



July 1, 2014

Mr. Daniel P. O'Connell  
Administrative Law Judge  
NYSDEC Office of Hearings  
625 Broadway, 1<sup>st</sup> Floor  
Albany, New York 12233-1550

**CWM CHEMICAL SERVICES, LLC**

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

Re: RMU-2 Notice of Joint Public Hearing and Extension of Public Comment Period - Proof of Public Notice

Dear Mr. O'Connell:

In June 2014, NYSDEC issued a Public Notice of Joint Public Hearing and Notice of Extension of Public Comment Period for Residuals Management Unit No. 2 (RMU-2). As required, CWM arranged to have the notice of public hearing and extension of comment period published in local newspapers and broadcast on local radio stations. Attached please find the originals of the Affidavits of Performance from radio stations WJLL, WLVL, WBEN, and WGR (June 11, 2014) and the Affidavits of Publication from the newspapers Niagara Gazette and the Buffalo News (June 11, 2014) and the Lewiston-Porter Sentinel (June 14, 2014).

If you have any questions, please contact myself at (716) 286-0246 or Mr. Jonathan P. 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

A handwritten signature in black ink, appearing to read 'Jill A. Banaszak'.

Jill A. Banaszak  
Technical Manager  
Model City Facility

JPR/JAB/jbh  
Attachment

Mr. Daniel P. O'Connell

NYSDEC

July 1, 2014

Re: RMU-2 Notice of Joint Public Hearing and Extension of Public Comment Period - Proof of Public Notice

Page - 2 -

cc:	J. McClymonds	- NYSDEC/Albany, NY (electronic copy)
	L. Alexander	- NYSDEC/Albany, NY (electronic copy)
	A. Snyder	- NYSDEC/Region 9 (electronic copy)
	D. Stever	- NYSDEC/Region 9 (electronic copy)
	D. Denk	- NYSDEC/Region 9 (electronic copy)
	M. Passuite	- NYSDEC/Region 9 (electronic copy)
	J. Strickland	- NYSDEC/Region 9 (electronic copy)
	D. Weiss	- NYSDEC/Region 9 (electronic copy)
	P. Grasso	- NYSDEC/Region 9 (electronic copy)
	B. Rostami	- NYSDEC/Region 9 (electronic copy)
	M. Cruden	- NYSDEC/Albany, NY (electronic copy)
	T. Killeen	- NYSDEC/Albany, NY (electronic copy)
	M. Mortefolio	- NYSDEC/Albany, NY (electronic copy)
	On-site Monitors	- NYSDEC/ Model City, NY (electronic copy)
	A. Park	- USEPA/Region II (electronic copy)
	J. Devald	- NCHD/Lockport, NY (electronic copy)
	M. Mahar	- CWM/Model City, NY (electronic copy)
	J. Rizzo	- CWM/Model City, NY (electronic copy)
	D. Darragh	- Cohen & Grigsby, PC/Pittsburgh, PA (electronic copy)
	EMD Subject File	
	Q & A	

\*\*\*\*\*  
 \* Affidavit of Performance \*  
 \*\*\*\*\*

Radio Station WJLL-AM  
 920 Union Road  
 West Seneca, NY 14224

CWM Chemical Services  
 1550 Balmer Road  
 Model City, NY 14107

Order #

Invoice Number: 60055  
 Billing Type : M  
 Acct Exec : Dennis Westberg  
 Commercial Length: 120  
 State of New York )  
 )SS:  
 City of West Seneca )

Client # 164  
 CWM Chemical Services LLCCommercials

Before me, a Notary Public, personally appeared M. John Phillips, who affirms that he is Office Manager of Radio Station WJLL-AM, and that broadcasts were made during the period: 06/01/14 - 06/22/14.

=====

Date	Times
Jun 11	10:16A 3:15P

=====

Jun 11 10:16A 3:15P

-----

Total: 2 at 250.00 each.  
 Gross Invoice: \$500.00

DUE DATE: 06/25/14 NET AMOUNT DUE: \$500.00

=====

I certify that the above units were aired within 5 minutes of the times listed.

Signed: M. John Phillips

Affirmed this 18 Day of June, 2014

In testimony whereof I have set my Hand and Seal the day and year aforesaid.  
 My commission expires

MICHAEL D. SILKOWSKI  
 Notary Public, State of New York  
 Qualified in Erie County

Reg. No. 01SI6240440

My Commission Expires May 2, 2015



Commercial Script

Radio Station WJJL-AM  
920 Union Road  
West Seneca, NY 14224

Script # 1691  
CWM Chemical Services LLC  
Length: 120

CWM Chemical Services  
Attn: Lori Caso  
1550 Balmer Road  
Model City, NY 14107

-----  
The New York State Department of Environmental Conservation (DEC) invites the public to review and comment on the proposal for CWM Chemical Services LLC, 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 Model City, NY. The applications, draft environmental impact statement and draft permits are all available for review.

Public statement hearing sessions to receive unsworn comments from the public regarding the pending certificate and permit applications, the draft permits, and the DEIS will be held at 1:00 pm and 6:30 pm on July 16, 2014 at the Lewiston-Porter High School, 4061 Creek Road, Youngstown, NY 14174. All persons, organizations, corporations, or government agencies who may be affected by the proposal are invited to attend the hearing and to submit oral or written comments. The administrative law judge may limit the time available for oral comments to ensure that all persons have an opportunity to be heard.

Copies of a DEC Fact Sheet, the CWM applications, the DEIS and the draft permit documents are available through the DEC website at [www.dec.ny.gov/chemical/9075.html](http://www.dec.ny.gov/chemical/9075.html), or by visiting any of the following locations: The DEC Region 9 Office in Buffalo; The Youngstown Free Library in Youngstown; or The Porter Town Hall in Youngstown. Further information may be obtained by calling Mark Passuite from the DEC Region 9 Office in Buffalo at 716-851-7165


=====

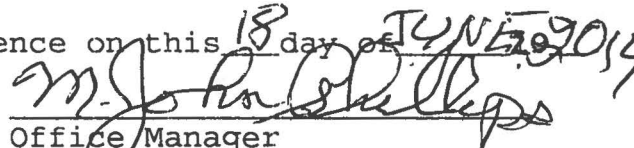
<u>2</u> spots at <u>250</u> each for \$ <u>500</u>	_____ spots at _____ each for \$ _____
_____ spots at _____ each for \$ _____	_____ spots at _____ each for \$ _____
_____ spots at _____ each for \$ _____	_____ spots at _____ each for \$ _____

=====

The announcement was broadcast \_\_\_\_\_ times as entered in the station's records.  
The times this announcement was broadcast were billed to the above client on our Invoice # 60055 dated as per the attached Affidavit of Performance.

Sworn to and subscribed before me and in my presence on this 18 day of JUNE, 2014  
\_\_\_\_\_, MICHAEL D. SILKOWSKI  
Notary Public, State of New York

  
\_\_\_\_\_  
Notary Public  
Qualified in Erie County  
Reg. No. 01SI6240440  
My Commission Expires May 2, 2015

  
\_\_\_\_\_  
Office Manager



**WLVL Invoice**

**WLVL CULVER COMMUNICATIONS CORP.**  
 PO BOX 477  
 LOCKPORT, NY 14095  
 716-433-5944

Invoice ID: 14060027  
 Invoice Date: 6/14/2014  
 Account ID: 6977  
 Order ID: 6977-002  
 Account Rep: Shari Schuler

Amount Due: \$100.00

Amount Paid: \_\_\_\_\_

WASTE MGMT  
 PO BOX 200  
 1550 BALMER ROAD  
 MODEL CITY, NY 14107

PLEASE CONTACT US IF YOU ARE INTERESTED IN  
 RECEIVING YOUR INVOICES BY E-MAIL INSTEAD OF  
 BEING MAILED A PAPER COPY. CALL SHARI SCHULER  
 (716)433-5944 OR sschuler@wvl.com

Sponsor: WASTE MGMT  
 WASTE MGMT

Page 1

Date	Time	Length	Description	CopyID / ISCI Code	Cost
6/11/2014	09:15 AM	1:30	Spot	PROPOSED RMU-2 LANDFILL	50.00
6/11/2014	01:31 PM	1:30	Spot	PROPOSED RMU-2 LANDFILL	50.00
<b>2 Total Items</b>				<b>Total Cost:</b>	<b>100.00</b>

AFFIDAVIT OF PERFORMANCE: I certify that, in accordance with the  
 Official Station Logs, the above announcements were aired within Ten (10) minutes of the times listed.

**Amount Due: 100.00**

STATE OF NY  
 COUNTY OF Madison  
 Subscribed and sworn to before me this 16th day of June 2014  
 My commission expires August 25, 2017.

Shari L. Scurer

NOTARY PUBLIC

*Pd. in full*  
*cc # 2402*

*< 100.00*

*Bal due*

*Ø*

WLVL CULVER COMMUNICATIONS CORP.  
PO BOX 477  
LOCKPORT, NY 14095  
716-433-5944

Advertiser: WASTE MGMT  
Co-Op:  
ScriptID: PROPOSED RMU-2 LANDFILL  
Length: 1:30

90 seconds  
CWM Chemical Services, L.L.C.  
Model City, New York  
Niagara County

PROPOSED RMU-2 LANDFILL  
RADIO ANNOUNCEMENT

The New York State Department of Environmental Conservation invites the public to review and comment on the proposal 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 Model City, NY. The applications, draft environmental impact statement and draft permits are all available for review.

