DOT containers which can effectively contain the waste during on-site transport.

COMMENT NUMBER: 97 [CWM #65]

Attachment D, Appendix D-1, Section B.4.(a), page 6

Move: *or* = from 8C bulk packages to 8B non-bulk packages as shown:

- Using this information, identify permissible packaging identified in column 8A (exceptions), 8B non-bulk packages (< *or* = 119 gallons) and 8C for bulk packages (>~~or~~ = 119 gallons). The sections referenced in column 8 as Section 173*** refer to the sections of Part 173 where the permissible packaging are identified and described.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised Section B.4.(a) as requested by the CWM comment.

COMMENT NUMBER: 98 [CWM #66]

Attachment D, Appendix D-1, Section B.5.(b), page 10

Add: *blending or* as shown:

Organic Liquids and other liquids may be consolidated for fuels *blending or incineration* offsite

Liquid containerized wastes may be consolidated for fuels *blending or*, incineration. Liquid bulk materials may be transferred to appropriate tanks for storage. Containers of liquid waste may be transshipped to another facility for treatment/disposal.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment. However, NYSDEC has made an additional modification to make clear that fuels blending is linked to use in a Boiler / Industrial Furnace (BIF) and Attachment D, Appendix D-1, Section B.5.(b) on Draft Page 10 has been revised.

COMMENT NUMBER: 99 [CWM #67]

Attachment D, Appendix D-1, Section C.2.(a), page 15

Delete: *As previously stated* as shown:

The DMB West Ramp (fuel transfer area) is permitted for liquid storage. This ramp is used to transfer compatible liquids from drums inside the DMB to bulk tankers located on the ramp. It is sized to accommodate two tankers to also allow the transfer from tanker to tanker. ~~As previously stated,~~ CWM has applied an approved sealant (e.g., CHEMTEC One) to the entire ramp area.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised Section C.2.(a) as requested by the CWM comment.

COMMENT NUMBER: 100 [CWM #68]

Attachment D, Appendix D-1, Section C.3, page 15

Delete: *Following removal of the modular units and installation of an alternate secondary containment system (i.e., concrete curbing)* as shown:

~~Following removal of the modular units and installation of an alternate secondary containment system (i.e., concrete curbing),~~ The maximum 55-gallon equivalent since modular units have been removed and curbing has been installed.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised Section C.3 as requested by the CWM comment.

COMMENT NUMBER: 101 [CWM #69]

Attachment D, Appendix D-1, Section D.2, page 17

Modify to note that incompatibles may be stored in the PCB Warehouse as long as they are segregated in different containment pans.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised Section D.2 as requested by the CWM comment.

COMMENT NUMBER: 102 [CWM #70]

Attachment D, Appendix D-1, Section E.2, page 19 - Revise as follows:

Add: *waste, with hazardous materials packaged in* to Bullet No. 1

Delete from Bullet No. 2: *Cardboard boxes and other fiberboard may not be stored on an uncovered flatbed or other open trailer containers*

Add to Bullet No. 2: *with hazardous materials packaged in USDOT approved containers or transformers. Bags of weather resistant fabric such as polypropylene with liners (e.g. DOT 13H) may be stored on flatbeds. Cardboard containers with liners (e.g. DOT 11G) may be stored on a flatbed for a maximum of 7 days. as shown:*

The following units may be used to store materials in this area.

- Box trailers holding hazardous and non-hazardous *waste, with hazardous materials packaged in* USDOT approved containers;
- Flatbed or low boy trailers holding hazardous and non-hazardous containers, *with hazardous materials packaged in USDOT approved containers or transformers. Bags of weather resistant fabric such as polypropylene with liners (e.g. DOT 13H) may be stored on flatbeds. Cardboard boxes and other fiberboard containers may not be stored on an uncovered flatbed or other open trailer containers with liners (e.g. DOT 11G) may be stored on a flatbed for a maximum of 7 days.*

NYSDEC RESPONSE:

The NYSDEC disagrees with the modification proposed by this CWM comment with respect to only requiring USDOT containers for hazardous materials. For reasons detailed in the NYSDEC Response to Comment #96, all stored wastes must be in containers meeting DOT specifications. However, NYSDEC has revised this section to indicate storage of “waste” in containers.

With respect to allowing outdoor storage of “weather-resistant” fabric, cardboard or fiberboard on flatbed trailers, NYSDEC agrees that outdoor storage in cardboard or fiberboard containers for a period of up to 7 days is acceptable, but does not agree that outdoor storage in “weather-resistant” fabric containers for an indefinite length of time is acceptable, for reasons detailed in the NYSDEC Response to Comment #27. Therefore, NYSDEC has revised this section in a manner consistent with the revisions made under Comment #27.

COMMENT NUMBER: 103 [CWM #71]

Attachment D, Appendix D-1, Section E.3.(b), page 20

Add: *It may also be collected and used in lieu of city water in the Stabilization process in accordance with SDP 2124.* as shown:

The South Trailer Parking Area, being outdoors, will collect precipitation. Precipitation will be collected and removed via vacuum truck or equivalent and treated in the Aqueous Waste Treatment System, or if appropriate, characterized by sampling and discharged to the surface water drainage system if analysis indicates that it meets surface water standards. *It may also be collected and used in lieu of city water in the Stabilization process in accordance with SDP 2124.*

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment. However, since the ultimate fate of stabilized wastes is land disposal, it must be confirmed that these secondary containment waters are in compliance with 6 NYCRR Part 376 (i.e., meet LDR requirements) before they are used in the stabilization process. Therefore, NYSDEC has included a requirement for analysis of secondary containment water to confirm LDR compliance if it is to be used in the stabilization process and Attachment D, Appendix D-1, Section E.3.(b) on Draft Page 20 has been revised.

COMMENT NUMBER: 104 [CWM #72]

Attachment D, Appendix D-1, Section F.1.(a)(1), pages 21 & 22 - Revise as follows:

Add: *solid, liquid and or liquid/solid non-waste containers*

Delete: *storage* as show:

History and Design

The Stabilization Trailer Parking Area encompasses four separate areas (Areas I – IV) and is used to store solid or liquid materials. The dimensions of the areas as well as intended storage are as follows:

- Area I (solid waste or liquid/*solid* non-waste containers) – 70’ x 35’
- Area II (solid ~~storage~~ waste or liquid/solid non-waste containers) – 150’ x 35’
- Area III (solid/liquid waste containers *or liquid/solid non-waste containers*) – 200’ x 35’

- Area IV (solid/liquid waste containers or liquid/solid non-waste containers) – 100' x 35'

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment with respect to allowing liquid container storage in Area IV. The NYSDEC also agrees with this CWM comment with respect to non-waste containers. However, in order to insure compliance with 6 NYCRR 373-2.9(h)(3) the contents of non-waste containers must be compatible with the containerized wastes in the same area. Therefore, NYSDEC has revised this section to insure waste/material compatibility. Attachment D, Appendix D-1, Section F.1.(a)(1) on Draft Pages 21 & 22 has been revised.

