



April 23, 2015

**CWM CHEMICAL SERVICES, LLC**

1550 Balmer Road  
Model City, NY 14107  
716 286 1550  
716 286 0211 Fax

Mr. David S. Denk  
Regional Permits Administrator  
New York State Department of  
Environmental Conservation  
Region 9  
270 Michigan Avenue  
Buffalo, New York 14203

Re: SPDES Permit #NY0072061 Modification Request for RMU-2

Dear Mr. Denk:

On May 5, 2014, the New York State Department of Environmental Conservation (NYSDEC) issued a combined Notice of Complete Application, Notice of Availability of Draft Part 373 Permit Modification, Notice of Availability of Draft Article 24 Freshwater Wetlands Permit, Notice of Completion of Draft EIS, and Notice of Public Comment Period (Combined Notice) for a proposed expansion at the CWM Chemical Services, LLC (CWM), Model City Facility.

The NYSDEC invited the public to review and comment on draft permit applications for CWM to construct and operate a new landfill and other units for storage, treatment and disposal of hazardous and industrial non-hazardous waste at the company's facility located in the Towns of Porter and Lewiston, Niagara County. The applications are for the construction and operation of a new landfill to be designated as Residuals Management Unit – Two (RMU-2), and for other storage/treatment units. The proposed RMU-2 landfill and other units are intended for disposal/management of hazardous and industrial non-hazardous wastes at CWM's existing facility.

The proposed location of RMU-2 will require the relocation of some existing CWM support facilities, as follows:

- The Empty Trailer Parking Area will be eliminated and the Full Trailer Parking Area will be relocated to the west to replace the existing area lost by the construction of RMU-2.
- The Stabilization Trailer Parking Area will be relocated to an area north of RMU-2.
- The trailer transfer ramps for the secure landfill (SLF) 10 Leachate Holding Building and SLF 1-11 Oil/Water Separator Building will be relocated to other sides of those buildings.
- The Emergency Response Garage will be relocated to the existing truck wash building located north of M Street, west of the proposed RMU-2 landfill.
- The Heavy Equipment Maintenance and Rolloff Repair Building will be relocated to the area north of Facultative (Fac) Ponds 1 and 2.
- The Drum Management Building will be relocated to an area east of the existing RMU-1 landfill.
- Onsite water supply pipes will be relocated around the proposed RMU-2 landfill.

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In addition, the proposed RMU-2 site includes land currently occupied by two Facultative (Fac) ponds designated as Fac Pond 3 and Fac Pond 8. Fac Pond 8, located immediately west of RMU-1, is currently out of service and undergoing closure. This area will be totally utilized within the RMU-2 footprint. Fac Pond 3, located west of Fac Pond 8, is currently used for storage of treated wastewater. Wastewater stored in Fac Pond 3 is discharged to the Niagara River following approval of the pre-qualification testing described in the CWM Part 750 State Pollution Discharge Elimination System (SPDES) Permit. This area will be entirely utilized within the RMU-2 footprint as well. Fac Ponds 3 and 8 will be permanently closed. In order to compensate for the treated wastewater storage volume reduction due to the removal of Fac Ponds 3 and 8, a new Fac Pond 5 will be constructed between SLF-12 and SLF-7 to serve as the final qualification pond.

On July 9, 2013 and December 2, 2013, CWM submitted requests for modifications to the existing, State Administrative Procedures Act (SAPA)-extended, sitewide Part 750 SPDES Permit (effective October 1, 2003) to add RMU-2. The Combined Notice indicated that Part 750 SPDES Permit Modification Application (ECL Article 17, Title 8) for the proposed RMU-2 landfill project was determined to be complete by NYSDEC.

The RMU-2 applications, the Combined Notice, and other documents related to the hazardous waste siting and permitting activities associated with the proposed RMU-2 landfill project can be found at the following NYSDEC website: <http://www.dec.ny.gov/chemical/9075.html>

The Fact Sheet (May 5, 2014) included with the Combined Notice included the following statement related to the Part 750 SPDES modification:

*CWM's proposed RMU-2 landfill project would affect certain aspects of CWM's current SPDES Permit (e.g., replacement of Fac Ponds used to qualify treated wastewater for discharge to the Niagara River, revision of the site's surface water drainage patterns, alterations of existing surface water retention areas to increase capacity, etc.) which will require a minor Permit modification. CWM submitted a notice on December 2, 2013 that the development of RMU-2 will require a minor modification to the facility's existing SPDES Permit. The facility's existing SPDES permit is State Administrative Procedures Act (SAPA)-extended and proceeding through the renewal process. A minor permit modification to include the development of RMU-2 is anticipated to be processed following renewal of the facility's existing SPDES permit and conclusion of the permitting process for the proposed landfill project.*

On April 22, 2015, the NYSDEC issued a department-initiated modification and renewal of the SPDES Permit #NY0072061 for the CWM, Model City Facility with an effective date of June 1, 2015.

As such, upon issuance of the modified Part 373 permit and with the development of RMU-2, a

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minor modification to the facility's SPDES Permit #NY0072061 will be required. The requested minor modification consists of a revised Storm Water Flow Schematic and Monitoring Locations diagram found on Page 29 of 32 of the renewed SPDES Permit. The changes to this diagram include the removal of Fac Ponds 3 and 8 upon closure, the addition of new Facultative Pond 5, the addition of RMU-2, and revised surface water flow patterns. We do not believe that there is the need to make any other modifications to the just renewed SPDES Permit in light of the development of RMU-2.

