

May 9, 2014

RECEIVED

MAY 12 2014

James T McClymonds  
Chief Administrative Law Judge  
NYSDEC Office of Hearings and Mediation Services  
625 Broadway, 1<sup>st</sup> Floor  
Albany, NY 12233-1550

HEARINGS AND MEDIATION SERVICES

Dear Sir

I am going to keep things straight forward and simple. Please close CWM Chemical Land fill! There are six [6] Facilities ,Chemical Waste Management {chemtrol,SCA,CWM},Modern land fill, Niagara Falls storage site, Former Air Force plant, J and T auto salvage and recycling, Mcvee contracting company. Some of these facilities date back to the 1940 s and all of these facilities are leaking contaminated waste into the Aquifer which supplies s well water to my Farms. All these facilities need to be inspected yearly and cleaned of all contaminate that are Leaking into our groundwater. If you have waste in your back yard please don't bring it to my back yard. Take care of your own waste in your Town or city or state or country. All dumps leak, God put clean water here for people to use not Abuse. My family and animals have been drinking out of our farm well since the Late 1960s.I need a potable water line run to my Home. This is expensive, who will pay for this new city water line to my house and monthly water bill? Some body is responsible for the aquifer being polluted. I have Fibromyalgia and Rhemoidtod Arthritis that I feel is a direct result of the Environment which I live in.Please help and Stand up for the Little People of the World.

Sincerely, Robert B Waddell

*Robert B Waddell*

God Bless Mother Earth

Robert Waddell  
[REDACTED]

BUFFALO NY 142

09 MAY 2014 PM 1 L



James T McClymonds  
Chief Administrative Law Judge  
NYSDEC Office of Hearings & Mediation Services  
625 BROADWAY, 1st Floor  
Albany, New York 12233-1550

[REDACTED]  
[REDACTED]  
May 12, 2014

James T. McClymonds  
Chief Administrative Law Judge  
NYSDEC Office of Hearings & Mediation Services  
625 Broadway, 1st Floor  
Albany NY 12233-1550

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MAY 15 2014

HEARINGS AND MEDIATION SERVICES

As a concerned citizen and taxpayer in the towns of Lewiston and Porter, I approve of the CWM proposed RMU-2 Landfill Project.

As long as the rules and regulations are strictly adhered to, I see no reason why CWM should not be granted the permit for their expansion.

Sincerely,

*Helen Helmich*

Helen Helmich  
[REDACTED]  
[REDACTED]



BUFFALO NY 142  
13 MAY 2014 PM 1 L



James T. McElmorda  
Chief Administrative Law Judge  
NYSDEC Office of Hearing & Mediation Services  
625 Broadway, 1st Floor  
Albany, NY 12233-1550

122331550





May 13, 2014

RECEIVED

MAY 16 2014

HEARINGS AND MEDIATION SERVICES

Mr. Robert Confer  
Confer Plastics  
[REDACTED]

Dear Mr. Confer,

I read your article pertaining to CWM Expansion in Monday Evenings Union Sun & Journal.

I am in complete agreement, having resided at 6825 Slayton Settlement Road, Lockport, New York for approximately 27 years time. In all of that period of time the trucks barrel through several times per week. Myself and my family have had the exposure to these chemicals for many years.

I am 86 years of age, am a survivor of cancer twice, my neighbor also a survivor.

Why is it that we are accepting the delivery of all this waste to our area, whom would want to purchase a home, knowing what Albany is letting happen. What are the people in Albany doing about this, my guess is nothing as usual.

I thank you and applaud you for being interested enough to come forth and exposure just what is being forced upon the public of New York State.

I for one say PREVENT THIS EXPANSION, enough is enough.

Sincerely,



Jean M. Hall  
cc: James T. McClymonds

[REDACTED]

BUFFALO NY 142

14 MAY 2014 PM 2 L



Mr. James T. McClymonds  
Chief Administrative Law Judge  
NYSDEC Office Of Hearings And Med. S  
625 Broadway - 1st Floor  
Albany, New York - 12233-1550

122331550



RECEIVED

MAY 16 2014

HEARINGS AND MEDIATION SERVICES

Mr. James T. McClymonds  
NYSDEC Office of Hearings & Mediation Services  
625 Broadway, 1st Floor  
Albany, NY 12233-1550

May 13, 2014

Dear Mr. James T. McClymonds,

*When I read this piece in the Niagara Gazette today, I knew I couldn't say it better myself. On behalf of our wonderful community of Lewiston, I beg of you to PLEASE... don't let CWM expand. NOBODY here wants any more toxic poison. We have already taken enough! Hear us ROAR. NO MORE!!!! Thank you, Eva Nicklas*

Eva Nicklas

[REDACTED]