COMMENT NUMBER: 105 [CWM #73]

Attachment D, Appendix D-1, Section F.2.(a)(2), page 22 - Area IV is sealed and qualified for liquid storage.

Add: *waste, with hazardous materials packaged in*

Add: *Area IV* where Area III is specified

Delete Bullet 4: *Flatbed or lowboy trailers holding hazardous and non-hazardous containers or transformers (liquid waste containers in Area III only Cardboard boxes and other fiberboard containers may not be stored on an uncovered flatbed or other open trailer.*

Replace Bullet 4 with: *Flatbed or lowboy trailers holding hazardous and non-hazardous containers with hazardous materials packaged in USDOT approved containers or transformers (liquid waste containers in Area III & IV only). Bags of weather resistant fabric such as polypropylene with liners (e.g. DOT 13H) may be stored on flatbeds. Cardboard containers with liners (e.g. DOT 11G) may be stored on a flatbed for a maximum of 7 days. As shown:*

Units which may be stored or staged incidental to treatment in this area include:

- Box trailers holding hazardous and non-hazardous *waste, with hazardous materials packaged in DOT approved containers (liquid waste containers in Area III & IV only);*
- Bulk tanker trailers, vacuum trailers or other bulk containers holding liquids (in Area III & IV only) ;
- Covered roll-off trailers holding solid materials; and
- Flatbed or lowboy trailers holding hazardous and non-hazardous containers *with hazardous materials packaged in USDOT approved containers or transformers (liquid waste containers in Area III & IV only). Bags of weather resistant fabric*

such as polypropylene with liners (e.g. DOT 13H) may be stored on flatbeds. Cardboard containers with liners (e.g. DOT 11G) may be stored on a flatbed for a maximum of 7 days ~~boxes and other fiberboard containers may not be stored on an uncovered flatbed or other open trailer.~~

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment with respect to allowing liquid container storage in Area IV. Attachment D, Appendix D-1, Section F.2.(a)(2) on Draft Page 22 has been revised.

The NYSDEC disagrees with the modification proposed by this CWM comment with respect to only requiring USDOT containers for hazardous materials. For reasons detailed in the NYSDEC Response to Comment #96, all stored wastes must be in containers meeting DOT specifications. However, NYSDEC has revised this section to indicate storage of “waste” in containers.

With respect to allowing outdoor storage of “weather-resistant” fabric, cardboard or fiberboard on flatbed trailers, NYSDEC agrees that outdoor storage in cardboard or fiberboard containers for a period of up to 7 days is acceptable, but does not agree that outdoor storage in “weather-resistant” fabric containers for an indefinite length of time is acceptable, for reasons detailed in the NYSDEC Response to Comment #27. Therefore, NYSDEC has revised this section in a manner consistent with the revisions made under Comment #27.

COMMENT NUMBER: 106 [CWM #74]

Attachment D, Appendix D-1, Section F.2.(b), page 23 - Use of water from containment areas reduces the amount of city water used in the stabilization process. Add: *It may also be collected and used in lieu of city water in the Stabilization process in accordance with SDP 2124.* as shown:

A Procedure for the Removal of Liquids from Secondary Containment and Precipitation Management

The Stabilization Trailer Parking Area, being outdoors, will collect precipitation. Precipitation will be collected and removed via vacuum truck or equivalent and treated in the Aqueous Waste Treatment System, or if appropriate, characterized by sampling and discharged to the surface water drainage system if analysis indicates that it meets surface water standards. *It may also be collected and used in lieu of city water in the Stabilization process in accordance with SDP 2124.*

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment. However, since the ultimate fate of stabilized wastes is land disposal, it must be confirmed that these secondary containment waters are in compliance with 6 NYCRR Part 376 (i.e., meet LDR requirements) before they are used in the stabilization process. Therefore, NYSDEC has included a requirement for analysis of secondary containment water to confirm LDR compliance if it is to be used in the stabilization process in Attachment D, Appendix D-1, Section F.2.(b) on Draft Page 23.

COMMENT NUMBER: 107 [CWM #75]

Attachment D, Appendix D-1, Section J.2, page 31 – Requests same changes as Comment 102 but requests change from aqueous liquid to just liquid as well.

NYSDEC RESPONSE: DEC has made same changes to Attachment D, Appendix D-1,

Section J.2 on Draft Page 31 has been revised as have been made in NYSDEC Response Number 102.

COMMENT NUMBER: 108 [CWM #76]

Attachment D, Appendix D-1, Section J.3, page 32

Delete: *aqueous* as shown:

The T-130 Loading/Unloading Area is used for the ~~aqueous~~-liquid or solid storage of the RCRA regulated, TSCA regulated and non-hazardous full or partially full containers mentioned above.

NYSDEC RESPONSE:

For reasons detailed in the NYSDEC Response to Comment #26, NYSDEC does not agree with the proposed deletion of the qualifying term “aqueous” with respect to the containerized liquids stored in this area. However, it has revised the description to make clear that the aqueous wastes stored in these areas may contain small quantities of incinerable liquids. Attachment D, Appendix D-1, Section J.3 on Draft Page 32 has been revised.

COMMENT NUMBER: 109 [CWM #77]

Attachment D, Appendix D-1, Section M.2, pages 37 & 38 – Modify as per Comment number 107

NYSDEC RESPONSE:

DEC has made same changes to Attachment D, Appendix D-1, Section M.2 on Draft Pages 37 and 38 have been made in NYSDEC Response Number 102.

COMMENT NUMBER: 110 [CWM #78]

Attachment D, Appendix D-1, Section N, page 39 - Revise as follows:

Delete: *be provided with*

Replace with: *require* as shown:

All drums and other containers less than 119 gallons at CWM drum storage locations which are subject to Subpart CC requirements will *require* ~~be provided with~~ level 1 controls. This requirement may be satisfied by use of a USDOT specification container or a container with no cracks, gaps or holes.

NYSDEC RESPONSE:

The NYSDEC agrees that USDOT containers which arrive at the CWM facility in good condition in essence have level 1 controls provided by the generator, not CWM. However, waste which may arrive in non-USDOT containers or in USDOT containers in poor condition, will have to be put in appropriate USDOT containers by CWM, and in such cases, CWM will have to provide the level 1 controls. Also, simply saying that such controls are “required” does not necessarily mean they will be provided. Therefore, to cover both situations where the generator or CWM provides the controls, the NYSDEC has revised this section to simply state that containers in drum storage locations under 119 gallons will have level 1 controls.

Attachment D, Appendix D-1, Section N on Draft Page 39 has been revised to reflect the above.