If you have any comments or questions please call me at (716) 286-0246 or Mr. Jonathan Rizzo at (716) 286-0354.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Sincerely,

CWM CHEMICAL SERVICES, LLC



Michael D. Mahar  
District Manager  
Model City Facility

JPR/MDM/jpr  
Attachment

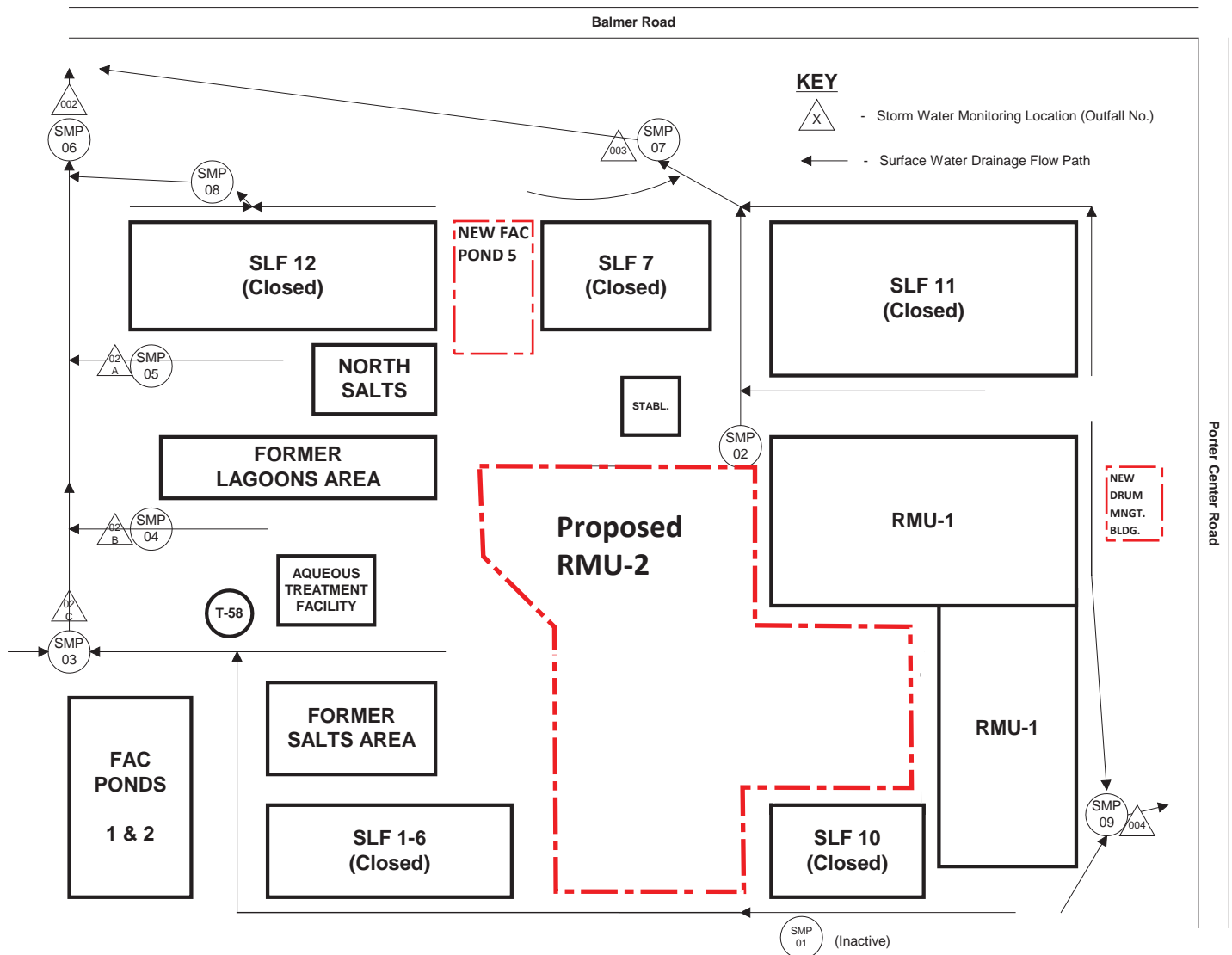
cc:	T. Diehsner	- NYSDEC/Albany, NY
	J. Konsella	- NYSDEC/Region 9
	D. Weiss	- NYSDEC/Region 9
	W. Smythe	- NYSDEC/Region 9
	M. Cruden	- NYSDEC/Albany, NY
	S. Mitchell	- NYSDEC/Albany, NY
	On-site Monitors	- NYSDEC/ Model City, NY
	A. Park	- USEPA/Region II
	N. Azzam	- USEPA/Region II
	J. Devald	- NCHD/Lockport, NY
	J. Banaszak	- CWM/Model City, NY
	J. Rizzo	- CWM/Model City, NY
	D. Darragh	- Cohen & Grigsby/Pittsburgh, PA
	EMD Subject File	
	Q & A	

## OUTFALLS 001 AND 01A MONITORING LOCATIONS

Outfall 001 - The permittee shall take samples and measurements in Fac Pond 3 for Prequalification Sampling, and at the Filter Outlet after Fac Pond 3 for Outfall 001 for those parameters specified in the permit for "Outfall" sampling.

Outfall 01A - The permittee shall take samples and measurements after treatment in the Aqueous Wastewater Treatment System (AWTS) and prior to tanks 58 and 125.

## STORM WATER FLOW SCHEMATIC & MONITORING LOCATIONS



Revised: April 23, 2015