NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9
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October 19, 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 FOR RMU-2
CWM MODEL CITY FACILITY
DEC NO. 9-2934-00022/00049
SPDES NO. NY0072061

The Department has reviewed your August 20, 2015 response to our Notice of Incomplete Application dated June 18, 2015 for the above-referenced SPDES Permit modification request. The application remains incomplete. Please address the following items:

Completeness Determination Items:

1. In sections 1.0, 7.0, 8.0 and 9.0 of the Antidegradation Demonstration Supplement, CWM predicts a net reduction in bioaccumulative chemicals of concern (BCC) load to the Aqueous Waste Treatment System (AWTS) after RMU-2 becomes active by initiating certain activities, e.g., shipping SLF 1-6 leachate offsite. In section 8.5, however, it is noted that the PCB load will increase by 8% and the mercury load will decrease by 93.5% under this scenario. Furthermore, in Table B, it appears that the PCB load will increase by 140% (2014 load of 22.5 lbs vs future load of 54.41 lbs) and the mercury load will decrease by 61% (2014 load of 605.5 mg vs future load of 236.1 mg). Please check this information and provide correction/clarification as necessary.

2. The southeast corner of the CWM site is believed to have been free of PCB contamination prior to construction of RMU-1 and outfall 004. Table 6 indicates that there have been five PCB Aroclor detections between 2004 and 2015 at outfall 004. Since the performance of RMU-2 is being modeled after RMU-1, it should be assumed that RMU-2 will result in a similar addition of PCBs to stormwater discharges. CWM should explain the source of PCBs in outfall 004. Please revise the document to address this matter.

3. In section 7.0, CWM discusses a restriction on acceptance of B003 waste (petroleum oil or other liquid containing 500 ppm or greater of PCB's). CWM should quantify the impact on AWTS PCB load that such a restriction might have.

4. As indicated on the current SPDES permit fact sheet, it appears that outfall 004 has not been tested for low level mercury. It is requested that CWM collect at least one grab sample at this outfall and, for comparison, updated samples should also be collected at outfalls 002 and 003 and the samples should be analyzed for mercury.

5. CWM's evaluation of social, economic and environmental considerations in section 8.5 suggests that RMU-2 will have a positive impact. As a reminder, Section 2.3 of the Department's Division of Water Technical and Operational Guidance Series 1.3.9 provides that in addition to the identification of any important social and/or economic development and the benefits to the local area associated with the proposed activity, the analysis is also to identify any adverse economic impacts and whether a proposal will preclude another activity that may not affect water quality yet yield comparable social and economic benefits. The Department notes that there is opposition to the RMU-2 project among citizens, citizen groups, governments, and elected officials. This opposition suggests that at least some people believe there will be adverse social, economic and environmental impacts on the local area associated with RMU-2 and that any positive impacts will be outweighed by the negative ones. Please make any necessary revisions in the document to address this matter.

6. Tables 2, 3, 6 should be revised to include monitoring information that has become available since submission of the original Antidegradation Demonstration Supplement. Table B should be revised to include available 2015 monitoring information. The body of the Antidegradation Demonstration Supplement should be updated as necessary based on evaluation of this additional monitoring information.

7. Table B indicates the future predicted RMU-2 maximum annual leachate generation rate to be 15,500,000 gallons per year. Please revise section 4.3.6 to explain how this predicted value was determined.

8. Table B should be updated to add 2015 information. Please clarify whether the average values reported in the table are flow-weighted or not and tabulate the data that were used to calculate the averages.

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

Sincerely,

David S. Denk
Regional Permit Administrator

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