COMMENT NUMBER: 111 [CWM #79]

Attachment D, Appendix D-2, Section I, page 1 - Revise as follows:

Delete: *and stormwater which may be qualified and pumped into FAC Pond 1 /2 from FAC Pond 8.*

Replace with: *...into the impoundments. Precipitation that accumulates in FAC Pond 8 may be transferred to FAC Pond 1 /2.* as shown:

The FAC ponds receive treated effluent from the Aqueous Wastewater Treatment System only. There are no other inputs to these impoundments with the exception of direct precipitation *into the impoundments. Precipitation that accumulates in FAC Pond 8 may be transferred to* ~~and stormwater which may be qualified and pumped into FAC Pond 1 /2 from FAC Pond 8.~~

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised Section I as requested by the CWM comment.

COMMENT NUMBER: 112 [CWM #80]

Attachment D, Appendix D-3, Section III.A, page 4 - Revise as follows:

Delete: *clarifier*

Replace with: *lift station* as shown:

While some AWTs tanks are used for storage only, various treatment options may be used in other tanks to facilitate the most efficient overall treatment, as listed in the following tank tables. For example, anti-foaming agents, nutrients and inoculum are typically added to *lift station* ~~clarifier~~ tanks T-3011 and T-3012 or tank T-3002 to improve organic reduction efficiency in the biotowers.

Delete: *increase the organic removal in the*

Replace with: *prevent bridging of the carbon* as shown:

Various agents may be added to filtrate storage tank T-100 and leachate tank farm tanks T-101, T-102 and T-103 to reduce the concentration of organics. Air sparging may be performed and various agents may be added to final effluent tanks T-58 and T-125 to reduce the concentration of organics. Hexametaphosphate is typically added to carbon adsorber feed tank T-3003 to *prevent bridging of the carbon* ~~increase the organic removal in the~~ adsorbers. An oxidizer may be added to RMU-1 lift station tank T-160 to control the generation of hydrogen sulfide gas. A wide variety of other chemicals may also be used in any treatment tank depending on the type of treatment needed.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised Section III.A as requested by the CWM comment.

COMMENT NUMBER: 113 [CWM #81]

Attachment D, Appendix D-3, Section III.C, page 11

Delete: SLF 7 leachate may also be removed from T-107 by vacuum truck and transferred *Frac Tank #3* or an outbound tanker for treatment or *incineration*.

Replace with: SLF 7 leachate may also be removed from T-107 by vacuum truck and transferred *to AWT for treatment and/or transferred* an outbound tanker for treatment or *disposal*.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised Section III.C as requested by the CWM comment.

COMMENT NUMBER: 114 [CWM #82]

Attachment E, Groups G&H, Tank Farm E, page 17
The interceptor trench has been constructed,
Change "*will be*" to "*has been*" as shown:
A groundwater interceptor trench *has been* ~~will be~~ constructed.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised Tank Farm E status as requested by the CWM comment.

COMMENT NUMBER: 115 [CWM #83]

Attachment E, Drum Storage Warehouse, page 31
Delete: *sumps and lines*
Add: *areas including trenches*
Change *Exhibit B* to *Exhibit C*
Add *container storage areas* as shown:
Collection *areas including trenches* ~~sumps and lines~~ are inspected regularly as part of operations (Exhibit ~~C~~ of Schedule 1 of Module I of the Permit).
Inspection results indicate that the integrity of the *container storage areas* ~~lines~~ is acceptable.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised Drum Warehouse status as requested by the CWM comment.

COMMENT NUMBER: 116 [CWM #84]

Attachment E, Appendix E-1, Section I.E, page 49 - Revise as follows:
Delete: *except Monitoring well TW01S*
Delete: *Monitoring well TW01S must be sampled quarterly.* As shown:
Sampling Frequency. All monitoring wells in the Detection Monitoring Program, ~~except Monitoring well TW01S,~~ must be sampled at least semi-annually. ~~Monitoring well TW01S must be sampled quarterly.~~

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised Section I.E as requested by the CWM comment.

COMMENT NUMBER: 117 [CWM #85]

Attachment E, Appendix E-1, Section I.I, page 51 - Revise as follows:

Change: *ten (10) weeks to 90 days*

Replace: *as a hard (paper) copy. In addition, sampling/analytical data shall be made available on magnetic/computer media suitable for use with a commercially available data base management software.*

With: *in accordance with the requirements of Condition N of Module I as shown:*

The results of all routine environmental monitoring that occurs during a month must be submitted to the Department within *90 days*~~ten (10) weeks~~ from the end of that month. The sampling data must be submitted *in accordance with the requirements of Condition N of Module I as a hard (paper) copy.*~~In addition, sampling/analytical data shall be made available on magnetic/computer media suitable for use with a commercially available data base management software.~~

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised Section I.I as requested by the CWM comment.

COMMENT NUMBER: 118 [CWM #86]

Attachment E, Appendix E-1, Sections II.C, D & E, pages 55 & 56

Change: *ICM to Groundwater Extraction Systems (GWES)*

Paragraph E:

Delete: *the Superfund Hazardous Substance List*

Add: *Site Specific VOCs, semi-volatiles, metals, PCBs and pesticides* as shown:

C. Description of Wells. The wells which comprise the corrective action monitoring program for each of the applicable areas are described in Section 220 of the *Groundwater Extraction Systems (GWES) Operations and Maintenance (O&M Manual)*~~for the ICM program~~. All revisions to the O&M Manual must be approved by the NYSDEC Region 9 Hazardous Waste Engineer.

D. Additional Monitoring. Every quarter that the *GWES ICM*~~ICM~~-Systems are in operation, water level measurements will be taken from selected wells and piezometers as specified in Attachment 1 of the *GWES ICM*~~ICM~~-O&M Manual. In addition, DNAPL sumps will be checked for DNAPL presence as specified in Attachment 1 of the *GWES ICM*~~ICM~~-O&M Manual.

- E. Sampling Frequency. As specified in Section 220 of the GWES O&M Manual, selected monitoring points in the corrective action monitoring program must be sampled annually for *Site Specific VOCs, semi-volatiles, metals, PCBs and pesticides* ~~the Superfund Hazardous Substance List~~. Other monitoring points are sampled semiannually for the Site Specific Priority Pollutant VOC List described in II.F of this Appendix.

NYSDEC RESPONSE:

The Groundwater Extraction Systems (GWES) are no longer referred to as Interim Corrective Measures (ICM). The title of the O&M manual is the Groundwater Extraction Systems O&M Manual. The sampling requirement was changed to the more specific suite of analytes listed by test method in the O&M Manual. The NYSDEC agrees with this CWM comment and has revised Sections II.C, D & E as requested by the CWM comment.

