

THIS IS NOT A PERMIT



**New York State Department of Environmental Conservation
Notice of Complete Application**

Date: 12/23/2016

Applicant: CWM CHEMICAL SERVICES LLC
1550 BALMER RD
MODEL CITY, NY 14107

Facility: CWM CHEMICAL SERVICES - MODEL CITY SITE
1550 BALMER RD
MODEL CITY, NY 14107

Application ID: 9-2934-00022/00049

Permits(s) Applied for: 1 - Article 17 Titles 7 & 8 Industrial SPDES - Surface Discharge

Project is located: in PORTER in NIAGARA COUNTY

Project Description:

The applicant proposes a modification to SPDES permit No. NY0072061 for the CWM facility located at 1550 Balmer Road in the Towns of Porter and Lewiston, Niagara County to authorize discharges related to construction and operation of a proposed hazardous waste landfill, referred to as Residuals Management Unit - Two (RMU-2).

This modified draft SPDES permit reflects several changes to the previous draft permit which was the subject of a Notice of Complete Application published during the week of February 15, 2016. During that public comment period, comments were received by the Department and reviewed. It was determined that several changes to the draft permit were appropriate and, consequently, a second draft permit modification has been developed. The Department has prepared: a Draft Modified SPDES Permit and a Fact Sheet Addendum for review and comment.

Currently, hazardous and non-hazardous industrial wastes generated off site, and landfill leachate and contaminated ground water generated onsite, are treated in the existing Aqueous Waste Treatment System and discharged through internal Outfall 01A into Facultative (Fac) Ponds 1, 2 and 3 prior to being discharged to the Niagara River, a class A-Special waterbody, via Outfall 001. CWM has requested authorization to also treat and discharge leachate from the proposed RMU-2 landfill. Fac Pond 3 is within the footprint of RMU-2 so CWM has proposed construction of a new pond, Fac Pond 5, to replace Fac Pond 3. Variable amounts of treated stormwater runoff associated with RMU-2 would be discharged via Outfall 002 to an unnamed tributary of Four Mile Creek, via Outfall 003 to an unnamed subtributary of Four Mile Creek, both class C waterbodies, and via Outfall 004 to Twelve Mile Creek.

The Department has determined that construction and operation of the proposed RMU-2 has the potential to result in a new or increased discharge of bioaccumulative chemicals of concern (BCCs) from the facility to the Great Lakes Basin. Therefore, the proposal is subject to an antidegradation analysis pursuant to state and federal laws and policies, including the Water Quality Antidegradation Policy, TOGS 1.3.9, and the 1995 Final Water Quality Guidance (also referred to as the Great Lakes Initiative codified in 40 CFR 132).

Other proposed changes to the draft permit modification include:

1. The compliance schedule for interim mercury limits at outfalls 001 and 01A has been deleted. A review of monitoring data collected since the permit renewal was issued indicates that final limits are currently attained so there is no further need for interim limits. Additionally, a 12 month rolling average mercury limit has been included at outfall 01A in conformance with DEC mercury policy (DOW Policy 1.3.10). Reporting of the 12 month rolling average will begin after 12 months of data have been collected following issuance of the permit modification.
2. The schedules for interim PCB Aroclor limits at internal stormwater outfalls 02A, 02B, 02C and final stormwater outfalls 002, 003 and 004 have been modified so that these limits will expire June 1, 2019 or the date that CWM begins receiving RMU-2 waste, whichever is sooner. Based on information provided by CWM since the original draft permit was publicly noticed, PCB Aroclor limits have been added to outfall 01A to further minimize the discharge of PCBs through outfall 001. Limits are set at the analytical Minimum Level, effective upon permit modification with one exception. A statistically based interim limit for Aroclor 1242 is effective from the permit modification until the date that RMU-2 begins receiving waste. This will provide time for CWM to institute improvements in discharge quality.
3. The presence of Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofurans (PCDD/PCDF) in site leachate generated from RMU-1 has been documented based on information provided by CWM since the original draft permit was publicly noticed. Limits have been added to outfalls 01A and 001. As the water quality based effluent limit is below what can be analytically detected, final compliance limits are equivalent to analytical Minimum Levels. A PCDD/PCDF minimization program has also been included. Consequently, all of these changes has rendered the PCDD/PCDF item in the Schedule of Submittals unnecessary and it has been deleted.
4. A special condition requiring pretreatment of B003 waste has been added to the permit. This requirement was suggested by CWM as a means of further reducing PCB levels tributary to the wastewater treatment system.
5. A special condition prohibiting discharge of SLF 1-7 landfill leachate has been added to the permit. The SLF 1-6 prohibition was suggested by CWM as part of its November 2015 Antidegradation Demonstration Supplement For Bioaccumulative Chemicals Of Concern (BCC). SLF 7 leachate is currently sent offsite so this prohibition is consistent with current practice.
6. In response to a comment from EPA on the original draft permit, a special condition prohibiting an increased loading of BCCs to the environment due to RMU-2 operation has been added to comply with antidegradation requirements.
7. The mercury minimization program requirements have been updated to include the "bulk chemical evaluation" component of the recently updated DEC mercury policy. 8. A new monitoring locations page has been added to the permit (page 30) to reflect conditions after initiation of RMU-2 construction.

Other changes unrelated to the proposed RMU-2 landfill which represent correction of minor errors present in the 2015 permit renewal:

1. The settleable solids units for outfalls 002-004 were mistakenly labeled as "mg/l" when they should have been "ml/l", consistent with the previous permit. The units have been corrected to "ml/l".
2. The interim and final periods specified in Footnote 3 have been clarified.
3. Footnote 1 has been applied to outfall 001 pesticide, PCB and WET testing parameters.

The Department has made a tentative determination to issue the SPDES permit modification under Article 17 of the Environmental Conservation Law. This tentative determination indicates that the discharge regulated under this statute is considered to satisfy regulatory standards for permit issuance, based on information available to the Department at this time. As a tentative determination, the Department seeks comments on the proposed regulated activity prior to making a final decision on permit issuance. As such, this tentative determination does not signify Department approval or endorsement of the activity for which a permit is sought or for the overall proposed project. As a permit necessary for the proposed RMU-2 project, this matter is further subject to proceedings currently underway for that proposed landfill. Refer to this application by application number listed above and SPDES Number NY0072061.

Availability of Application Documents:

Filed application documents, and Department draft permits where applicable, are available for inspection during normal business hours at the address of the contact person. To ensure timely service at the time of inspection, it is recommended that an appointment be made with the contact person.

State Environmental Quality Review (SEQR) Determination

A draft environmental impact statement has been prepared on this project and is on file.

SEQR Lead Agency NYS Department of Environmental Conservation

State Historic Preservation Act (SHPA) Determination

Cultural resource lists and maps have been checked. The proposed activity is not in an area of identified archaeological sensitivity and no known registered, eligible or inventoried archaeological sites or historic structures were identified or documented for the project location. No further review in accordance with SHPA is required.

DEC Commissioner Policy 29, Environmental Justice and Permitting (CP-29)

It has been determined that the proposed action is not subject to CP-29.

Availability For Public Comment

Comments on this project must be submitted in writing to the Contact Person no later than 01/30/2017 or 33 days after the publication date of this notice, whichever is later.

Contact Person

MARK F PASSUITE
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