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The DEC Region 9 Office in Buffalo;  
The Youngstown Free Library in Youngstown; or  
The Porter Town Hall in Youngstown.

Further information may be obtained by calling Mark Passuite from the DEC Region 9 Office in Buffalo at 716-851-7165.

Radio Stations: WJJL  
WLVL  
WBEN  
WGR

Futher information may be obtained by calling Mr. Mark Passuite from the DEC Region 9 Office in Buffalo at at (716) 851-7165.

### Station Documentation Statement

This announcement was broadcast 2 times, as entered in the station's program log. The times this announcement was broadcast were billed to this station's client on our invoice number 14060027 dated 6/14/2014 at his earned rate of:

50.00 each for 2 announcements, for a total of	\$100.00
For a total of 2 announcements for a total of	\$100.00

Station Official Signature

STATE OF NY  
COUNTY OF Niagara  
Subscribed and sworn before me this 16th day of June 2014  
My commission expires August 25, 2017.

Shari L. Saurin, NOTARY  
PUBLIC

## INVOICE



**WBEN**  
**500 Corporate Parkway**  
**Suite 200**  
**Buffalo, NY 14226**  
**Main: (716) 843-0600**  
**Billing: (716) 843-0600**

www.wben.com

Billing Address:

**CWM Chemical Services, LLC**  
**Attention: Accounts Payable**  
**1550 Blamer Road**  
**PO Box 200**  
**Model City, NY 14107**

Send Payment To:

**WBEN**  
**500 Corporate Parkway**  
**Buffalo, NY 14226**

Invoice #	Invoice Date	Invoice Month	Invoice Period
312608-1	06/15/14	June 2014	05/26/14 - 06/11/14

Station	Account Executive	Sales Office	Sales Region
WBEN	Paul Maurer	Buffalo Local	Local

Advertiser	Product	Estimate Number
CWM Chemical Services, L	June 11, 2014 public notic	

Flight Dates	Order #	Alt Order #
06/11/14 - 06/11/14	312608	

Billing Calendar	Billing Type	Deal #
Broadcast	Cash	

Special Handling
Notarize Script & Invoice

IDB #	Advertiser Code	Product Code

Agency Ref	Advertiser Ref

Line	Start Date	End Date	Description	Start/End Time	MTWTFSS	Length	Spots/ Week	Rate	Type
1	06/11/14	06/11/14	M-F	9:00 AM-11:00 AM	--W----	2:00	1	\$720.00	NM
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 06/09/14 06/15/14 --W---- 1 \$720.00									
Spots: # Ch Day Air Date Air Time Description Start/End Time Length Ad-ID Rate Type 1 WBEN W 06/11/14 10:35 AM M-F 9:00 AM-11:00 AM 2:00 June 11th Notice \$720.00 NM									
2	06/11/14	06/11/14	M-F	1:00 PM-4:00 PM	--W----	2:00	1	\$530.00	NM
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 06/09/14 06/15/14 --W---- 1 \$530.00									
Spots: # Ch Day Air Date Air Time Description Start/End Time Length Ad-ID Rate Type 1 WBEN W 06/11/14 1:31 PM M-F 1:00 PM-4:00 PM 2:00 June 11th Notice \$530.00 NM									
<b>Total Spots</b>							<b>2</b>		

Due upon receipt

Net Total \$1,250.00

*Denise Burt*  
 DENISE BURT  
 NOTARY PUBLIC, STATE OF NEW YORK  
 QUALIFIED IN ERIE COUNTY  
 LIC. #018U4887599  
 My Commission Expires March 16, 2015



**CWM Chemical Services, L.L.C.  
Model City, New York  
Niagara County**

**PROPOSED RMU-2 LANDFILL  
RADIO ANNOUNCEMENT**

The New York State Department of Environmental Conservation invites the public to review and comment on the proposal 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 Model City, NY. The applications, draft environmental impact statement and draft permits are all available for review.

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Radio Stations: WJLJ  
WLVL  
WBEN  
WGR

This announcement was broadcast 2 times, as entered in the station's program log. The times this announcement was broadcast were billed to this station's client on our invoice(s) number 1 dated 312608-1 615114 at the earned rate of: 2 announcements, for a total of \$ 1250.00

Denise Burt  
Notary:

Andrew J. Burt  
Signed:

DENISE BURT  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
LIC. #01BU4887599  
My Commission Expires March 16, 20 15

## INVOICE



**WGR**  
**500 Corporate Parkway**  
**Suite 200**  
**Buffalo, NY 14226**  
**Main: (716) 843-0600**  
**Billing: (716) 843-0600**

www.wgr550.com

Billing Address:

**CWM Chemical Services, LLC**  
**Attention: Accounts Payable**  
**1550 Blamer Road**  
**PO Box 200**  
**Model City, NY 14107**

Send Payment To:

**WGR**  
**500 Corporate Parkway**  
**Suite 200**  
**Buffalo, NY 14226**

Invoice #	Invoice Date	Invoice Month	Invoice Period
312603-1	06/15/14	June 2014	05/26/14 - 06/11/14

Station	Account Executive	Sales Office	Sales Region
WGR	Paul Maurer	Buffalo Local	Local

Advertiser	Product	Estimate Number
CWM Chemical Services, L	June 11, 2014 public notic	

Flight Dates	Order #	Alt Order #
06/11/14 - 06/11/14	312603	

Billing Calendar	Billing Type	Deal #
Broadcast	Cash	

Special Handling
Notarize Script & Invoice

IDB #	Advertiser Code	Product Code

Agency Ref	Advertiser Ref

Line	Start Date	End Date	Description	Start/End Time	MTWTFSS	Length	Spots/ Week	Rate	Type
1	06/11/14	06/11/14	M-F	9:00 AM-11:00 AM	--W----	2:00	1	\$380.00	NM
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 06/09/14 06/15/14 --W---- 1 \$380.00									
Spots: # <u>Ch</u> <u>Day</u> <u>Air Date</u> <u>Air Time</u> <u>Description</u> <u>Start/End Time</u> <u>Length</u> <u>Ad-ID</u> <u>Rate</u> <u>Type</u> 1 WGR W 06/11/14 10:23 AM M-F 9:00 AM-11:00 AM 2:00 June 11th Notice \$380.00 NM									
2	06/11/14	06/11/14	M-F	1:00 PM-4:00 PM	--W----	2:00	1	\$380.00	NM
Weeks: <u>Start Date</u> <u>End Date</u> <u>MTWTFSS</u> <u>Spots/Week</u> <u>Rate</u> 06/09/14 06/15/14 --W---- 1 \$380.00									
Spots: # <u>Ch</u> <u>Day</u> <u>Air Date</u> <u>Air Time</u> <u>Description</u> <u>Start/End Time</u> <u>Length</u> <u>Ad-ID</u> <u>Rate</u> <u>Type</u> 1 WGR W 06/11/14 2:40 PM M-F 1:00 PM-4:00 PM 2:00 June 11th Notice \$380.00 NM									
<b>Total Spots</b>							<b>2</b>		

Due upon receipt

Net Total \$760.00

*Denise Burt*  
 DENISE BURT  
 NOTARY PUBLIC, STATE OF NEW YORK  
 QUALIFIED IN ERIE COUNTY  
 L.C. #01BU4887599  
 Expires March 16, 2015

We warrant that the actual broadcast information shown on this invoice was taken from the program log. Times are approximate within fifteen minutes. Agency and Advertiser agree and acknowledge that Station's Advertising Terms and Conditions govern this contract. Station's Advertising Terms and Conditions are available at www.entrcom.com.

**CWM Chemical Services, L.L.C.  
Model City, New York  
Niagara County**

**PROPOSED RMU-2 LANDFILL  
RADIO ANNOUNCEMENT**

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The Porter Town Hall in Youngstown.

Further information may be obtained by calling Mark Passuite from the DEC Region 9 Office in Buffalo at 716-851-7165.

