

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9
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June 18, 2015

Mr. Michael D. Mahar
CWM Chemical Services, LLC
1550 Balmer Road
Model City, New York 14107

Dear Mr. Mahar:

**NOTICE OF INCOMPLETE APPLICATION
SPDES PERMIT MODIFICATION REQUEST
FOR RMU-2
CWM MODEL CITY FACILITY
DEC NO. 9-2934-00022/00049
SPDES NO. NY0072061**

We are in receipt of a SPDES Permit modification request, dated April 23, 2015, for the above-noted facility. A response is required to the following item before the application can be processed further.

Completeness Determination Item:

1. The RMU2 leachate is expected to contain one or more pollutants known as bioaccumulative chemicals of concern (BCCs) so that this leachate would have the potential to increase the discharge of BCCs from the site. In accordance with Department policy, an antidegradation demonstration is required for such an increase. The Department's antidegradation policy is available at http://www.dec.ny.gov/docs/water_pdf/togs139.pdf. The Department has developed a form to assist with the demonstration which is available at http://www.dec.ny.gov/docs/permits_ej_operations_pdf/antideg.pdf.

It is recommended that CWM staff work with the Department's Division of Water staff during development of the antidegradation demonstration to ensure that it contains all necessary information prior to being submitted. Please contact Mr. Shayne Mitchell at (518) 402-8125 to discuss the demonstration requirements.

Please be advised that our technical review of the updated application materials may uncover additional issues that will need to be addressed.

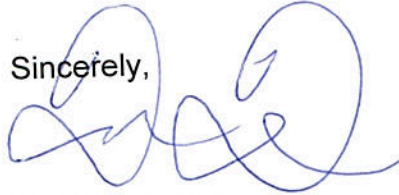


Department of
Environmental
Conservation

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If you have any questions concerning this, please feel free to contact me at
(716) 851-7165.

Sincerely,



David S. Denk
Regional Permit Administrator

MFP:

ecc: Shayne Mitchell, NYSDEC Albany
David Stever, Esq., NYSDEC Buffalo
Jeffrey Konsella, NYSDEC Buffalo
Peter Grasso, NYSDEC Buffalo
Matthew Mortefolio, NYSDEC Albany
Jonathan Rizzo, NYSDEC Albany