COMMENT NUMBER: 119 [CWM #87]

Attachment E, Appendix E-1, Section II.H, page 57

Delete: The sampling data must be submitted *as a hard (paper) copy. In addition, sampling/analytical data shall be made available on magnetic/computer media suitable for use with a commercially available data base management software.*

Add: The sampling data must be submitted *in accordance with the requirements of Condition N of Module I* as shown:

The sampling data must be submitted *in accordance with the requirements of Condition N of Module I* ~~as a hard (paper) copy. In addition, sampling/analytical data shall be made available on magnetic/computer media suitable for use with a commercially available data base management software.~~

NYSDEC RESPONSE:

This is consistent with other environmental reporting. The NYSDEC agrees with this CWM comment has revised Section II.H as requested by the CWM comment.

COMMENT NUMBER: 120 [CWM #88]

Attachment E, Appendix E-1, Section II.K, page 58 - GWES systems and monitoring program are no longer Interim Measures, drop interim from description.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised Section II.K as requested by the CWM comment.

COMMENT NUMBER: 121 [CWM #89]

Attachment F, Inspection Forms, Transformer Decommissioning Area, Section II, page 5

Add: *GENERAL FACILITY* as shown:

Note: Refer to *GENERAL FACILITY* Section VI – Groundwater Extraction Systems Inspection Form for T-8009

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised Section II as requested by the CWM comment.

COMMENT NUMBER: 122 [CWM #90]

Attachment F, Inspection Forms, LANDFILL-RMU-1, Section I, Item Q, page 14 - Delete this:

Q) Off loaded Macro Boxes free of cracks or other defects

(After each box is offloaded) [] [] _____

Only the top of the macro box is visible after it has been filled and sealed and it is still in the roll-off box. When the sealed macro box is unloaded in the landfill, inspection of each macro box is performed by Landfill/Stabilization personnel. If a defect is noted, it is circled/marked with a crayon for repair. The defect is then repaired by Landfill/Stabilization personnel and the area marked “OK”. The identification of a defect, the completion of the repair and final inspection is recorded on the Waste Tracking Form (WTF) for the receipt. The completed WTF is filed in the Operating Record. This process satisfies the requirements specified in Appendix D-1, B.4.(f).

The Inspection Forms are completed by the site’s Inspector, who covers all areas during the course of the day. Having the Site Inspector available to perform an inspection of each macro box as it is unloaded would not be practical. The inspection will be handled by Landfill/Stabilization personnel.

NYSDEC RESPONSE:

The NYSDEC disagrees with the proposed deletion of this inspection requirement as requested by this CWM comment. However, NYSDEC recognizes that Macro Boxes

are periodically placed in the landfill and may not be off-loaded everyday or at the time the CWM Inspector makes his daily rounds. Therefore, NYSDEC has revised the RMU-1 Inspection Form to replace Inspection Item Q with a note which indicates that Macro Boxes are to be inspected when off-loaded in the landfill in a manner consistent with Section B.5.f in Appendix D-1 of Attachment D of the Permit. This retains the off-loading inspection requirement, but does not indicate it as a daily inspection item to be checked off by the CWM Inspector during his routine daily inspection. Attachment F, Inspection Forms, LANDFILL-RMU-1, Section I on Draft Form Page 14 has been revised.

COMMENT NUMBER: 123 [CWM #90]

Attachment F, Inspection Forms, STABILIZATION, Section VIII, Item C, page 18
Delete this:

C) Loaded Macro Boxes free of cracks or sealed

(After each box is filled and covered)

[] [] _____

Same rationale as Comment Number 122.

NYSDEC RESPONSE:

See NYSDEC response to Comment 122. Attachment F, Inspection Forms, STABILIZATION, Section VIII on Draft Form Page 18 has been revised-

COMMENT NUMBER: 124 [CWM #91]

Attachment G, Contingency Plan, page 2

Delete: *activate the emergency alert (two- minute siren) to notify facility personnel in the event of a fire, explosion or other obvious emergency, or for other calls,*

Add: *As directed by the Emergency Coordinator, the emergency alert (two- minute siren) will be activated to notify facility personnel in the event of a fire, explosion or other obvious emergency. As shown:*

- The site security office will immediately ~~activate the emergency alert (two- minute siren) to notify facility personnel in the event of a fire, explosion or other obvious emergency, or for other calls,~~ notify the Emergency Coordinator (or Alternate) who will determine the appropriate response (see Section 3.0 for details on this determination). *As directed by the Emergency Coordinator, the emergency alert (two- minute siren) will be activated to notify facility personnel in the event of a fire, explosion or other obvious emergency.*

NYSDEC RESPONSE:

For reasons similar to those detailed in the NYSDEC Response to Comment #16 with respect to fires, explosions or off-site releases, the NYSDEC disagrees with the modifications proposed by this CWM comment. Additionally, having the person who discovers the fire, explosion or off-site release contact the site security office and then have the site security office attempt to contact the Emergency Coordinator or alternate before a decision is made to activate the emergency alert and presumably a decision with regard to contacting outside emergency response agencies, can waste a significant amount of time in such true emergencies and potentially allow them to do more harm or become a greater endangerment to human health or the environment. Furthermore, if the Emergency Coordinator or alternate cannot be contacted quickly, the Plan does not indicate what should happen next.

However, for other incidents, such as releases which are limited to on-site, the NYSDEC would agree that the notification procedure indicated in the CWM proposed modification appears reasonable. Therefore, to be consistent with the NYSDEC revision to Condition A.5 in Exhibit A of Schedule 1 of Module I, NYSDEC has revised the identified Contingency Plan bullets to require immediate activation of the on-site emergency alert and contacting of outside agencies in the event of a fire, explosion or off-site release, while indicating the CWM proposed notification procedure for other incidents.

Note: Public Comment #48-199 has also been considered with respect to the revision of this Permit condition.

COMMENT NUMBER: 125 [CWM #92]

Attachment G, Contingency Plan, page 8 - Revise as follows:

6. Lewiston Porter School (716)-754-8281
~~Rappold~~R.Christopher Roser (Superintendent)

9. Town of Lewiston –Town Hall
~~Newlin~~Steven L. Reiter (Supervisor) or

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised Notification Items 6 & 9 as requested by the CWM comment.

COMMENT NUMBER: 126 [CWM #93]

Attachment G, Contingency Plan, Table, page 63 - Revise as follows:

7. ~~Erie~~Tower, Jeff – Chief

16. ~~James~~Weiss, Dennis

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised Table Items 7 & 16 as requested by the CWM comment.

COMMENT NUMBER: 127 [CWM #94]

Attachment G, Contingency Plan, Attachment 5, Organizational Chart - Revise as follows:

INFORMATION OFFICER

~~D. Sturges~~

L. Caso

M. Mahar

~~R. Zayatz~~

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised Attachment 5 Organizational Chart as requested by the CWM comment.