Radio Stations: WJJL  
WLVL  
WBEN  
WGR

This announcement was broadcast 2 times, as entered in the station's program log. The times this announcement was broadcast were billed to this station's client on our invoice(s) number 312603-1 6/15/14 at the earned rate of 2 announcements, for a total of \$ 760.00

Denise Burt  
Notary:

Charles L. Burt  
Signed:

DENISE BURT  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
LIC. #01BU4887599  
My Commission Expires March 16, 20 15



STATE OF NEW YORK  
NIAGARA COUNTY, } SS, \_\_\_\_\_

Linda Elliott, of said county, being duly sworn, deposes and says that  
she is now and during the whole time hereinafter mentioned was the Clerk of

NIAGARA GAZETTE

A newspaper published in the County and State aforesaid,  
and that the annexed printed legal # 114573  
was printed and published in said paper on the following dates:

06/11/2014

Linda Elliott  
Principal Clerk

Subscribed and sworn to before me this

12 June 2014

PJ King  
Patricia J King 07/27/2014

PATRICIA J. KING  
Notary Public, State of New York  
Qualified in Niagara County  
My Commission Expires March 26, 2017

Notary Public

Expiration Date



<p><b>455 Miscellaneous Merchandise</b></p> <p>Bed frame, full size, with book shelf, perfect condition, \$40. Call 510-4837 anytime.</p> <p>Day Bed \$75, Call 622-6685</p> <p>Dining room table, high top with 4 chairs, \$75.00 Please call 940-164,</p> <p>Dish TV Only \$19.99/mo TV simply cost less with DISH!</p> <p>Free Premium Channels*! High Speed Internet from \$19.99 Local Installer Call 888-662-3112</p> <p>Dresser, bed set, couch, coffee &amp; end table, rug, table, chair, other items vac, rug cleaner 998-9228</p> <p><b>147 Legals</b></p>	<p><b>455 Miscellaneous Merchandise</b></p> <p>Four 205 65R15 tires, like new, \$75 for all. Call 778-9854.</p> <p><b>GOLF CARTS</b> \$1,200 &amp; up! Run Great! Gas &amp; Elec. Models Avail. Delivery Avail. 949-6551</p> <p><b>Call Classifieds Today!</b></p> <p>Oasis water cooler for 5 gallon or 2 1/2 gallon jugs white like new. \$40 firm. Call 816-5607.</p> <p>Playstation two system with all hook-ups, clean, works great with games \$50.00 firm. 201-5800</p> <p>Refrigerators, stoves (gas &amp; electric), dryers (Gas &amp; electric, upright freezers, washers. Delivery avail. Call 791-3200.</p> <p><b>147 Legals</b></p>	<p><b>455 Miscellaneous Merchandise</b></p> <p>SEE the SATELLITE TV Difference! Packages as LOW as \$19.99 - month! FREE DVR Upgrade. FREE HD Upgrade. FREE Professional Installation! Call NOW and Start SAVING! 1-866-725-5135</p> <p>SEE the SATELLITE TV Difference! Packages as LOW as \$19.99 - month! FREE DVR Upgrade. FREE HD Upgrade. FREE Professional Installation! Call NOW and Start SAVING! 1-866-725-9295</p> <p>SEE the SATELLITE TV Difference! Packages as LOW as \$19.99 - month! FREE DVR Upgrade. FREE HD Upgrade. FREE Professional Installation! Call NOW and Start SAVING! 1-866-725-5125</p> <p><b>147 Legals</b></p>	<p><b>455 Miscellaneous Merchandise</b></p> <p>SEE the SATELLITE TV Difference! Packages as LOW as \$19.99 - month! FREE DVR Upgrade. FREE HD Upgrade. FREE Professional Installation! Call NOW and Start SAVING! 1-866-725-5145</p> <p>Super Nintendo System with all hook-ups, paddle and games. \$50.00 firm. Clean, works. 201-5800</p> <p><b>Call Classifieds Today!</b></p> <p>TWIN ELECTRIC ADJUSTABLE BED \$75, Call 622-6685</p> <p>Wheelchair, top of line, brand new, all options, 4" padded seat, \$300 or best offer. Call 804-4893</p> <p><b>147 Legals</b></p>	<p><b>460 Musical</b></p> <p>Selmer FlugelHorn, Paris model, excellent condition. \$1500. Call or BO. Serious offers. 282-8700.</p> <p><b>470 Pets and Free Pets</b></p> <p>Exotic Savannah kittens 10 weeks old. Beautiful tica reg. F5 Dom.hybrids from Africa Serval. <a href="http://www.QueencySavanahs.com">www.QueencySavanahs.com</a> \$1200 998-5401</p> <p><b>Call Classifieds Today!</b></p> <p><b>147 Legals</b></p>	<p><b>470 Pets and Free Pets</b></p> <p>Free to good home: cat orange tiger neutered male, wonderful companion cat 716-438-7168</p> <p>King Charles Cavalier, 2 year old spayed female, black &amp; rust, micro chip, \$350. Call 284-8579.</p> <p><b>Call 304-1234 to place your ad in the Classifieds</b></p> <p>Kittens Free to a good home. 1 boy black/gray-tiger and 1 girl white/orange. Call 471-2912</p> <p>Mini Australian Shepherd &amp; Pomeranian Maltese mixes. Shots &amp; wormed. PD298. 716-353-9913</p> <p><b>147 Legals</b></p>	<p><b>470 Pets and Free Pets</b></p> <p>Pug puppies, 7 weeks old, male and female, 1st shots, \$300 each. Call 716-374-5250 after 3pm</p> <p>Yorkshire Terriers AKC 2 males, shots, wormed, tails docked, 716-807-8773</p> <p><b>485 Sporting Goods</b></p> <p><b>GOLF CARTS</b> \$1,200 &amp; up! Run Great! Gas &amp; Elec. Models Avail. Delivery Avail. 949-6551</p> <p><b>Need New Golf Grips?</b> Removal and Installation, 24-48 hr. return. You choose type and style. \$30/set plus grip cost. Call John at (716) 946-1761</p> <p><b>147 Legals</b></p>	<p><b>REAL ESTATE SALES</b></p> <p><b>510 Homes</b></p> <p>Lkpt 325 N. TRANSIT ST 4 BR/2BA multi. W/option to convert back to a single. Interior stairs still in place. Newer windows and roof. \$59,900. ML# B40053 Call (716) 417-0271</p> <p><b>147 Legals</b></p>
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CWM CHEMICAL SERVICES, L.L.C.

STATE OF NEW YORK  
FACILITY SITING BOARD  
and the  
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
NOTICE OF JOINT PUBLIC STATEMENT HEARING  
NOTICE OF EXTENSION OF PUBLIC COMMENT PERIOD

Date: June 6, 2014

**Applicant:** CWM Chemical Services, L.L.C. (1550 Balmer Road, PO Box 200, Model City, New York 14107) (CWM), proposes to construct and operate a new landfill and other units to store, treat and dispose of hazardous and industrial non-hazardous waste at the company's existing facility located in the Towns of Porter and Lewiston, Niagara County. The proposed landfill would be designated as Residuals Management Unit - Two (RMU-2). The proposed RMU-2 landfill and other units are intended for the disposal and management of hazardous and industrial non-hazardous wastes at CWM's existing facility.

CWM has filed the following applications for the proposed RMU-2 landfill project:

- 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 Permit Application No. 9-2934-00022/00225);
- Part 663 State Freshwater Wetlands Permit Application (ECL Article 24, Title 7) (DEC Permit Application No. 9-2934-00022/00231);
- Section 608.9 Water Quality Certification Application (Section 401 of the federal Clean Water Act) (DEC Permit Application No. 9-2934-00022/00232); and
- Part 750 State Pollution Discharge Elimination System (SPDES) Permit Modification Application (ECL Article 17, Title 8) (DEC Permit Application No. 9-2934-00022/00049).

A Notice of Complete Application was published in the Department's Environmental Notice Bulletin on May 7, 2014. ([http://www.dec.ny.gov/enb/20140507\\_not9.html](http://www.dec.ny.gov/enb/20140507_not9.html))

**Facility Description and Proposed Action:** CWM owns and operates a commercial facility for the treatment, storage and disposal of hazardous and industrial non-hazardous wastes at a 710-acre site in the Towns of Lewiston and Porter, Niagara County, New York. The existing facility is located on Balmer Road about 1.9 miles east of its intersection with State Route 18 near Youngstown, NY.

CWM proposes to construct and operate a new landfill (RMU-2) that 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. Each cell 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 using 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 outlined at 6 NYCRR 373-2.14. In addition to the RMU-2 landfill, CWM proposes 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 million gallons 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 and 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. The proposal would impact an area within the 100-foot adjacent area 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 that would consist of the head officials from five (5) State agencies, including NYSDEC, and three (3) ad hoc members appointed by the Governor. Two of the ad hoc members 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 permit applications. At the conclusion of the public hearing process, the Facility Siting Board must render a decision whether to issue the Siting Certificate, issue the Siting Certificate with conditions and stipulations, or deny the Siting Certificate. The Facility Siting Board's decision will be based on CWM's application materials, the hearing record, the siting criteria in Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) § 361.7, and the October 2010 "NYS Hazardous Waste Facility Siting Plan."

**Permitting Process:** Pursuant to 6 NYCRR 621.7(b)(7), NYSDEC staff has tentatively decided to issue the requested Part 373 Permit Modification and has prepared a draft Part 373 Permit Modification. The draft Permit Modification would allow for the construction and operation of CWM's proposed RMU-2 landfill and the other proposed waste storage and treatment units. The draft Permit Modification includes conditions to insure that all units would be constructed and operated in an environmentally safe manner and in compliance with all applicable 6 NYCRR Part 373 hazardous waste management regulations.

In addition, NYSDEC staff has prepared draft permits related to the permit applications filed by CWM pursuant to ECL Article 24 and 6 NYCRR Part 663 for a freshwater wetlands, and 6 NYCRR 608.9 for a Water Quality Certification.

**SEORA Status:** ECL Article 8 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 review of the permit applications. In its role as Lead Agency under SEQR, NYSDEC 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) that evaluates potential environmental impacts associated with the proposed RMU-2 landfill and associated waste management units.

