



ENB - Region 9 Notices 5/7/2014

Public Notice

The New York State Department of Environmental Conservation (NYS DEC) has received a **Brownfield Cleanup Program (BCP) application from 945 Kenmore Group LLC for a site known as the 945 Kenmore Avenue, site ID #C915286**. This site is located in the Town of Tonawanda, within the County of Erie, and is located at 945 Kenmore Avenue. **Comments regarding this application must be submitted no later than June 6, 2014**. **Information** regarding the site, the application, and how to submit comments can be found at: <http://www.dec.ny.gov/chemical/60058.html> or send comments to: Timothy Dieffenbach, NYS DEC - Division of Environmental Remediation, 270 Michigan Avenue, Buffalo, NY 14203, Phone: (716) 851-7220, E-mail: tedieffe@gw.dec.state.ny.us.

To have information such as this notice sent right to your e-mail, sign up with county [e-mail listservs](http://www.dec.ny.gov/chemical/61092.html) available at: www.dec.ny.gov/chemical/61092.html.

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

Notice of Public Comment Period

CWM Chemical Services, L.L.C.

The New York State Department of Environmental Conservation (NYS DEC) invites the public to review and comment on draft permit applications for CWM Chemical Services, L.L.C., 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. These 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.

Applications:

The following applications for the proposed RMU-2 landfill project have been submitted by CWM and determined to be complete by NYS DEC:

- Part 361 Hazardous Waste Facility Siting Application (Environmental Conservation Law [ECL] Article 27, Title 11);
- Part 373 Hazardous Waste Management Permit Modification Application (ECL Article 27, Title 9)

(DEC No. 9-2934-00022/00225);

- Part 663 State Freshwater Wetlands Permit Application (ECL Article 24, Title 7) (DEC No. 9-2934-00022/00231);
- Section 608.9 Water Quality Certification Application (Section 401 of the federal Clean Water Act) (DEC No. 9-2934-00022/00232); and
- Part 750 State Pollution Discharge Elimination System (SPDES) Permit Modification Application (ECL Article 17, Title 8) (DEC No. 9-2934-00022/00049)

Facility Description and Proposed Action:

CWM currently owns and operates a commercial facility for the treatment, storage and disposal of hazardous and industrial non-hazardous wastes on an approximately 710 acre site in the Towns of Lewiston and Porter, Niagara County, New York. The facility is located on Balmer Road about 1.9 miles east of its intersection with State Route 18 near Youngstown, NY. This commercial facility accepts wastes from both in-state and out-of-state generators, as well as from generators in Canada. Wastes accepted at this facility are ultimately either disposed of in an existing on-site landfill or shipped to another appropriate facility for further processing and/or disposal. This facility also operates surface impoundments, tank systems and container storage areas for waste storage and treatment.

CWM is proposing to construct and operate a new landfill (RMU-2) which would occupy approximately 43.5 acres and would be located within the central portion of its existing facility. It has a designed capacity of approximately 4,030,700 cubic yards for the disposal of hazardous and industrial non-hazardous wastes. The proposed RMU-2 landfill would be divided into six (6) cells and would be designed with a double, composite liner system consisting of natural and synthetic materials with primary and secondary systems for leachate collection and removal. Upon reaching capacity, RMU-2 would be closed utilizing a composite final cover to be maintained by CWM during the landfill's post-closure period. CWM's application states that RMU-2 has been designed to fulfill all regulatory requirements as specified under 6 NYCRR 373-2.14. In addition to the RMU-2 landfill, CWM is proposing to construct and operate the following waste management units at its existing facility as part of the proposed RMU-2 landfill project:

- Facultative "Fac" Pond 5 surface impoundment for the storage of approximately 24.7 M-gals. of treated wastewater;
- A New Drum Management Building (DMB) for the storage of containerized waste (e.g., 55-gallon drums);
- Two New Trailer Parking Areas for the storage of waste in bulk containers (e.g., roll-offs & cargo tanks);
- Two New Tank Loading Areas for the storage of liquid waste from tanks in bulk containers (e.g., cargo tanks); and
- A New Tank for the storage of liquid waste associated with the operation of new Fac Pond 5.