COMMENT NUMBER: 128 [CWM #95]

Attachment H, Training Plan, Table of Contents & page 10

Add to TABLE OF CONTENTS:

4.0 TRAINING FOR OUTSIDE CONTRACTORS..... 10

Add to Page 10:

4.0 TRAINING FOR OUTSIDE CONTRACTORS

CWM is dedicated to ensuring the safety and well being of the outside contractors that work at the facility as well as its employees. All outside contractors performing work on-site must review the facility’s “Safety Procedures and Requirements for Outside Contractors”. An authorized representative of the contractor is required to sign the safety declaration that they will comply with these policies and requirements, and with all local, state and federal laws and regulations while performing work at CWM.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised the Table of Contents and Page 10 to add new Section 4.0 as requested by the CWM comment.

COMMENT NUMBER: 129 [CWM #96]

Attachment H, Training Plan, Table of Contents, Appendices List, page ii

Delete: *Example of the Master List of Courses and...*

Delete: *D. Example of Job Specific Training Requirements* as shown:

Appendix

A. Example of Position Description

B. ~~Example of the Master List of Courses and~~ Example of a Departmental Job Specific Training Tracking Form

C. Training Topics

~~D. Example of Job Specific Training Requirements~~

NYSDEC RESPONSE:

NYSDEC review of the Training Plan Appendices in the Draft Permit indicates that the Example of the Master List of Courses is in Appendix B and therefore should not be deleted from the Table of Contents. However, Appendix D is not in the Draft Permit and therefore should be deleted from the Table of Contents. NYSDEC has revised the Table of Contents appropriately.

COMMENT NUMBER: 130 [CWM #97]

Attachment I, Sitewide Closure Plan, Section C, Table 1, page 8 Correction on material of construction to HDPE.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised Section C, Table 1 as requested by the CWM comment.

COMMENT NUMBER: 131 [CWM #98]

Attachment I, Sitewide Closure Plan, Section 1.10.1, page 23 - Update of test methods for PCBs to 8082

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised Section 1.10.1 as requested by the CWM comment.

COMMENT NUMBER: 132 [CWM #100]

Attachment I, Sitewide Closure Plan, Section 1.10.2.A, page 23 - Changed “will” back to “may” be decontaminated, as a tank may also be disposed of as a RCRA/TSCA waste (see section 1.8.3).

NYSDEC RESPONSE:

While the NYSDEC conceptually agrees with this CWM comment, the proposed modification is unacceptable since the word “may” is too indefinite and leaves open the possibility of not decontaminating these tanks and leaving them in place, which is not allowed under the regulations. Therefore, NYSDEC has revised this section to indicate that the tanks will either be decontaminated or disposed of as a RCRA/TSCA waste. Attachment I, Sitewide Closure Plan, Section 1.10.2.A on Draft Page 23 has been revised.

COMMENT NUMBER: 133 [CWM #98]

Attachment I, Sitewide Closure Plan, Section 1.10.2.B, page 23 - Update of test methods used. Change 8080 to 8082 (capillary column test method) in second paragraph of section 1.10.2.B.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised Section 1.10.2.B as requested by the CWM comment.

COMMENT NUMBER: 134 [CWM #99]

Attachment I, Sitewide Closure Plan, Section 1.11.4, page 30 - Revise as follows:
Change: *Module III* to *Corrective Action Module*
Add: (*see Schedule 1, Exhibit B and Attachment E*).
Change: *NYCRR 373-2.14(g)* to *NYCRR 373-2.14(g)(2)(i) and (v)* as shown:

During the RFI investigation in 1991, more than 400 soil samples were taken in the area identified as Groups G & H (Process Area, including Tank Farms A, B, C, D, E, Distillation and Thermal Oxidation Areas) in *the Corrective Action Module-III* (~~Corrective Action~~) of the Sitewide Permit (*see Schedule 1, Exhibit B and Attachment E*). Based upon the volatiles and PCB contamination found throughout this area, it was determined that a release has occurred from the tanks formerly located in this area, and that the area must be managed as a SWMU and in accordance with 6 NYCRR 373-2.14(g)(2)(i) and (v).

To prevent the migration of the contamination within the soil, two Interim Measures Ground Water Extraction Systems (Process Area I and II) were installed down gradient of the Process Area. In January, 1995, as required by 6 NYCRR 373-2.6 and *the Corrective Action Module-III*, CWM submitted a report titled SITE-WIDE CORRECTIVE MEASURES STUDY.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment and has revised Section 1.11.4 as requested by the CWM comment.

COMMENT NUMBER: 135 [CWM #101]

Attachment J, Appendix D-7, Section 02401, Textured Polyethylene Geomembrane, Part 1.02, Pages 02401-1 & 2 – Requests deletion of the following test methods

ASTM D 746 – Test Method for Brittleness Temperature of Plastics and Elastomers by Impact.

ASTM D751 - Methods of Testing Coated Fabrics. Modifications: Measure thickness at 1-ft intervals across width of roll (perpendicular to machine direction) and report average, standard deviation, and lowest individual readings.

ASTM D1204 - Test Method for Linear Dimensional Changes of Nonrigid Thermoplastic Sheeting or Film at Elevated Temperature. Modifications: 100°C for 1-hr.

ASTM D1693 - Test Method for Environmental Stress Cracking of Ethylene Plastics.

ASTM D3030 - Test Method for Volatile Matter (Including Water) of Vinyl Chloride Resins. ASTM D3421 - Recommended Practice for Extraction and Analysis of Plasticizer Mixtures from Vinyl Chloride Plastics.

- Geosynthetic Research institute Test GM-5b - Ductile/Brittle Transition Time for Notched Polyethylene Specimens Under Constant Stress. Test method modified as

follows:

- Test 5 samples taken in cross-machine direction.
- Test specimens at 30% of room temperature yield stress.
- Test shall be discontinued upon failure of first specimen or when test duration exceeds specified value.

Geosynthetic Research Institute Test GM-4 or ASTM D5617 - 3-Dimensional Geomembrane Tension Test or Multi Axial Elongation.

Geosynthetics Research Institute Test GS-7 - Test Method for Determining Index Friction Angle.

- ASTM D5199 - Test Method for Measuring Nominal Thickness of Geotextiles and Geomembranes. (modifications same as ASTM D751)

A request to revise Section 02401 of the Technical Specifications for RMU-1 was submitted with the revised Permit Renewal Application submitted by CWM on July 7, 2011.

According to Geosynthetic Research Institute (GRI) GM13, Table 2(a) and Specification Modification Request SM-112, approved by the NYSDEC, ASTM D746, ASTM D1204, GM-4/ASTM D5617, and GS-7 are no longer a requirement for manufacturer's quality control.

According to Geosynthetic Research Institute (GRI) GM13 and Specification Modification Request SM-112, approved by the NYSDEC, the testing for textured geomembrane thickness utilizes ASTM 5994.