**Public Comment Hearing:** Public statement hearing sessions to receive unsworn comments from the public regarding the pending permit applications, the draft permits, and the DEIS will be held at 1:00 P.M. and 6:30 P.M. on July 16, 2014 at the Lewiston-Porter High School, 4061 Creek Road, Youngstown, NY 14174. A recess will be taken between the two hearing sessions.

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Translator services shall be made available, at no charge, upon written request to the ALJ by July 3, 2014. All requests must be made to ALJ Daniel P. O'Connell, NYS Department of Environmental Conservation, Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, New York, 12233-1550. (518) 402-9003. Interpreter services shall be made available to deaf persons, at no charge, upon written request to the ALJ at the address listed above by July 3, 2014.

**Written Comments:** The date to file written comments is hereby extended 60 days from July 7, 2014 as stated in the May 7, 2014 Notice of Complete Application to September 5, 2014. Written comments must be received by September 5, 2014 to be considered.

All interested persons, organizations, corporations or government entities may submit written comments at the hearing or by mail no later than September 5, 2014, to Chief Administrative Law Judge James T. McClymonds, NYS Department of Environmental Conservation, Office of Hearings and Mediation, 625 Broadway, 1st Floor, Albany, NY 12233-5500. The following email address is also available: [CWMRMU2@gw.dec.state.ny.us](mailto:CWMRMU2@gw.dec.state.ny.us).

**Document Availability:** NYSDEC 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, the Draft Permit documents, the required regulatory and public involvement process, document availability, and the applicable State laws and regulations. Hard copies of the NYSDEC Fact Sheet, all CWM applications, the DEIS and the Draft Permit documents are available for inspection at the following locations:



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- NYSDEC Region 9 Office, 270 Michigan Avenue, Buffalo, NY 14203-2915 (contact person: David Denk 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 DEIS are available through the following web site:

- CWM's website <http://modelcity.wm.com>

Electronic copies of the NYSDEC Fact Sheet and Draft Permit documents are available through the following web site:

- NYSDEC's website <http://www.dec.ny.gov/chemical/9075.html>
- NYSDEC's FTP site <ftp://ftp.dec.state.ny.us/der/CMWpermitmod/>

**Issues Conference:** Pursuant to 6 NYCRR 624.4(b), a pre-adjudicatory issues conference will be held. The purpose of the issues conference is to determine party status for any person who has properly filed a petition (as indicated below) and to define the scope of issues, if any, that require adjudication with regard to the permit applications pending before the Department as well as the certificate requested from the Facility Siting Board. Please note that participation at the issues conference is limited to Department staff, applicant, and those persons requesting party status.

**Filing for Party Status:** Persons seeking to participate in the issues conference and any subsequent adjudicatory public hearing, if one is necessary, must file a petition (a written statement) explaining whether the request is for full party status or amicus status. For the required contents of petitions for full party status, see 6 NYCRR 624.5(b)(1) and (2). To determine whether an issue is substantive see 6 NYCRR 624.4(c)(2), and to determine whether an issue is significant, see 6 NYCRR 624.4(c)(3).

All filings for party status or amicus status must be received at the Department's Office of Hearings and Mediation Services by 4:00 P.M. on Tuesday, September 30, 2014. In addition to filing a petition with the ALJ, a copy of any petition must also be sent at the same time and in the same manner to counsel for Department staff (David Stever, Esq., Assistant Regional Attorney, NYSDEC Region 9, 270 Michigan Avenue, Buffalo, New York 14203), and CWM (Daniel M. Darragh, Esq., Cohen & Grigsby, PC, 625 Liberty Avenue, Pittsburgh, Pennsylvania 15222)

A notice of when the issues conference will be held will be issued separately and will set forth the date, time and place for the issues conference.

James T. McClymonds  
Chief Administrative Law Judge

Albany, New York  
June 6, 2014



# THE BUFFALO NEWS

## -Affidavit-

Marcy Lombardo of the City of Buffalo, New York, being duly sworn, deposes and says that he/she is Principal Clerk of THE BUFFALO NEWS INC., Publisher of THE BUFFALO NEWS, a newspaper published in said city, that the notice of which the annexed printed slip taken from said newspaper is a copy, was inserted and published therein **1** times, the first insertion being on **06/11/2014** and the last insertion being on **06/11/2014**

Marcy Lombardo

Dates Ad Ran:

Buffalo News (P1) 06/11/14

Sworn to before me this 11<sup>th</sup> day of, June 2014

Lori A. Nieves

Notary Public, Erie County, New York

LORI A. NIEVES  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires 05/24/15

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## 670 Miscellaneous Wanted

### SILVER COINS

BUYING US & Canadian silver coins, wheat pennies, cash, 685-1737

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KIMBALL studio grand piano, \$1500, call 542-5809

MARSHALL AMP, MG100 HCFX, 2 speaker stacks, new, \$800/BO. 204-6223

OBOE, 1972 Fox 300, good cond., w/some sheet music; \$2000. 741-3959.

ORGAN, Lowrey Rhapsody, Must sell. Make offer. 202-4272

ORGAN: FREE to church or Not-for-Profit, Thomas Organ/bench, Superb cond, 434-6423.



PIANO STORY AND CLARK SPINET: Lovely, graceful spinet piano (height 37"). Very good finish, piano in good condition. Slight marring at the base of each leg. Antique seat negotiable, can be recovered. Purchaser must move and transport this piano. Piano is on 4 wheels and can be pushed on ramps. We have loved this piano, please make it a delight for your home! \$150. (716)839-0024

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VINTAGE GUITARS & Amps: Will pay cash. All musical instruments.

## 674 Office Furniture & Equipment

OFFICE EQUIPMENT, Phones, Copiers & more. Call Mark 716-297-0981

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DELUX SAUNA: Brand new, 2 person, 3 high quality ceramic & 2 lg. carbon heating elements, power source 110 volt/15 amp, 47 in. X 47 in. X 75 in., \$1800; 716-343-3359

HOT TUB: Brand new, asking \$4900, paid \$5500, Call 716-462-1310

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POOL: Kayak, 12x24. You take down & take away. \$700. 716-681-2448.

POOL: Weathering, alum., above-ground, 12X20, 4 ft., you take down & take away, \$7500, 895-9599

## 680 Restaurant/Bar Equipment

TRAULSON refig pastry display case, 6 side glass upright, revolving, exc cond, \$1800/bo 550-2764

## 682 Sporting Equipment

\*ABLE to pay high prices for all firearms 655-7000

DISCLAIMER: All Advertising from private individuals to purchase or sell handguns, automatic or semi-automatic weapons, except for hunting rifles, will not be accepted by The Buffalo News.

GOLF CARTS, Elec. & Gas, \$1200 & up. Great running newer model carts. Delivery avail. 949-6551

GOLF CARTS, gas & elec., great shape; \$1100/up. Will deliver. 862-9240.

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**Announcements**

703 Activities/Events  
705 Adoptions  
708 Attorneys  
710 Auctions  
715 Dance Recital  
730 Lost & Found  
734 Research Studies  
735 Resort/Travel Opportunities  
740 Personal  
741 Voice Personals  
745 Volunteers



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## 710 Auctions - General

ANDERSON - 838-8484 andersonauctioneers.com

ROY Teitworth Auctioneers (Genesee) 585-243-1563

## 741 Voice Personals

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## 751 Articles of Incorporation

Gerald A. Chwalinski City Clerk

## 751 Articles of Incorporation

**Legals**

751 Articles of Incorporation  
752 Auctions  
753 Business & Corporate  
754 Election & Legislation  
756 Foreclosures / Trustee Sales  
757 Licenses / Permits  
758 Meetings  
759 Planning & Land Use  
760 Probates  
761 Public Finances & Taxation  
762 Purchasing & Procurement  
763 Summons  
764 Misc. Notices  
765 Adoptions  
766 Bids & Proposals

New York State Empire Outfit Fund I, LLC (the "LLC") filed Articles of Organization with the NY Secretary of State ("SOS") on May 1, 2014. LLC office is in Erie County. SOS was designated as agent of the LLC upon whom process against it may be served. SOS shall mail copy of any process served to 640 Ellicott Street, Suite 404, Buffalo, NY 14203. The purpose of the LLC is any lawful act or activity.

## 759 Planning & Land Use



## PUBLIC HEARING

A public hearing will be held before the Buffalo Common Council Committee on Legislation on Tuesday, June 17, 2014 at 2:00 P.M., in the Council Chambers, City Hall, Buffalo, New York, at which time interested parties will be heard on the following:

1. J. Molek, Agent, Use 1435 Hertel-Erect an Open Balcony for Sit-In Restaurant Which Projects onto City ROW
2. S. Mucino, Agent, Use 756 Elmwood-For an Outdoor Patio on City ROW in the Elmwood Ave Business District
3. B. Latt, Owner, Use 116 Lafayette-After Existing One Family Dwelling to Include a Residential Beauty Parlor
4. B. Siegel, Agent, use 153 Elmwood-Alterations and Renovation to a Sit-In Restaurant and Outdoor Patio in the Elmwood Avenue Business District
5. I. Karanovic, Owner, Use 1941 Clinton St. for a Used Appliance Store in the Clinton St Special District
6. E. Buscaglia, Owner, Use 244 Allen for Expansion of Existing Bar/Restaurant in the Allen St. Special District
7. S. Tasta, Owner, Use 1200 Hertel to Reestablish a Restaurant With an Outdoor Café in the Hertel Ave Special District

## 763 Summons

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF ERIE INDEX NO. 800044/14

## 763 Summons

serve a notice of appearance on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York) in the event the United States of America is made a party defendant, the time to answer for the said United States of America shall not expire until (60) days after service of the Summons; and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Commencement of this lawsuit does not affect your rights as set forth in the validation notice.