The project also involves the closure over time of a number of existing waste management units at the facility to facilitate the construction of the proposed RMU-2 landfill. It will also impact an area within the 100-foot adjacent buffer of a State Freshwater Wetland designated as RV-8.

Landfill Siting Process

ECL 27-1105 requires the Governor to constitute a Facility Siting Board for CWM's Proposed RMU-2

landfill project within fifteen (15) days of receiving notice that the application is complete. The referenced statute requires that this Board be composed of the head official from each of five (5) State agencies, including NYS DEC, and three (3) ad hoc members appointed by the Governor, two of whom must be residents of the county in which the facility would be located. Once constituted, the Facility Siting Board will review CWM's application for a Certificate of Environmental Safety and Public Necessity (Siting Certificate) and may participate in the public hearing process for CWM's project applications. At the end of the process the Facility Siting Board must render a decision to either issue the Siting Certificate, issue it with conditions/stipulations, or deny it, based on CWM's application, the hearing record, siting criteria in 6 NYCRR 361.7 of the State regulations, and the October 2010 "NYS Hazardous Waste Facility Siting Plan."

Permitting Process

This notice represents NYS DEC staff's determination that CWM's Part 373 Hazardous Waste Management Permit Modification Application for its proposed RMU-2 landfill project is complete and ready for public review. In accordance with 6 NYCRR 621.7(b)(7) of the State regulations, NYS DEC staff has made a TENTATIVE determination to issue the Part 373 Permit Modification and has prepared a DRAFT Part 373 Permit Modification. This DRAFT Permit Modification would allow for the construction and operation of CWM's proposed RMU-2 landfill and the other proposed waste storage/treatment units, and includes conditions to insure that all units would be constructed and operated in an environmentally safe manner and in compliance with all applicable Part 373 hazardous waste management regulations. Similarly, this notice represents NYS DEC staff's completeness determination on CWM's ECL Article 24 / 6 NYCRR Part 663 State Freshwater Wetlands Permit and 6 NYCRR 608.9 Water Quality Certification Application, and presents a State Freshwater Wetlands DRAFT Permit / Water Quality Certification. The DRAFT Permit includes requirements to mitigate impacts on the 100-foot adjacent area of State Freshwater Wetland RV-8.

CWM's applications and the above described DRAFT Permit documents prepared by NYS DEC staff are being presented for public review and will undergo a public hearing prior to a final decision by the NYS DEC Commissioner on these applications and Permits/Permit Modifications.

SEQR Process

Article 8 of the ECL and 6 NYCRR Part 617 require the proposed RMU-2 landfill project to undergo a State Environmental Quality Review (SEQR) process in conjunction with the submission of Permit applications. In its role as Lead Agency under SEQR, NYS DEC determined the proposed RMU-2 landfill project to be a "Type I Action" as described under 6 NYCRR 617.4, and issued a "Positive Declaration" in accordance with 6 NYCRR 617.7 on October 12, 2005. Accordingly, CWM has submitted a Draft Environmental Impact Statement (DEIS) which evaluates potential environmental impacts associated with their proposed RMU-2 landfill project. NYS DEC staff has determined this Draft EIS to be complete and ready for public review. It will also undergo a public hearing before a decision on its finalization is made by the NYS DEC Commissioner.

How to Provide Written Comments

Section 621.7 of 6 NYCRR provides the public with the opportunity to become involved in the regulatory process for CWM's proposed RMU-2 landfill project through a written comment period. **This written comment period begins on May 7, 2014 and ends on July 7, 2014 but may be extended in response to public requests.** During this 60 day period the public may provide written comments on CWM applications, NYS DEC prepared Draft Permit documents and the Draft EIS. **All persons**

interested in commenting on these documents for the proposed RMU-2 landfill project should submit their comments in writing by no later than July 7, 2014, to:

James T. McClymonds
Chief Administrative Law Judge
NYS DEC Office of Hearings and Mediation Services
625 Broadway, 1st Floor
Albany, NY 12233-1550
E-mail: CWMRMU2@gw.dec.state.ny.us