ASTM D751 indicates that the testing method is for coated fabrics and rubber products made from coated. The test method covers, but is not limited to, rubber-coated fabrics, that is, tarpaulins, rainwear, and similar products. ASTM D5994 indicates that the test method is specifically applicable to all commonly available textured geomembranes that are deployed as manufactured geomembrane sheets. According to Geosynthetic Research Institute (GRI) GM13 and Specification Modification Request SM-112, approved by the NYSDEC, ASTM D5199 is for testing of smooth geomembrane. Therefore, the specification references to ASTM D751 and ASTM D5199 should be deleted.

According to Geosynthetic Research Institute (GRI) GM13 and Specification Modification Request SM-112, approved by the NYSDEC, the testing for textured geomembrane dimensional stability has been replaced by ASTM 5397.

There are no requirements for ASTM D3030, ASTM D3421, GRI Test GM-5b testing for manufacturer's quality control in the specifications. There is no need to reference specifications when there are no requirements for testing.

NYSDEC RESPONSE:

From NYSDEC's review it is apparent that the deletion of certain test methods from Part 1.02 is intended to align the referenced list of test methods for Textured High Density Polyethylene (HDPE) Geomembrane in this section to the list of test methods for this material contained in the "Geosynthetic Research Institute's (GRI's) GM13 specification. Although the GM13 specification has been developed by an organization which is well respected in the field of geosynthetic design research, it is a "standard" specification which may not be adequate for all applications. In fact, Section 1.4 of GM13 states that it is possibly not adequate as a complete specification in specific situations, and that additional tests may be necessary for particular applications. Therefore, deleting test methods from Part 1.02 simply because they are not GM13 recommended tests is not, by itself, sufficient basis for their deletion.

The NYSDEC considers it essential that the Design Engineer for RMU-1 confirm that the test methods being proposed for deletion are not necessary for the particular application of Textured HDPE Geomembrane in the RMU-1 liner and cover systems, and that not evaluating the geomembrane materials for these particular testing parameters or use of alternative test methods will not in any way diminish the performance of the RMU-1 liner and cover geomembrane as stipulated by the design requirements in the RMU-1 Engineering Report. Based on the July 7, 2011 letter from the Design Engineer (i.e., Arcadis) in which these test method deletions were originally proposed, it is NYSDEC's understanding that the RMU-1 Design Engineer has evaluated the deletion of these test methods from Part 1.02 in terms of their importance in verifying RMU-1 liner/cover design requirements and has determined that the remaining test methods which are consistent with the GRI GM13 standard specification, are adequate to confirm that the geomembrane materials meet the design requirements in the RMU-1 Engineering Report for the RMU-1 liner and cover systems. It is with this understanding that the NYSDEC has made the specific requested revisions to Part 1.02 as described below:

- NYSDEC has confirmed that test methods ASTM D746, ASTM D1204, GM-4 / ASTM D5617 and GS-7 are not listed in GRI's GM13 standard specification, and agrees with the CWM comment proposing their deletion.
- Based on review of GRI's GM13 standard specification, NYSDEC agrees with the CWM comment that ASTM D5994 is the most appropriate test method for measuring the core thickness of textured geomembranes. As stated in the CWM comment, ASTM D5199 is appropriate for smooth, not textured geomembrane,

and ASTM D751 is more applicable to coated fabrics, therefore NYSDEC agrees with their deletion.

- NYSDEC agrees with the CWM comment that according to GRI's GM13 standard specification, ASTM D 5397 is the appropriate test for geomembrane dimensional stability.
- NYSDEC agrees with the CWM comment that ASTM D3030, ASTM D3421 and GRI's GM-5b can be deleted since the technical specifications do not require these tests.

COMMENT NUMBER: 136 [CWM #102]

Attachment J, Appendix D-7, Section 02401, Textured Polyethylene Geomembrane, Part 2.01.A, Pages 02401-6 & 7

A request to revise Section 02401 of the Technical Specifications for RMU-1 was submitted with the revised Permit Renewal Application submitted by CWM on July 7, 2011. According to Geosynthetic Research Institute (GRI) GM13, Table 2(a) and Specification Modification Request SM-112, approved by the NYSDEC, the table has been revised to match the industry standard for testing of 40-mil and 80-mil textured geomembrane.

NYSDEC RESPONSE:

From NYSDEC's review of this CWM comment, it is apparent that the deletion of certain test parameters and the reduction in the required value of others on the table in Part 2.01.A is intended to have the specifications in this table for Textured High Density Polyethylene (HDPE) Geomembrane match the specifications for this material contained in the "Geosynthetic Research Institute's (GRI's) GM13 specification. Again, although the GM13 specification has been developed by an organization which is well respected in the field of geosynthetic design research, it is a "standard" specification which may not be adequate for all applications. In fact, Section 1.4 of GM13 states that it is possibly not adequate as a complete specification in specific situations, and that more restrictive values may be necessary for particular applications. Therefore, deleting specifications or reducing required values in Part 2.01.A simply because they to match the GM13 standard specification is not, by itself, sufficient basis for these modifications.

The NYSDEC considers it essential that the Design Engineer for RMU-1 confirm that the individual specifications being proposed for deletion or reduction will not in any way diminish the performance of the RMU-1 liner and cover geomembrane as stipulated by the design requirements in the RMU-1 Engineering Report. Based on the July 7, 2011 letter from the Design Engineer (i.e., Arcadis) in which these deletions/reductions were originally proposed, it is NYSDEC's understanding that the

RMU-1 Design Engineer has evaluated each of them in terms of their importance in verifying RMU-1 liner/cover design requirements and has determined that the remaining specification and reduced required values which are consistent with the GRI GM13 standard specification, will be adequate to insure that the geomembrane materials meet the design requirements in the RMU-1 Engineering Report for the RMU-1 liner and cover systems. It is with this understanding that the NYSDEC has made the revisions to the specification in Part 2.01.A as requested by this CWM comment.

COMMENT NUMBER: 137 [CWM #103]

Attachment J, Appendix D-7, Section 02401, Textured Polyethylene Geomembrane, Part 2.03.A.4 & 2.03.A.6, Pages 02401-9

Index Friction testing is not performed by manufacturers of textured geomembrane. Test is not required for manufacturer's quality control testing per GRI GM13, Table 2(a). Interface Friction Testing is run on each interface as required in Technical Specification sections for geocomposite and geosynthetic clay liner.

As indicated in Section 02401 Part 2.01, Paragraph G, Final cover geomembrane interfaces shall be subjected for interface shear strength testing (ASTM D5321) to verify that the minimum required values are met. Refer to RMU-1 Technical Specification 02430 – Geotextile/Geonet Composite for testing conditions and minimum required values.

NYSDEC RESPONSE:

For reasons similar to those mentioned in NYSDEC's Response to Comment #s 135 & 136, NYSDEC agrees with the proposed deletion of the Index Friction test from the list of quality control tests, as requested by this CWM comment.

NYSDEC agrees with CWM's proposed deletion of the friction angle test from Part 2.03.A.6 since this testing is required by other sections of the technical specifications.