### NOTICE

### YOU ARE IN DANGER OF LOSING YOUR HOME

If you do not respond to this summons and complaint by serving a copy of the answer on the attorney for the mortgage company who filed this foreclosure proceeding against you and filing the answer with the court, a default judgment may be entered and you can lose your home.

Speak to an attorney or go to the court where your case is pending for further information on how to answer the summons and protect your property.

Sending a payment to the mortgage company will not stop the foreclosure action.

YOU MUST RESPOND BY SERVING A COPY OF THE ANSWER ON THE ATTORNEY FOR THE PLAINTIFF (MORTGAGE COMPANY) AND FILING THE ANSWER WITH THE COURT.

The object of this action is to foreclose a mortgage covering: 111 Nicholas Drive North Tonawanda, NY 14150

JUDGMENT IN THE APPROXIMATE AMOUNT OF \$20,079.32 plus interest

### Section 53.37 Block 3 and Lot 3

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Tonawanda, County of Erie and State of New York, being part of Lot No. 40, Township 12, Range 8 of the Holland Land Company's survey and further distinguished as Subdivision Lot No. 2, as shown on map filed in the Erie County Clerk's office under Cover No. 1765.

## 764 Miscellaneous Notices

Premises known as 111 Nicholas Drive North, Tonawanda, New York

## 764 Miscellaneous Notices

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Persons seeking to participate in the issues conference and any subsequent adjudicatory public hearing, if one is necessary, must file a petition (a written statement) explaining whether the request is for full party status or amicus status. For the required contents of petitions for full party status, see 6 NYCRR 624.5(b)(1) and (2). To determine whether an issue is substantive see 6 NYCRR 624.4(c)(2), and to determine whether an issue is significant, see 6 NYCRR 624.4(c)(3).

All filings for party status or amicus status must be received at the Department's Office of Hearings and Mediation Services by 4:00 P.M. on Tuesday, September 30, 2014, in addition to filing a petition with the ALJ, a copy of any petition must also be sent at the same time

## 766 Bids & Proposals



DEPARTMENT OF PUBLIC WORKS, PARKS & STREETS ADVERTISEMENT FOR BIDS

### REQUEST FOR PROPOSAL

Sealed proposals for: 2014-15 CITYWIDE TREE REMOVALS

will be received by the Commissioner of Public Works, Room 502 City Hall, Buffalo, New York, 14202, UNTIL ELEVEN O'CLOCK A.M. LOCAL TIME ON FRIDAY, June 27, 2014. Proposal documents may be examined and purchased at: Room 505, City Hall, Buffalo, NY 14202. The Proposal can be obtained for FIFTY-EIGHT DOLLARS (\$58.00) per set. Non-refundable. Company checks OR money orders ONLY. NO CASH AND NO PERSONAL CHECKS.

Each bidder's attention is called to the General Municipal Law, which requires a bidder's Certification of Non-Collusion. Copies of such Certificates are part of the Proposal Form and, unless complied with, bid will not be accepted. Bidders must submit prior to awarding of a contract a statement indicating that they will work toward a minority workforce goal of 25% and a women workforce goal of 5%. In addition, a statement must be submitted prior to the awarding of a contract indicating that the bidder will work toward a business utilization goal for minority business enterprise of 25% and women business enterprise of 5%. In addition, bidders shall comply with all applicable local laws and ordinances INCLUDING THE CITY'S APPRENTICESHIP TRAINING PROGRAM ORDINANCE.

The City of Buffalo will not be responsible for full or partial set of Contract Documents, including any Addenda obtained from any other source. The City of Buffalo reserves the right to reject any and all bids and to waive any informalities therein.

Any questions on this project should be referred to:

Arthur V. Traver, RLA Consulting Arborist (716) 688-0786 atraver@wd-ae.com.

PETER MERLO, P.E. City Engineer



DEPARTMENT OF PUBLIC WORKS, PARKS & STREETS ADVERTISEMENT FOR BIDS

### REQUEST FOR PROPOSAL

## 766 Bids & Proposals

they will work toward a minority workforce goal of 25% and a women workforce goal of 5%. In addition, a statement must be submitted prior to the awarding of a contract indicating that the bidder will work toward a business utilization goal for minority business enterprise of 25% and women business enterprise of 5%. In addition, bidders shall comply with all applicable local laws and ordinances INCLUDING THE CITY'S APPRENTICESHIP TRAINING PROGRAM ORDINANCE

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Any questions on this project should be referred to:

Arthur V. Traver, RLA Consulting Arborist (716) 688-0786 atraver@wandelcompanies.com

PETER MERLO, P.E. City Engineer



OFFICE OF STRATEGIC PLANNING DIVISION OF REAL ESTATE

### NOTICE OF

### REQUEST FOR PROPOSAL

Former School #56 - 722 West Delavan Avenue Buffalo, NY

The Mayor's Office of Strategic Planning (OSP), Division of Real Estate is soliciting proposals for the sale and redevelopment of former School #56 located at 722 West Delavan Avenue Buffalo, New York. The former school is a 3 story structure, zoned R-2, site encompassing approximately 55,480 square feet. Title to the property is currently held by the City of Buffalo.

Proposals are due no later than Friday July 18th at 4:00pm. Proposals should include all information specified in the Request for Proposal which is available in the Mayor's Office of Strategic Planning, Division of Real Estate 905 City Hall Buffalo, NY 14202. The proposal package is also available on the City of Buffalo's website at: http://city-buffalo.com/Home/City\_Departments/RealEstate/RequestsFor-Proposals



### TO BIDDERS

Sealed bids are requested by the Erie 2-Chautauque-Cattaraugus Board of Cooperative Educational Services (BOCES) and Component Schools for

### TRANSPORTATION



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**764** Miscellaneous Notices

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**764** Miscellaneous Notices

COUNTY OF ERIE  
INDEX NO. 800044  
**SUPPLEMENTAL SUMMONS AND NOTICE**

Plaintiff designates Erie County as the place of trial situs of the real property

RIVERSIDE FEDERAL CREDIT UNION F/K/A RIVERSIDE CREDIT UNION,

Plaintiff, against

HEIRS AND DISTRIBUTORS OF THE ESTATE OF JOSEPH J. CARSON, ET AL., Defendants.

To the above named Defendants

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to

**764** Miscellaneous Notices

CWM CHEMICAL SERVICES, L.L.C.

Facility

**SITING BOARD and the NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION NOTICE OF JOINT PUBLIC STATEMENT HEARING NOTICE OF EXTENSION OF PUBLIC COMMENT PERIOD**

Date: June 6, 2014

**Applicant:** CWM Chemical Services, L.L.C. (1550 Balmer Road, PO Box 200, Model City, New York 14107) (CWM), proposes to construct and operate a new landfill and other units to store, treat and dispose of hazardous and industrial non-hazardous waste at the company's existing facility located in the Towns of Porter and Lewiston, Niagara County. The proposed landfill would be designated as Residuals Management Unit - Two (RMU-2). The proposed RMU-2 landfill and other units are intended for the disposal and management of hazardous and industrial non-hazardous wastes at CWM's existing facility.

CWM has filed the following applications for the proposed RMU-2 landfill project:

- Part 381 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 Permit Application No. 9-2934-00022/00225);
- Part 663 State Freshwater Wetlands Permit Application (ECL Article 24, Title 7) (DEC Permit Application No. 9-2934-00022/00231);
- Section 608.9 Water Quality Certification Application (Section 401 of the federal Clean Water Act) (DEC Permit Application No. 9-2934-00022/00232); and
- Part 750 State Pollution Discharge Elimination System (SPDES) Permit Modification Application (ECL Article 17, Title 8) (DEC Permit Application No. 9-2934-00022/00049).

A Notice of Complete Application was published in the Department's Environmental Notice Bulletin on May 7, 2014. ([http://www.dec.ny.gov/enb/20140507\\_notb.html](http://www.dec.ny.gov/enb/20140507_notb.html))

**Facility Description and Proposed Action:** CWM owns and operates a commercial facility for the treatment, storage and disposal of hazardous and industrial non-hazardous wastes at a 710-acre site in the Towns of Lewiston and Porter, Niagara County, New York. The existing facility is located on Balmer Road about 1.9 miles east of its intersection with State Route 18 near Youngstown, NY.

CWM proposes to construct and operate a new landfill (RMU-2) that would occupy approximately 43.5 acres and

Siting Board's decision will be based on CWM's hearing record, the siting criteria in Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) § 361.7, and the October 2010 "NYS Hazardous Waste Facility Siting Plan."

