



CWM CHEMICAL SERVICES, LLC

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

December 2, 2013

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

Dear Mr. Denk:

On May 15, 2003, CWM Chemical Services, LLC (CWM), submitted a Permit Application to the New York State Department of Environmental Conservation (NYSDEC) for a new proposed landfill at the Model City Facility, designated as Residuals Management Unit No. 2 (RMU-2). Following additional site investigations and discussions with the NYSDEC, CWM updated the scope and design of the RMU-2 project. A revised RMU-2 Permit Application, dated August 2009, prepared by Arcadis (formerly Blasland, Bouck & Lee, Inc.) which replaced the 2003 application in its entirety was submitted on November 19, 2009.

The NYSDEC has indicated that they will be treating the RMU-2 Permit Application as a major permit modification to the existing Sitewide 6 NYCRR Part 373 Permit (RMU-2 Modification Application). The NYSDEC requested that CWM provide an updated RMU-2 Permit Application as a Sitewide Permit Modification Request.

A Draft Sitewide Permit Renewal was issued by the NYSDEC on November 28, 2012 for public comment with the comment period ending January 28, 2013. Based on the Draft Sitewide Permit, CWM submitted a Permit Modification Application for RMU-2 on February 27, 2013.

Since the February 27, 2013 RMU-2 Modification Application, the NYSDEC issued the Sitewide Part 373 Permit Renewal on August 21, 2013. Based on the Sitewide Permit Renewal, the Permit Modification Application was revised and resubmitted on August 28, 2013. Updates and revisions to the 6 NYCRR Part 373 Permit Modification Application were submitted on October 11, 2013 and November 8, 2013.

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

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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.

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 State Pollutant 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.

The NYSDEC has indicated in letter dated March 6, 2013 that 6 NYCRR Part 361.3(e)(l) requires the Part 361 Site Certificate Application for Siting of Industrial Hazardous Waste Facilities to include; *"completed applications for all permits and other entitlements required under the ECL for the proposed facility, unless the applicant shows good cause not to submit any such application at this time."*

As such, the development of RMU-2 will require a minor modification to the existing State Pollutant Discharge Elimination System (SPDES) Permit #NY0072061. CWM requests that this SPDES Permit be modified for the development of RMU-2 as part of the RMU-2 permitting process. The requested revisions include modifications to the Monitoring Locations diagram on Pages 27 and 28 of the current SPDES Permit to remove Facultative Ponds 3 and 8 upon closure, add new Facultative Pond 5, add RMU-2, and revise surface water flow patterns. No additional modifications to the current SPDES Permit are anticipated for the development of RMU-2.

CWM understands that the NYSDEC is currently in the process of revising CWM's individual SPDES Permit. The NYSDEC issued a draft SPDES permit in January 2010 for public comment. Based on comments received on the January 2010 draft SPDES permit, the NYSDEC has indicated a revised draft SPDES permit will be issued for another round of public comment. The draft SPDES Permit will likely contain a number of modifications. During the public comment period for the next revised draft SPDES Permit if the current SPDES permit has not been modified and/or the revised draft SPDES Permit does not contain RMU-2 development, CWM will include a

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comment requesting to further modify the SPDES permit to include RMU-2 development.

CWM would appreciate an expeditious review of this permit modification request. If you have any comments or questions please call me at (716) 754-0246 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