COMMENT NUMBER: 138 [CWM #104]

Attachment J, Appendix D-7, Section 02413-FC, Final Cover Geosynthetic Clay Liner (GCL), Part 2.01.C.3 table, Pages 02413-FC-7

The proposed modifications are those that are the approved GCL Interface and Internal Shear Strengths in Attachment J, Appendix D-7 of the current Sitewide Permit. Revisions to these strengths were not requested in CWM's Revised Sitewide Permit Renewal Application, dated July 7, 2011. These values should not have been modified in this Draft Sitewide Permit.

NYSDEC RESPONSE:

NYSDEC has determined that the values in the Part 2.01.C.3 table presented in Attachment J, Appendix D-7, Section 02413-FC of the Draft Permit mistakenly obtained from an electronic version of Section 02413-FC provided to NYSDEC by CWM. NYSDEC agrees with the CWM comment that these values should not have been changed from the values in the previous Permit. Therefore, NYSDEC has modified the values in the table as requested by the CWM comment to match those in the previous Permit.

COMMENT NUMBER: 139 [CWM #105]

Attachment M, SWSAP, Header on Pages 1 through 21

The latest proposed modifications were provided in the Revised Permit Renewal Application submitted by CWM on July 7, 2011. The Cover Page and Pages i and ii contain the correct revision date. The header should be revised for consistency.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment.

COMMENT NUMBER: 140 [CWM #106]

Attachment M, SWSAP, Table A, page 10

Update of Table A to reflect the currently utilized methods for analyses of surface water.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment.

COMMENT NUMBER: 141 [CWM #107]

Attachment M, SWSAP, Section 6.4, page 16

Funnels may not be used for sample collection. However, if they are used they will be rinsed, if necessary.

NYSDEC RESPONSE:

NYSDEC has revised this procedure item to indicate that if funnels are used, they will be thoroughly rinsed.

COMMENT NUMBER: 142 [CWM #108]

Attachment M, SWSAP, Section 7.2, page 19

Duplication: Bullets 5 and 6 are duplicated in Bullets 7 and 8.

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment.

COMMENT NUMBER: 143 [CWM #109]

Attachment N - Air & Meteorological Monitoring Plan.

Consistent with other monthly environmental monitoring reporting (e.g. Condition L.9. in Exhibit F, Schedule 1, S1-13)

NYSDEC RESPONSE:

The NYSDEC agrees with this CWM comment.

COMMENT NUMBER: 144 [CWM #110]

Attachment O - Major/Minor Modifications

Consistency with Condition D of Module I.

NYSDEC RESPONSE:

The NYSDEC has reviewed the subject text in Attachment O of the Draft Permit and agrees it is inappropriate to include permit language in an attachment which is intended solely to be a log of permit modifications. Attachment O has been revised accordingly.

COMMENT NUMBER: 145 [CWM Letter Dated December 19, 2012]

Dear Mr. Schick:

CWM Chemical Services, LLC (“CWM”) respectfully submits this letter to urge the Department to maintain the current schedule for the public hearing and public comment period related to CWM's pending Part 373 Sitewide Renewal Permit for the Model City Facility in Niagara County. The notice of complete application, availability of draft permit, and public comment period was published on November 28, 2012. The public comment period is scheduled to close on January 28, 2013, a full two weeks longer than what is required by the applicable regulations. A legislative hearing is scheduled for January 14, 2013.

The permit renewal application has been pending for three years. The renewal permit will not authorize any expansion of the existing facility operations nor the construction of any new treatment or disposal capacity. The application qualified for a SEQRA negative declaration.

The application for proposed RMU-2, a new landfill at the Model City Facility, has been pending since 2003. Initially, DEC delayed processing the RMU-2 application because of the need to address CWM's previous sitewide permit renewal application that was submitted in 1997. That renewal permit was issued in 2005. Then, DEC delayed processing the RMU-2 application because of the need to complete the Hazardous Waste Facility Siting Plan. That Plan was adopted in October 2010. Next, DEC delayed processing the RMU-2 application because of the need to complete the current' pending sitewide permit renewal application. Moreover, the Department has determined that the RMU-2 application should be treated as a modification of the new sitewide renewal permit and that the RMU-2 permit modification application cannot be processed until the sitewide renewal permit is issued.

As a result of all of these administrative delays, the available capacity in the existing landfill, RMU-1, which was permitted in 1993 and opened in 1995, has been substantially depleted. Remaining capacity is expected to be consumed by 2015 and we have now begun the process of deciding which remediation projects in New York and the region we will be able to accept. The Model City Facility is a vital and critical asset for remediation projects and the need for the additional airspace is beyond question.

The Uniform Procedures, in 6 NYCRR § 621.11(i), require that any Part 373 permit modification be treated as a new application. Even though the RMU-2 application will only propose to modify certain sections of a new sitewide renewal permit, all of the terms and conditions in the sitewide renewal permit, i.e., the facility permit, will be subject to public review and comment. In addition, the RMU-2 modification application will be the subject of a DEIS. Thus, interested members of the public have the option to comment now on the Sitewide Renewal Permit, or they can wait and comment on the RMU-1 modification application, including all of the provisions in the sitewide permit, as well as the DEIS. Consequently, there is no policy or practical reason to extend the comment period on the Sitewide Renewal.

Since the RMU-2 application has been pending for 10 years, CWM respectfully submits that every effort should be made to move that application forward through the administrative process to a determination and to do so without further delay. Thank you.

Sincerely,

John S. Skoutelas
Vice President & Group General Counsel

NYSDEC RESPONSE:

The NYSDEC received a number of written requests from interested parties and individuals to extend the public comment period on the CWM Permit renewal application and the Draft Permit. NYSDEC evaluated these requests and the above CWM comment letter with respect to a number of relevant factors. In deciding to extend the comment period an additional 60 days, the NYSDEC considered the voluminous nature of the documents being presented for public review, the substantial public interest expressed in the CWM facility and in reviewing these documents, and the fact that the initial comment period was scheduled during the holiday season. Therefore, NYSDEC deemed the extension of the comment period as an appropriate action for this situation.

With respect to CWM's RMU-2 landfill Permit modification application which is discussed extensively in the CWM comment letter, NYSDEC regards this as a separate course of action which, under the regulations, has no bearing on the Permit renewal process.