Document Availability

NYS DEC has prepared a Fact Sheet for CWM's proposed RMU-2 landfill project. This Fact Sheet is intended to provide the public with additional information on the existing CWM facility, CWM's proposed landfill project, the required applications, NYS DEC prepared Draft Permit documents, the required regulatory and public involvement process, document availability and the applicable State laws and regulations. Hard copies of the NYS DEC Fact Sheet, all CWM applications, the Draft EIS and NYS DEC prepared Draft Permit documents are available for inspection at the following locations:

- NYS DEC, Division of Environmental Remediation, 625 Broadway, 12th Floor, Albany, NY 12233-7017 (contact person: Matt Mortefolio at (518) 402-9814);
- NYS DEC's Region 9 office, 270 Michigan Avenue, Buffalo, NY 14203-2915 (contact person: Bidjan Rostami at (716) 851-7220);
- Youngstown Free Library, 240 Lockport Street, Youngstown, NY; and
- Porter Town Hall, 3265 Creek Road, Youngstown, NY.

Electronic copies of CWM's applications and the CWM Draft EIS are available through the following CWM website: <http://modelcity.wm.com>

Electronic copies of the [NYS DEC Fact Sheet and Draft Permit documents](#) are available through the following web site:

- NYS DEC's website: <http://www.dec.ny.gov/chemical/9075.html>
- [NYS DEC's FTP](ftp://ftp.dec.state.ny.us/der/CMWpermitmod/) site: <ftp://ftp.dec.state.ny.us/der/CMWpermitmod/>

Contact: Mark Passuite, NYSDEC Region 9 Office, 270 Michigan Avenue, Buffalo, NY 14203, Phone: (716)851-7165, E-mail: r9dep@gw.dec.state.ny.us.

Notice of Complete Application Notice of Completion of Draft SEIS Notice of Public Comment Period

Chautauqua County Landfill

The New York State Department of Environmental Conservation (NYS DEC) invites the public to review and comment on draft permit applications for the Chautauqua County Department of Public Facilities proposal to construct and operate an expansion of the existing landfill located in the Town of Ellery, Chautauqua County. In addition, NYS DEC, as State Environmental Quality Review Act (SEQR) Lead

Agency, has accepted a Draft Supplemental Environmental Impact Statement (Draft SEIS) on the proposal which is also available for review and comment.

Application ID: Permits Applied for:

The following applications for the proposed landfill expansion have been submitted by the Chautauqua County Department of Public Facilities and determined to be complete by the NYS DEC:

- 9-0636-00006/00013 ECL Article 27, Title 27; 6NYCRR 360: Solid Waste Management Facilities
- 9-0636-00006/00017 ECL Article 19: Air Title V Facility
- 9-0636-00006/00015 ECL Article 23, Title 27, Mined Land Reclamation
- 9-0636-00006/00018 6 NYCRR 608.9: Water Quality Certification
- 9-0636-00238/00001 ECL Article 15, Title 5: Stream Disturbance
- ECL Article 17, Titles 7 & 8 and Article 70: SPDES Multi Sector General Permit for Stormwater Discharges from Industrial Activity (GP-0-12-001)

Location:

The facility is located at 3889 Towerville Road in the Town of Ellery, Chautauqua County. The proposed expansion area is located immediately west of the currently permitted landfill.

Project Description:

The action involves a 53 acre lateral expansion of the Chautauqua County Landfill to the west of the existing landfill. The landfill area together with the perimeter berms, channel and access roads, plus stormwater control ponds totals approximately 74 acres. The proposed expansion would extend the life of the landfill approximately 20 years. The height of the lateral expansion area would be equal to the current design elevation of the existing landfill, 1,850 feet. The proposed rate of waste acceptance would not be changed from the existing permitted rate of 1,883 tons per day.

Draft Permits and NYS DEC's Tentative Position:

The NYS DEC has prepared draft Solid Waste Management, Air Title V Facility, Mined Land Reclamation, and Stream Disturbance Permits and a Water Quality Certification for the proposed landfill expansion. The draft permits represent NYS DEC's tentative determinations, and do not signify staff's approval for, or endorsement of, the proposal.