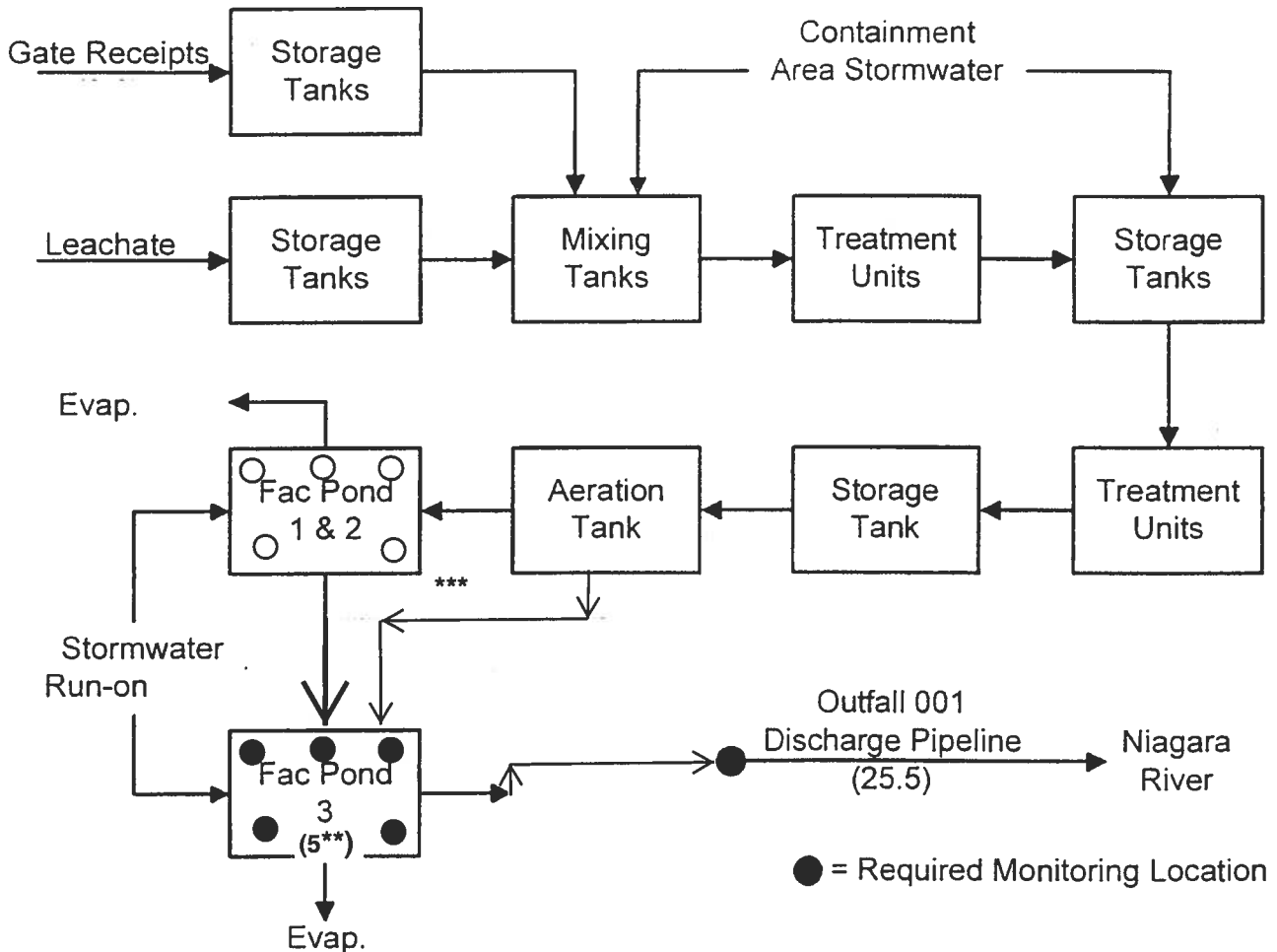
Jill A. Banaszak
Technical Manager
Model City Facility

JPR/JAB/jpr
Attachment

cc:	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
	J. Brogard	- USEPA/Region II
	P. Flax	- USEPA/Region II
	N. Azzam	- USEPA/Region II
	J. Devald	- NCHD/Lockport, NY
	M. Mahar	- CWM/Model City, NY
	J. Rizzo	- CWM/Model City, NY
	EMD Subject File	
	Q & A	

MONITORING LOCATIONS

The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the location(s) specified below:



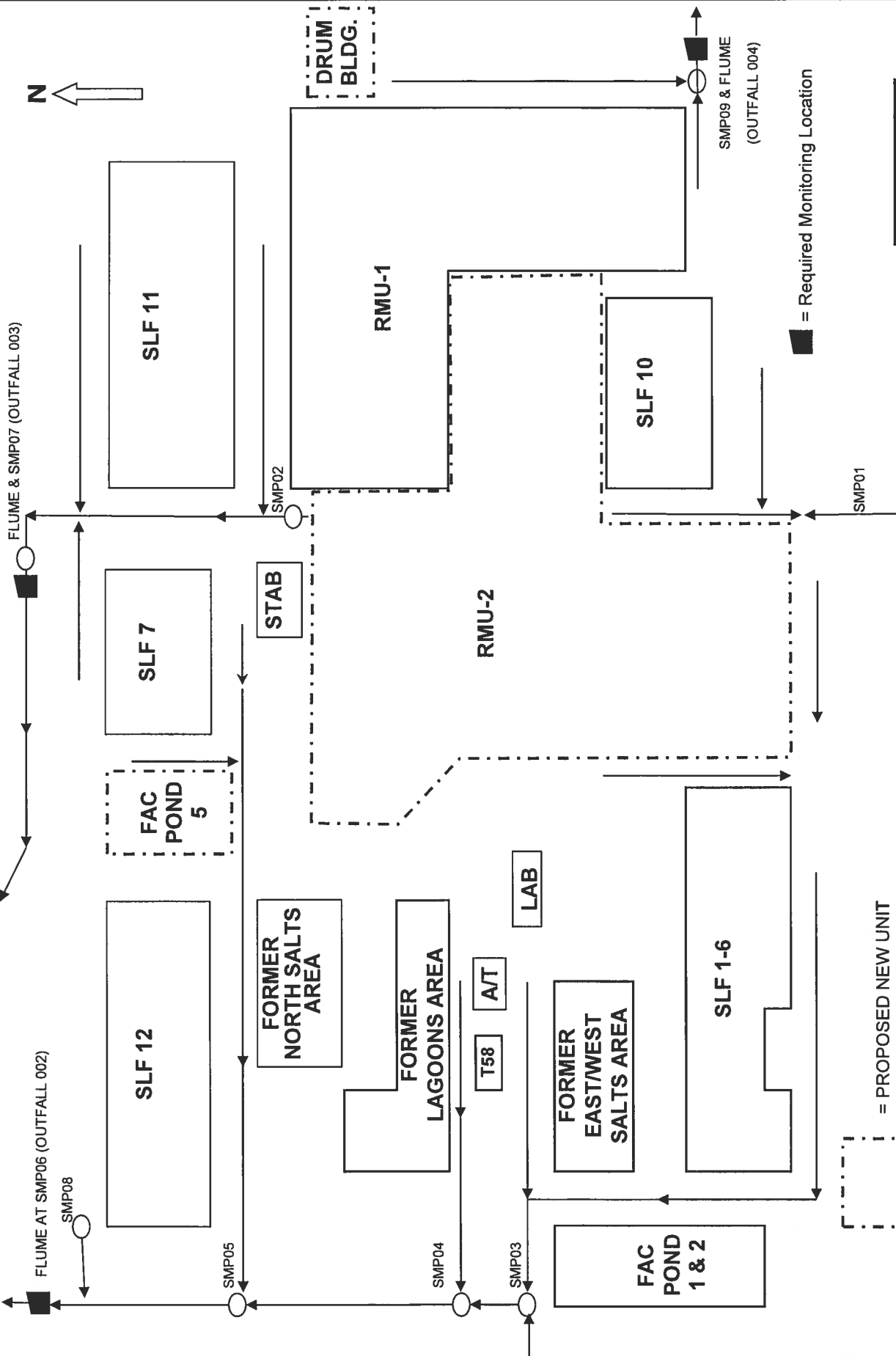
** = Fac Pond 3 will be closed and replaced with Fac Pond 5 for construction of RMU-2

○ = Potential alternate Monitoring Location during closure of Fac Pond 3

*** = Discharge to Outfall 001 may occur from Fac Pond 1 & 2 during closure of Fac Pond 3

MONITORING LOCATIONS

The Permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the location(s) specified below.



Revised: July 2013

Note: Site Conditions upon construction of RMU-2, Fac Pond 5, and New Drum Building

N.T.S.