**Permitting Process:** Pursuant to 6 NYCRR 621.7(b)(7), NYSDEC staff has tentatively decided to issue the requested Part 373 Permit Modification and has prepared a draft Part 373 Permit Modification. The draft Permit Modification would allow for the construction and operation of CWM's proposed RMU-2 landfill and the other proposed waste storage and treatment units. The draft Permit Modification includes conditions to insure that all units would be constructed and operated in an environmentally safe manner and in compliance with all applicable 6 NYCRR Part 373 hazardous waste management regulations.

In addition, NYSDEC

**Written Comments:** The date to file written comments to the Siting Board's decision will be based on CWM's hearing record, the siting criteria in Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) § 361.7, and the October 2010 "NYS Hazardous Waste Facility Siting Plan."

All interested persons, organizations, corporations or government entities may submit written comments at the hearing or by mail no later than September 5, 2014, to Chief Administrative Law Judge James T. McClymonds, NYS Department of Environmental Conservation, Office of Hearings and Mediation, 825 Broadway, 1st Floor, Albany, NY 12233-5500. The following email address is also available: CWMRMU2@gw.dec.state.ny.us.

**Document Availability:** NYSDEC 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 pro-

posed RMU-2 landfill project, and the Siting Board's decision. To request a copy of any petition must also be sent at the same time and in the same manner to counsel for Department staff (David Stever, Esq., Assistant Regional Attorney, NYSDEC Region 9, 270 Michigan Avenue, Buffalo, New York 14203), and CWM (Daniel M. Darragh, Esq., Cohen & Grigsby, P.C., 625 Liberty Avenue, Pittsburgh, Pennsylvania 15222).

A notice of when the issues conference will be held will be issued separately and will set forth the date, time and place for the issues conference.

James T. McClymonds  
Chief Administrative Law Judge

Albany, New York  
June 6, 2014

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**PROPOSAL**

Sealed proposals for:  
**2015 STREET TREE PLANTING**

will be received by the Commissioner of Public Works, Room 502 City Hall, Buffalo, New York, 14202, UNTIL ONE O'CLOCK P.M. LOCAL TIME ON: FRIDAY, June 27, 2014. Proposal documents may be examined and purchased at: Room 505, City Hall, Buffalo, NY 14202. The Proposal can be obtained for FIFTY-EIGHT DOLLARS (\$58.00) per set. Non-refundable. Company checks OR money orders ONLY. NO CASH AND NO PERSONAL CHECKS.

Each bidder's attention is called to the General Municipal Law, which requires a bidder's Certification of Non-Collusion. Copies of such Certificates are part of the Proposal Form and, unless complied with, bid will not be accepted. Bidders must submit prior to awarding of a contract a statement indicating that

Schools for

**TRANSPORTATION SERVICES**

Bids will be received until JULY 7, 2014 at 11AM by the

Erie 2-Chautauqua-Cattaraugus BOCES  
8885 Erie Rd. (Rt. 5)  
Angola, NY 14006  
716-549-4454 x 4047  
By: Tina Ellis,  
Bid Coordinator

at which time and place they will be publicly opened and read.

Specifications and bid forms may be obtained on-line at [www.empirestatebidsystem.com](http://www.empirestatebidsystem.com) vendor registration may be required.

Erie 2-Chautauqua-Cattaraugus Board of Cooperative Educational Services reserves the right to reject any and all bids, to waive any informalities therein and to hold all bids for a period of sixty days for proper analysis.

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## LEGAL NOTICE

NOTICE IS HEREBY GIVEN, That NATIONAL FUEL GAS DISTRIBUTION CORPORATION (Company) filed changes to its Tariff, P. S. C. No. 8 - Gas on May 22, 2014, to become effective June 1, 2014. These revised leaves are designed to implement changes authorized by the Commission in its Order Adopting Terms of Joint Proposal and Establishing Rate Plan issued on May 8, 2014 in Case No. 13-G-0136. Pursuant to the Rate Plan, customer base rates are not increased. The following changes, however, are reflected in the revised tariff sheets:

- Capacity release and off system sales credits. For each year beginning October 1, 2013; the first \$1.0 million of gross profit from off system sales and capacity release shall be applied to the Company's area development program and gas expansion initiatives.
- Transportation Sales and Service Benefits and Revenue Decoupling Mechanism refund/surcharge targets have been updated.
- Weather Normalization Adjustment factors for the period on and after October 2014 have been updated.
- A System Performance Adjustment Mechanism to surcharge or refund variances in actual lost and unaccounted for gas from a targeted factor of adjustment of 2.07%, and within dead band limits of 1.50% and 2.63%, has been established. The System Performance Adjustment Mechanism shall be applied to Classification Nos: 1, 2, 2A, 2B, 3, 4, 5, 6, 7, 8, 9, 13D, 13M, 22, 23 and 24. Factors of adjustment for purchase gas cost rates have been updated to 2.07% on a sales method. Allowances for losses for applicable transportation service classifications have been established at 2.03% on a equivalent purchase method.

- A one time bill credit will be applied to all customers bill as of June 1, 2014 for the following service classifications:

Residential SC 1, 2, 2A, and 2B Non-Residential	\$7.74	per account
SC 3	\$31.43	per account
SC 13 TC 1.1	\$462.72	per account
SC 13 TC 2.0	\$1,109.03	per account
SC 13 TC 3.0	\$2,079.32	per account
SC 13 TC 4.0	\$5,197.68	per account
SC 13 TC 4.1	\$3,841.48	per account
SC 16	\$3,296.09	per account

- Low Income Service Rate changes. Service Classification No. 2 is modified to become HEAP Residential Assistance Service. Service Classification No. 2 is available for all customers billed by the Company that have received a Federal Home Energy Assistance Program payment during the previous or current HEAP Plan Years and who do not receive service under rate schedules SC2A or SC2B. Service under this rate schedule shall continue subject to available funding or as otherwise determined by the Public Service Commission. During the months of January through May the otherwise applicable minimum charge for the first 400 cubic feet of gas or less will be reduced by \$12.50 from \$15.54 to \$3.04. The Company will continue Service Classification No. 2B, Low Income Affordability Assistance Program, however, expenditures for this program will be reduced through attrition, reduced enrollments, and/or lower per participant discounts.

NATIONAL FUEL GAS DISTRIBUTION CORPORATION  
By: Anna Marie Cellino  
President

Dated: June 3, 2014

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### 807 Appliances

DISHWASHER, under counter, portable, \$165. trade/delivery/828-5919  
DRYER, Multi cycle, white, clean, \$135/trade, delivery, 828-5919

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DRYER, Whirlpool, gas, lg. capacity, exceptional, warranty: \$189. 835-0000.  
FREEZER, Upright, Like new cond, \$99. Bring a friend to move. 675-1164  
HOT WATER tank, elec/p gas + power vent, \$165, trade/delivery, 828-5919

**SELL**

REFRIGERATOR, Frigidaire, off-white, family sized, frost-free, warranty, \$200/offer. 835-0000.  
REFRIGERATOR, white, works perfect, \$160, may deliver, 716-533-9448  
REFRIGERATOR: Frigidaire, top freezer, white, exc. cond \$175. 685-6689  
REFRIGERATOR: Gibson & stove, white/off white, run good. \$200. 830-3997

STOVE, 30-in., very clean; \$165/trade. Delivery. 828-5919.  
STOVE, Frigidaire 30" gas. Black, convection oven. Exc. cond. \$200. 862-0151.

**SELL**

STOVE, Magic Chef, gas, off-white, excellent cond., w/warranty: \$200/best offer. 835-0000.

STOVE: Gas, Caloric, self-cleaning oven, almond. Very Good condition. \$125. 683-0367.

### 807 Appliances

STOVE: Whirlpool, elec., glass top, 30 in., exc., \$185; 716-681-2339  
STOVE: elec, Whirlpool, coil top, works well, vg cond. \$135. 830-3997

**SELL**

WASHER, Whirlpool, extra lg. capacity, w/warranty: \$175/offer. 835-0000.  
WASHER: Multi cycle, extra lg. clean, trade, delivery. \$135. 828-5919  
WASHER: portable, sink hkup, lg. on casters \$175/trade, delivery. 828-5919

**810 Automotive Accessories**

NISSAN 1999 Frontier 15" alum wheels, \$60/set. (585) 457-3505  
SKI GUARD Car top ski/cargo carrier, long box, never used \$100. 440-1764  
TIRES (4), P225/60R18, \$120, call/884-5944

### 813 Bikes

SOUTHWEST Mountain Bike, brand new, Men's 18 sp, \$200. 432-2369

### 822 Electronics

COMPUTER/laptop: Internet ready, anti-virus, WIN 7. \$139. 867-6944

**XP System**

COMPUTER-DESK TOP: Internet ready, DVD, anti-virus, w/mly. \$99. 867-6944

### 822 Electronics

STEREO: JVC Receiver, 5 disc CD & JBL speaker, \$135/all; 830-3997

### 828 Exercise

AB LOUNGE SPORT, good condition. \$100. Call 716-481-8815

### 831 Furniture

BARSTOOLS (3), cast iron, microfiber cushions, like new, \$75. 861-4300  
BED, twin mattress set & frame, very good cond, \$95, 716-830-3997  
BED: twin, mattress set, frame, & dresser, exc. cond. \$160/all. 830-3997

BUNKBED: metal, thick futon bottom mattress, vg cond. \$175. 830-3997

CHINA HUTCH CABINET, cherry. Excellent. \$195. 864-9156

COUCH & LOVESEAT: Exc. cond, off white, \$200/both; 684-9272

CURIO Cabinets, (2) 1 lg. cherry & 1 oak w/mirror for, foyer, \$150/both 634-9471

FUTON, Serta steel, w/mattress, exc. cond. \$80. 585-457-3505

FUTON, metal frame w/thick mattress, excellent cond. \$135. 830-3997

FUTON, pine, w/spring mattress, exc. must pick up, \$200 cash, 668-8198

KITCHEN table, wrought iron, w/leaf, 4 chairs, good cond. \$75. 912-6873

MATTRESS: A New Queen set, still in wrap, Can deliver, \$115. (716) 402-7800

METAL Bedframe, full/queen, center support, new in box \$45, 795-7975



### 831 Furniture

VINTAGE Lane Cedar Chest, Queen Anne style, 44x19x31 3/4, good cond, \$100. (716) 824-6808

### 843 Housewares

MIRRORS, 1/4 in plate beveled glass, ornate, \$99/all, 873-1227

### 849 Lawn & Garden

GRILL, propane, stainless steel, pedestal, good cond, \$75. 912-6873  
LAWN MOWER, 21-26", bagger, propelled; \$95. Trade/delivery. 828-5919.