The draft Solid Waste Management Permit will allow for the construction of the proposed landfill expansion and the subsequent operation of the landfill and associated facilities. The draft permit includes conditions to assure that the proposed expansion would be built in accordance with Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Part 360 regulations and the prepared Engineering Report, Plans and Specifications.

The draft Air Title V Facility Permit will allow for the construction of the proposed landfill expansion and the continued operation of the gas collection and control system to reduce emissions and control odors at the facility. The Draft Air Title V Facility Permit includes air pollutant emission limitations, compliance schedules, and periodic monitoring requirements to ensure and verify compliance with the applicable requirements.

The draft Mined Land Reclamation Permit contains a modification of the reclamation plan to mitigate for the loss of approximately 2.95 acres of federally jurisdictional wetlands located in the proposed

expansion footprint. A 7.4 acre area of wetlands in the southern portion of the existing mine will be created as a mitigation area.

The draft Water Quality Certification relates to the loss of federal wetlands described above and provides for compensatory mitigation to address those impacts.

The draft Stream Disturbance Permit relates to mitigation for stream impacts located in the proposed expansion footprint. For the discharge of fill material into 609 linear feet of an ephemeral stream and 1,601 linear feet of an intermittent stream, mitigation is proposed for approximately 1,659 linear feet of the West Branch of Dutch Hollow Creek. This stream has a Class and Standard of "B" and is located in the same watershed as the project impacts.

The SPDES Multi Sector General Permit for Stormwater Discharges from Industrial Activity would cover discharges of stormwater to surface waters of the State from industrial activities.

State Environmental Quality Review (SEQR):

NYS DEC, as the lead agency, determined that the proposed landfill expansion is a Type I Action and issued a Positive Declaration on October 27, 2010. Subsequently, a Public Scoping Meeting was held on November 18, 2010 and the applicant prepared a Draft Supplemental Environmental Impact Statement (Draft SEIS), which is now available for public review and comment.

State Historic Preservation Act (SHPA):

A cultural resources survey was completed. In a letter from the New York State Historic Preservation Office dated April 20, 2010 it was confirmed that no archaeological sites or historic structures were identified at the project location. No further review in accordance with SHPA is required.

Availability for Public Comment:

The Draft SEIS, the draft Solid Waste Management Facility, draft Air Title V Facility, draft Mined Land Reclamation Permit, draft Stream Disturbance Permit, and draft Water Quality Certification may be reviewed at the following New York State locations, during normal business hours:

- NYS DEC - Region 9 Office, 270 Michigan Avenue, Buffalo, NY 14203;
- Prendergast Library, 509 Cherry Street, Jamestown;
- Bemus Point Library, 13 Main Street, Bemus Point;
- Town of Ellery Town Hall, 25 Sunnyside Avenue, Bemus Point; and
- Chautauqua County Landfill Office, 3889 Towerville Road, Ellery.

The permit applications with supporting documents may be reviewed at the following locations during normal business hours:

- NYS DEC - Region 9 Office, 270 Michigan Avenue, Buffalo, NY 14203; and
- Chautauqua County Landfill Office, 3889 Towerville Road, Ellery.

The Draft SEIS is posted on applicant's website at: <http://www.co.chautauqua.ny.us/340/Landfill>. Digital copies of the Draft SEIS and application materials are also available on compact disk (CD) by contacting the Chautauqua County Landfill Office at: (716) 985-4785.

Written Comments:

Comments about the application documents, the Draft SEIS, and draft permits identified above must be postmarked by June 24, 2014, and sent to Mark F. Passuite, New York State Department of Environmental Conservation, Region 9, Division of Environmental Permits, 270 Michigan Avenue, Buffalo, NY 14203, Fax: (716) 851-7168, E-mail: r9dep@gw.dec.state.ny.us.

Contact: Mark Passuite, NYSDEC Region 9 Office, 270 Michigan Avenue, Buffalo, NY 14203, Phone: (716)851-7165, E-mail: r9dep@gw.dec.state.ny.us.