Figure C-1 Waste Profile Sheet



Requested Facility: _____ Unsure Profile Number: _____

Check if there are multiple generator locations. Attach locations. Renewal? Original Profile Number: _____

A. GENERATOR INFORMATION (MATERIAL ORIGIN)

- 1. Generator Name: _____
- 2. Site Address: _____
(City, State, ZIP) _____
- 3. County: _____
- 4. Contact Name: _____
- 5. Email: _____
- 6. Phone: _____ 7. Fax: _____
- 8. Generator EPA ID: _____ N/A
- 9. State ID: _____ N/A

B. BILLING INFORMATION

SAME AS GENERATOR

- 1. Billing Name: _____
- 2. Billing Address: _____
(City, State, ZIP) _____
- 3. Contact Name: _____
- 4. Email: _____
- 5. Phone: _____ 6. Fax: _____
- 7. WM Hauled? Yes No
- 8. P.O. Number: _____

C. MATERIAL INFORMATION

- 1. Common Name: _____
Describe Process Generating Material: See Attached

- 2. Material Composition and Contaminants: See Attached

1.	
2.	
3.	
4.	
≥100%	

- 3. State Waste Codes: _____ N/A
- 4. Color: _____
- 5. Physical State at 70°F: Solid Liquid Other: _____
- 6. Free Liquid Range Percentage: _____ to _____ N/A (Solid)
- 7. pH: _____ to _____ N/A (Solid)
- 8. Strong Odor: Yes No Describe: _____
- 9. Flash Point: <140°F 140°-199°F ≥200° N/A (Solid)

E. ANALYTICAL AND OTHER REPRESENTATIVE INFORMATION

- 1. Analytical attached Yes
Please identify applicable samples and/or lab reports:

- 2. Other information attached (such as MSDS)? Yes

D. REGULATORY INFORMATION

- 1. EPA Hazardous Waste? Yes* No
Code: _____
- 2. State Hazardous Waste? Yes No
Code: _____
- 3. Excluded waste under 40 CFR 261.4 (a) or (b)? Yes* No
- 4. Contains Underlying Hazardous Constituents? Yes* No
- 5. Contains benzene **and** subject to Benzene NESHA? Yes* No
- 6. Facility remediation subject to 40 CFR 63 GGGGG? Yes* No
- 7. CERCLA or State-mandated clean-up? Yes* No
- 8. NRC or State-regulated radioactive or NORM waste? Yes* No
- *If Yes, see Addendum (page 2) for additional questions and space.**
- 9. Contains PCBs? → If Yes, answer a, b and c. Yes No
 - a. Regulated by 40 CFR 761? Yes No
 - b. Remediation under 40 CFR 761.61 (a)? Yes No
 - c. Were PCB imported into the US? Yes No
- 10. Regulated and/or Untreated Medical/Infectious Waste? Yes No
- 11. Contains Asbestos? Yes: Friable Yes: Non-Friable No

F. SHIPPING AND DOT INFORMATION

- 1. One-Time Event Repeat Event/Ongoing Business
- 2. Estimated Quantity/Unit of Measure: _____
 Tons Yards Drums Gallons Other: _____
- 3. Container Type and Size: _____
- 4. USDOT Proper Shipping Name: _____ N/A

G. GENERATOR CERTIFICATION (PLEASE READ AND CERTIFY BY SIGNATURE)

By signing this EZ Profile™ form, I hereby certify that all information submitted in this and all attached documents contain true and accurate descriptions of this material, and that all relevant information necessary for proper material characterization and to identify known and suspected hazards has been provided. Any analytical data attached was derived from a sample that is representative as defined in 40 CFR 261 - Appendix 1 or by using an equivalent method. All changes occurring in the character of the material (i.e., changes in the process or new analytical) will be identified by the Generator and be disclosed to Waste Management prior to providing the material to Waste Management.

If I am an agent signing on behalf of the Generator, I have confirmed with the Generator that information contained in this Profile is accurate and complete.

Name (Print): _____ Date: _____
 Title: _____
 Company: _____

Certification Signature _____



Only complete this Addendum if prompted by responses on EZ Profile™ (page 1) or to provide additional information. Sections and question numbers correspond to EZ Profile™.

Profile Number: _____

C. MATERIAL INFORMATION

Describe Process Generating Material (Continued from page 1):

If more space is needed, please attach additional pages.

[Empty text box for describing process generating material]

Material Composition and Contaminants (Continued from page 1):

If more space is needed, please attach additional pages.

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D. REGULATORY INFORMATION

Only questions with a "Yes" response in Section D on the EZ Profile™ form (page 1) need to be answered here.

1. EPA Hazardous Waste

a. Please list all USEPA listed and characteristic waste code numbers:

[Empty text box for listing waste code numbers]

b. Is the material subject to the Alternative Debris standards (40 CFR 268.45)?

Yes No

c. Is the material subject to the Alternative Soil standards (40 CFR 268.49)? → If Yes, complete question 4.

Yes No

d. Is the material exempt from Subpart CC Controls (40 CFR 264.1083 and 265.1084)?

Yes No

→ If Yes, please select one of the following:

Waste has been determined to be LDR exempt [265.1083(c)(4) and 265.1084(c)(4)] based on the fact that it meets all applicable organic treatment standards (including UHCs for D-coded characteristic wastes) or a Specified Technology has been utilized.

Waste does not qualify for a LDR exemption, but the average VOC at the point of origination is <500 ppmw and this determination was based on analytical testing (upload copy of analysis) or generator knowledge.

2. State Hazardous Waste → Please list all state waste codes: _____

3. Excluded Waste → Please select which of the following categories apply to your material:

Delisted Hazardous Waste

Excluded Waste under 40 CFR 261.4 → Specify Exclusion: _____

Treated Hazardous Waste Debris

Treated Characteristic Hazardous Waste → If checked, complete question 4.

4. Underlying Hazardous Constituents → Please list all Underlying Hazardous Constituents:

[Empty text box for listing hazardous constituents]

5. Benzene NESHAP → Please include benzene concentration and percent water/moisture in chemical composition.

a. Are you a TSDF? → If yes, please complete Benzene NESHAP questionnaire. If not, continue.

b. What is your facility's current total annual benzene quantity in Megagrams?

<1 Mg 1–9.99 Mg ≥10 Mg

c. Is this waste soil from remediation at a closed facility?

Yes No

d. Has material been treated to remove 99% of the benzene or to achieve <10 ppmw?

Yes No

e. Is material exempt from controls in accordance with 40 CFR 61.342?

Yes No

→ If yes, specify exemption: _____

f. Based on your knowledge of your waste and the BWON regulations, do you believe that this waste stream is subject to treatment and control requirements at an off-site TSDF?

Yes No

6. 40 CFR 63 GGGGG → Does the material contain <500 ppw VOHAPs at the point of determination?

Yes No

7. CERCLA or State-Mandated clean up → Please submit the Record of Decision or other documentation to assist others in the evaluation for proper disposal.

8. NRC or state regulated radioactive or NORM Waste → Please identify Isotopes and pCi/g: _____



Additional Profile Information

Profile Number: _____

C. MATERIAL INFORMATION

Material Composition and Contaminants (Continued from page 2):

If more space is needed, please attach additional pages.

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	≥100%

D. REGULATORY INFORMATION

1. EPA Hazardous Waste

a. Please list all USEPA listed and characteristic waste code numbers (Continued from page 2):