RETAINING WALL Blocks (145), gray & rust concrete; \$125/all. 433-7198.

### 855 Miscellaneous

BATH SHOWER Base Unit, Kohler, fiberglass, excellent; \$75. 655-1685.

COLEMAN Roadtrip Grill with scissor lift stand. Used only once. \$30. Call 633-4255 between 5:00 and 7:00 P.M.

DOOR, 36 in., steel pre-hung Entry Door, \$85. 694-2218

FRENCH DOOR: 15 lite, interior, 80 x 32, solid core. \$150. 684-4019

FIESTA Outdoor Gas Barbecue/Grill, purchased in 2007, but used infrequently, incl. partially filled propane tank & cover; \$30. May need some maintenance. 633-4255, Mon.-Fri., 1-7 PM & weekends.

PELLA Casement window w/built in blinds, 29x58, \$100. 634-9471

RECORD Albums/CD's, 80/50. Exc cond. Misc. artists. \$100/bo. 825-7445

### 858 Musical

FENDER: Starcaster, Gorrilla Amp, chrome Snare, \$175/all; 830-3997

**VIOLIN**, w/bow, case & fine tuners. Excellent. \$125. Call 636-5706.

**861 Pet Supplies**

BIRDCAGE, 2'x2'x3'H, bottom storage, on wheels, \$75. 856-5716

DOG Crate, lg, molded & Dogloo, lg, both vg cond. \$65/both. 462-8982

### 864 Pools & Supplies

DIVING BOARD, 8 ft., if new \$375, used \$150. Excellent. 694-2218

SOLAR HEATER, 4x20, w/book, \$125/bo. 716) 881-8240

### 867 Sports

GOLF CLUBS, junior set, real nice cond, new grips, \$25. 903-3031

GOLF CLUBS, ladies full set irons, new grips, real nice, \$50. 903-3031

GOLF CLUBS, mens' full set irons, new grips, real nice cond, \$50. 903-3031

GOLF club, Cleveland driver, XL270, w/Miyazaki shaft, exc. \$75. 652-2093

GOLF: Set of men's golf clubs, vg cond, \$75/BO, 634-4180

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## Affidavit of Publication The Lewiston-Porter Sentinel

**State of New York  
County of Niagara, ss**

Glenda Pichette of Grand Island, in said County, being duly sworn, states that she is the bookkeeper of the Lewiston-Porter Sentinel, a Newspaper that is published weekly at Lewiston, in the county of Niagara, and that the legal, a printed copy of which is hereunto attached, was published once each week, for 1 week, in said newspaper, and that the said legal was so published on the 14th day of June , 2014.

Glenda Pichette

Sworn to before me this 14<sup>th</sup> day

Of June, 2014

Julie A Davis  
Notary Public

JULIE A DAVIS  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01DA6296795  
Qualified in Erie County  
My Commission Expires February 10, 2018



# Special tribute in honor of nation's heroes

**on Deutschman**  
Americans celebrate Memorial Day by attending parades, having cookouts. Starting in Brandon Hall, Lewiston police and second lieutenant New York Army National Guard decided to "honor our heroes not so traditional way" by attempting in The Murph. Intense physical challenge consisting of a one-mile run to Kiwanis Park from the eternal flame, 100 push-ups, 300 squats, and a one-mile run back to the flame.



Brandon Hall and Alex Ruckh do push-ups during the MDM at Kiwanis Park.

Participants Hall and Ruckh, lieutenant for Upper Volunteer Fire Co., first lieutenant in the New York Army National Guard and an Afghanistan veteran, completed the challenge wearing a 20-pound vest. After finishing The Murph Challenge at the running track in Lewiston-Porter in 2013, Hall and three more participants year. LaDuca, owner of Lumidria in Buffalo, and John scientist from Canada who at Roswell Park Memorial Institute were among the takers.

Why participate in such an exhausting and trying activity? "They gave the ultimate sacrifice for all of us and our country, the least we can do is honor them by trying to push and improve ourselves with a bit of sweat," Hall explained. Among those being remembered during The Murph was Lt. Michael Murphy, the Navy SEAL in charge of Operation Red Wing, and namesake for the challenge. Murphy perished in 2005, serving his country, protecting his four-man SEAL element in Asad-

abad, Afghanistan. In 2007, he received the Congressional Medal of Honor and the Lt. Michael P. Murphy Scholarship was founded. "We honor his sacrifice and memory through The Murph Challenge," Hall concluded. For more information about Michael Murphy, visit [murphfoundation.org](http://murphfoundation.org). To participate in The Murph in 2015, register at [themurphchallenge.com](http://themurphchallenge.com) or contact Hall via email at [brandon.hall@hallhaven.com](mailto:brandon.hall@hallhaven.com).

## New regulations target aquatic invasive species

Part of an aggressive effort to prevent invasive species from entering and damaging New York waters, the state Department of Environmental Conservation unveiled new regulations June 10 that require boaters to remove all plant and animal materials from boats, trailers and associated equipment, and to drain boats prior to launching from DEC lands. Regulations, which are effective immediately, pertain to all launches, fishing access and other DEC lands where such as boats, kayak or can be launched into the water. New York state continues to work with its state, local, federal and environmental partners to protect water bodies from destructive invasive species," DEC Commissioner Martens said. "Boats, and associated equipment are common pathways for spread of invasive species. These

new regulations will help reinforce the message that boaters need to clean their equipment of any clinging plant and animal materials and drain their boats prior to launching at lands administered by DEC." Boaters should take the following steps to ensure that their boat, trailer and equipment are free of aquatic invasive species: •Visually inspect the boat, trailer and other fishing and boating equipment and remove all mud, plants and other organisms that might be clinging to it. Materials should be disposed of in one of the Nuisance Invasive Species Disposal Stations installed at many DEC boat launches, in the trash or at an upland location away from the launch ramp. •Drain the boat's bilge and any other water holding compartments such as live wells, bait wells and bilge tanks. This does not apply to water associated with sanitary systems or drinking water supplies.

Drying boats is also highly recommended but is not required under the new regulations. Boaters who are unable to dry their boats between uses should flush the bilge and other water holding compartments with water, preferably at a temperature of 140 degrees Fahrenheit. Microscopic larval forms of aquatic invasive species, such as zebra mussels and spiny waterflea, can live in as much as a drop of water. To ensure that these organisms are not accidentally spread, anything holding water should be dried, flushed or disinfected with hot water to ensure that these aquatic invasive species are not spread. Additional information on AIS and disinfection recommendations can be found [www.dec.ny.gov/animals/48221.html](http://www.dec.ny.gov/animals/48221.html). The new regulations are available at [www.dec.ny.gov/regulations/propregulations.html](http://www.dec.ny.gov/regulations/propregulations.html).

## Schwartz drafted by Oakland A's

Niagara University Purple Eagle pitcher Jacob Schwartz was selected by the Oakland Athletics in the 14th round with the 132nd pick of the 2014 Major League Baseball Draft. Schwartz, a 6-foot-2-inch right-hander from Hornell, is the highest drafted player in the team's history behind Doug Fister, who was drafted in the first and third rounds by the Oakland Athletics in 1971, 1972. Schwartz is the sixth Purple Eagle to be drafted: James L. Griffin and Reed Easton (2005), Jeff Vincent (2006),

and Wynton Bernard (2012). Schwartz was an invaluable contributor – on the mound, at the plate and in the outfield – for the team during his three years. He showed his versatility throughout the 2014 campaign. Schwartz was the ace on the staff during the 2014 season, leading Niagara in ERA (3.12), starts (14) and complete games (five). Schwartz led the Metro Atlantic Athletic Conference in strikeouts with 109, including a league-best 31 strikeouts looking. He finished the season fifth with a 3.12 ERA and third with an opposing batting

average of .217. "I am extremely grateful for the opportunity to be a part of the Oakland Athletics organization," Schwartz said. "I am equally grateful to Niagara University for giving me the opportunity to play and help reach this dream." Schwartz earned All-MAAC Second Team honors as a pitcher and was named First Team All-MAAC by College Sports Madness. Schwartz was also selected to the 2014 Gregg Olson Award watch list, which recognizes college baseball's breakout players across the nation.