Negative Declaration

Cattaraugus County - The Town of Machias, as lead agency, has determined that the proposed Lime Lake Sewer District will not have a significant adverse environmental impact. The action involves the construction of a wastewater collection system to serve the Lime Lake Sewer District. This includes a low pressure collection sewer system around and adjacent to Lime Lake, installation of grinder pump services at developed properties within the sewer district, construction of an intermediate pump station along NYS Route 16 north of Lime Lake, and construction of a sewer force main along NYS Route 16, Old Olean Road, Eddy Road and Weaver Road with discharge to the Village of Arcade wastewater collection and treatment facility. The project is located at various locations as noted above in the Town of Machias, New York.

Contact: Matthew Bull, Town of Machias, PO Box 87, 3483 Roszyk Hill Road, Machias, NY 14101, Phone: (716) 353-8207.

Erie County - The Town of Amherst Planning Director, as lead agency, has determined that the proposed Patio/Deck Addition will not have a significant adverse environmental impact. The action involves the addition of a patio/deck to the rear of an office building located at 2350 North Forest Road in the Town of Amherst, New York. The area of construction is within 69 ± feet of Ellicott Creek. The petitioner is Hein 2350 North Forest Rd, LLC, 2350 North Forest Road, Getzville, NY, 14068.

Contact: Eric W. Gillert, Town of Amherst, 5583 Main Street, NY 14221, Phone: (716) 631-7051, E-mail: planning@amherst.ny.com.

Erie County - The Town of Amherst Town Board, as lead agency, has determined that the proposed Zoning Ordinance Text Amendment to Add Bus Garages in CS and MS Districts will not have a significant adverse environmental impact. The action involves the adding "bus garages" as a permitted use in the Commercial Service (CS) and Motor Service (MS) zoning districts in the Town of Amherst. The petitioner is the Amherst Building Department, 5583 Main Street, Williamsville, NY 14221. The project is located in the Town of Amherst, New York.

Contact: Eric W. Gillert, Town of Amherst, 5583 Main Street, NY 14221, Phone: (716) 631-7051, E-mail: planning@amherst.ny.com.

Erie County - The Town of Amherst Town Board, as lead agency, has determined that the proposed Zoning Ordinance Amendment to Add Ambulance Service to RD District will not have a significant

adverse environmental impact. The action involves the adding "ambulance service" as a permitted use in the Research and Development (RD) zoning district in the Town of Amherst. The petitioner is the Amherst Building Department, 5583 Main Street, Williamsville, NY 14221. The project is located in the Town of Amherst, New York.

Contact: Eric W. Gillert, Town of Amherst, 5583 Main Street, NY 14221, Phone: (716) 631-7051, E-mail: planning@amherst.ny.com.

Erie County - The Town of Amherst Town Board, as lead agency, has determined that the proposed Adoption of Recreation Conservation District (RC) will not have a significant adverse environmental impact. The action involves the proposed a new zoning district, Recreation Conservation (RC) zoning district will provide a special zoning classification for public, private and civic uses related to recreation and conservation. The petitioner is the Town of Amherst, 5583 Main Street, Williamsville, NY 14221. The project is located in the Town of Amherst, New York.

Contact: Eric W. Gillert, Town of Amherst, 5583 Main Street, NY 14221, Phone: (716) 631-7051, E-mail: planning@amherst.ny.com.

Erie County - The Town of Amherst Town Board, as lead agency, has determined that the proposed Adoption of Planned Unit Development Process (PUD) will not have a significant adverse environmental impact. The action involves a proposed Planned Unit Development (PUD) process is designed to address development or redevelopment on lots 30 acres in size or greater, except for developments consistent with a site plan or preliminary plat approved prior to the effective date of the PUD regulations. The proposed amendment includes development standards for landscaping, buffering and screening; vehicular and pedestrian circulation; open space; utilities and signage. The petitioner is the Town of Amherst, 5583 Main Street, Williamsville, NY 14221. The project is located in the Town of Amherst, New York.

Contact: Eric W. Gillert, Town of Amherst, 5583 Main Street, NY 14221, Phone: (716) 631-7051, E-mail: planning@amherst.ny.com.