### CWM CHEMICAL SERVICES, L.L.C. STATE OF NEW YORK FACILITY SITING BOARD and the NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION NOTICE OF JOINT PUBLIC STATEMENT HEARING NOTICE OF EXTENSION OF PUBLIC COMMENT PERIOD Date: June 6, 2014



**Applicant:** CWM Chemical Services, L.L.C. (1550 Balmer Road, PO Box 200, Model City, New York 14107) (CWM), proposes to construct and operate a new landfill and other units to store, treat and dispose of hazardous and industrial non-hazardous waste at the company's existing facility located in the Towns of Porter and Lewiston, Niagara County. The proposed landfill would be designated as Residuals Management Unit – Two (RMU-2). The proposed RMU-2 landfill and other units are intended for the disposal and management of hazardous and industrial non-hazardous wastes at CWM's existing facility. CWM has filed the following applications for the proposed RMU-2 landfill project:

- Part 361 Hazardous Waste Facility Siting Application (Environmental Conservation Law [ECL] Article 27, Title 11);
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- Part 663 State Freshwater Wetlands Permit Application (ECL Article 24, Title 7) (DEC Permit Application No. 9-2934-00022/00231);
- Section 608.9 Water Quality Certification Application (Section 401 of the federal Clean Water Act) (DEC Permit Application No. 9-2934-00022/00232); and
- Part 750 State Pollution Discharge Elimination System (SPDES) Permit Modification Application (ECL Article 17, Title 8) (DEC Permit Application No. 9-2934-00022/00049).

A Notice of Complete Application was published in the Department's Environmental Notice Bulletin on May 7, 2014. ([http://www.dec.ny.gov/enb/20140507\\_not9.html](http://www.dec.ny.gov/enb/20140507_not9.html))

**Facility Description and Proposed Action:** CWM owns and operates a commercial facility for the treatment, storage and disposal of hazardous and industrial non-hazardous wastes at a 710-acre site in the Towns of Lewiston and Porter, Niagara County, New York. The existing facility is located on Balmer Road about 1.9 miles east of its intersection with State Route 18 near Youngstown, NY.

CWM proposes to construct and operate a new landfill (RMU-2) that 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. Each cell 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 using 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 outlined at 6 NYCRR 373-2.14. In addition to the RMU-2 landfill, CWM proposes 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 million gallons 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 and 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. The proposal would impact an area within the 100-foot adjacent area of a State Freshwater Wetland designated as RW-8.

**Landfill Siting Process:** ECL 27-1105 requires the Governor to constitute a Facility Siting Board for CWM's proposed RMU-2 landfill project that would consist of the head officials from five (5) State agencies, including NYSDEC, and three (3) ad hoc members appointed by the Governor. Two of the ad hoc members 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 permit applications. At the conclusion of the public hearing process, the Facility Siting Board must render a decision whether to issue the Siting Certificate, issue the Siting Certificate with conditions and stipulations, or deny the Siting Certificate. The Facility Siting Board's decision will be based on CWM's application materials, the hearing record, the siting criteria in Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) § 361.7, and the October 2010 "NYS Hazardous Waste Facility Siting Plan."

**Permitting Process:** Pursuant to 6 NYCRR 621.7(b)(7), NYSDEC staff has tentatively decided to issue the requested Part 373 Permit Modification and has prepared a draft Part 373 Permit Modification. The draft Permit Modification would allow for the construction and operation of CWM's proposed RMU-2 landfill and the other proposed waste storage and treatment units. The draft Permit Modification includes conditions to insure that all units would be constructed and operated in an environmentally safe manner and in compliance with all applicable 6 NYCRR Part 373 hazardous waste management regulations.

In addition, NYSDEC staff has prepared draft permits related to the permit applications filed by CWM pursuant to ECL Article 24 and 6 NYCRR Part 663 for a freshwater wetlands, and 6 NYCRR 608.9 for a Water Quality Certification. **SEQRA Status:** ECL Article 8 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 review of the permit applications. In its role as Lead Agency under SEQR, NYSDEC 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) that evaluates potential environmental impacts associated with the proposed RMU-2 landfill and associated waste management units. Public Comment Hearing: Public statement hearing sessions to receive unsolicited comments from the public regarding the pending permit applications, the draft permits, and the DEIS will be held at 1:00 P.M. and 6:30 P.M. on July 16, 2014 at the Lewiston-Porter High School, 4061 Creek Road, Youngstown, NY 14174. A recess will be taken between the two hearing sessions.

ALL PERSONS, ORGANIZATIONS, CORPORATIONS, OR GOVERNMENT AGENCIES WHO MAY BE AFFECTED BY THE PROPOSAL ARE INVITED TO ATTEND THE HEARING AND TO SUBMIT ORAL OR WRITTEN COMMENTS. IT IS NOT NECESSARY TO FILE IN ADVANCE TO SPEAK AT THE HEARING. LENGTHY COMMENTS SHOULD BE SUBMITTED IN WRITING. EQUAL WEIGHT WILL BE GIVEN TO BOTH ORAL AND WRITTEN STATEMENTS. THE ADMINISTRATIVE LAW JUDGE (ALJ) MAY LIMIT THE TIME AVAILABLE FOR ORAL COMMENTS TO ENSURE THAT ALL PERSONS HAVE AN OPPORTUNITY TO BE HEARD. THE HEARING FACILITY IS REASONABLY ACCESSIBLE TO THE MOBILITY IMPAIRED. Translator services shall be made available, at no charge, upon written request to the ALJ by July 3, 2014. All requests must be made to ALJ Daniel P. O'Connell, NYS Department of Environmental Conservation, Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, New York, 12233-1550. (518) 402-9003. Interpreter services shall be made available to deaf persons, at no charge, upon written request to the ALJ at the address listed above by July 3, 2014.

**Written Comments:** The date to file written comments is hereby extended 60 days from July 7, 2014 as stated in the May 7, 2014 Notice of Complete Application to September 5, 2014. Written comments must be received by September 5, 2014 to be considered.

All interested persons, organizations, corporations or government entities may submit written comments at the hearing or by mail no later than September 5, 2014, to Chief Administrative Law Judge James T. McClymonds, NYS Department of Environmental Conservation, Office of Hearings and Mediation, 625 Broadway, 1st Floor, Albany, NY 12233-5500. The following email address is also available: [CWMRMU2@gov.dec.state.ny.us](mailto:CWMRMU2@gov.dec.state.ny.us).

**Document Availability:** NYSDEC 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, the Draft Permit documents, the required regulatory and public involvement process, document availability, and the applicable State laws and regulations. Hard copies of the NYSDEC Fact Sheet, all CWM applications, the DEIS and the Draft Permit documents are available for inspection at the following locations:

- NYSDEC, Division of Environmental Remediation, 625 Broadway, 12th Floor, Albany, NY 12233-7017 (contact person: Matt Morfello at (518) 402-9814);
- NYSDEC Region 9 Office, 270 Michigan Avenue, Buffalo, NY 14203-2915 (contact person: David Denk 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 DEIS are available through the following web site: CWM's website <http://modelcity.wm.com>

Electronic copies of the NYSDEC Fact Sheet and Draft Permit documents are available through the following web site: NYSDEC's website <http://www.dec.ny.gov/chemical/9075.html>

NYSDEC's FTP site <ftp://ftp.dec.state.ny.us/der/CWM/permitmod/>

**Issues Conference:** Pursuant to 6 NYCRR 624.4(b), a pre-adjudicatory issues conference will be held. The purpose of the issues conference is to determine party status for any person who has properly filed a petition (as indicated below) and to define the scope of issues, if any, that require adjudication with regard to the permit applications pending before the Department as well as the certificate requested from the Facility Siting Board. Please note that participation at the issues conference is limited to Department staff, applicant, and those persons requesting party status.

**Filing for Party Status:** Persons seeking to participate in the issues conference and any subsequent adjudicatory public hearing, if one is necessary, must file a petition (a written statement) explaining whether the request is for full party status or amicus status. For the required contents of petitions for full party status, see 6 NYCRR 624.5(b) (1) and (2). To determine whether an issue is substantive see 6 NYCRR 624.4(c)(2), and to determine whether an issue is significant, see 6 NYCRR 624.4(c)(3).

All filings for party status or amicus status must be received at the Department's Office of Hearings and Mediation Services by 4:00 P.M. on Tuesday, September 30, 2014. In addition to filing a petition with the ALJ, a copy of any petition must also be sent at the same time and in the same manner to counsel for Department staff (David Stever, Esq., Assistant Regional Attorney, NYSDEC Region 9, 270 Michigan Avenue, Buffalo, New York 14203), and CWM (Daniel M. Daragh, Esq., Cohen & Grigsby, PC, 625 Liberty Avenue, Pittsburgh, Pennsylvania 15222)

A notice of when the issues conference will be held will be issued separately and will set forth the date, time and place for the issues conference.

James T. McClymonds  
Chief Administrative Law Judge  
Albany, New York  
June 6, 2014