## CONFER: All of Niagara County should say 'no' to CWM expansion

--

Niagara Gazette

Niagara Gazette — CWM Chemical Services maintains a 710-acre facility in the towns of Lewiston and Porter for the treatment, storage and disposal of hazardous and industrial non-hazardous wastes. Wastes accepted at this facility are disposed of in an on-site landfill (known as RMU-1) or shipped to another facility for further processing and disposal. CWM has plans in the works to create a new 43.5-acre landfill (RMU-2) just to the west of its current one. The new dump would have a capacity of 4 million cubic yards for the disposal of hazardous and industrial non-hazardous wastes and will reach its capacity in 10 to 20 years. If you'd like to immerse yourself in the details of the proposal, there is trove of information on the Department of Environmental Conservation website at [dec.ny.gov/chemical/9075.html](http://dec.ny.gov/chemical/9075.html).

Last week, the DEC announced that a public comment period is now open



until July 7 in which interested parties can submit their feedback about the expansion.

Take advantage of that chance. We who live, work and play in Niagara County now have less than 60 days to make our voices heard and prevent this expansion.

Yes, prevent.

Sure, our economy needs a shot in the arm and most expansions of current businesses should be welcomed with open arms. But there are certain times when we as a society need to take a step back and ask if it's really the best thing for the health of our environment and our families. This is one of those times.

Realize that after the natural beauty of Niagara Falls and the mighty Niagara River, Niagara County is most known the world-over as being a cesspool of chemical waste (an odd amalgamation of contrasts). Before state/federal/international regulation and a better environmental understanding by the populace, manufacturers and tanneries dumped their offal into those waters, forever tainting them and their shorelines. Our own government also found it convenient to do the same while conducting the Manhattan Project.

Niagara Gazette  
(Continued)

Niagara Gazette — From the river to Love Canal to an Eighteenmile Creek so stricken with poison its fish can't be eaten (despite it being a tourist destination for fishing), it's no wonder that we all know someone who has suffered from cancer, MS and other ailments that are more pronounced here than in most other regions of the country.

It's likely CWM isn't to blame for any of that, but decades of direct exposure to the same chemicals that they are bringing here — just under different circumstances with different corporations (many of which no longer exist) — are to blame. We need to learn from those mistakes.

CWM's landfill will possess a double composite liner system consisting of natural and synthetic materials with primary and secondary systems for leachate collection and removal and it will meet stringent regulatory operating and design requirements. Even so, anything can happen. These are containment systems designed by and built by man, an erred species, so leaks can and do occur.

On top of that, people regularly make mistakes or deliberate "errors." Case in point: In 2008, CWM agreed to pay a \$175,000 penalty to settle a

series of violations of its operating permit and state hazardous waste laws. At the time, the DEC noted dozens of violations including improperly labeled, deteriorating and leaking drums, disposal of non-hazardous waste without approval, process tank overflows, waste transporter conditions compliance failure and other issues.

Those are just some of the problems that can occur on-site. Consider what can happen off-site. These wastes have to come from somewhere, and will be trucked in, as they are now, from all corners of the country, from communities that know better than to store hazardous wastes in their backyards. Those trucks pass through our neighborhoods, by our schools and near our creeks. Sooner or later, one of those trucks will have an accident (especially given our five months of winter driving). When that happens, who knows what will be unleashed.

(Continued)

Niagara Gazette — So, if you value the beauty and safety of Niagara County and what the future holds for your children and grandchildren, please take the time to share your comments with the DEC. Send them to James T. McClymonds, chief administrative law judge, NYSDEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550; or CWMRMU2@gw.dec.state.ny.us.

Bob Confer is a Gasport resident and vice president of Confer Plastics Inc. in North Tonawanda.

[REDACTED]





Mrs. James I. McElymonds  
NYSDEC Office of Hearings & Mediation  
625 Broadway, 2nd Floor  
Albany, N.Y.

122331550

122331550

BUFFALO NY 142  
14 MAY 2014 PM 6 L



Lewiston, New York 14092

May 14, 2014

James T. McClymonds  
Chief Administrative Law Judge  
NYSDEC Office of Hearings and Mediation Services  
625 Broadway, 1st Floor  
Albany, NY 12233-1550

RECEIVED  
MAY 23 2014  
HEARINGS AND MEDIATION SERVICES

Dear Judge McClymonds,

I am a resident and homeowner of the Town of Lewiston, New York. I am writing to express my outrage that the State is considering an application by CWM to expand it's hazardous waste landfill in Lewiston/Porter, Niagara County and increase its capacity by 4 million cubic yards.

The health and welfare of our population, the quality of our lives and the value of our homes will be adversely affected by the requested hazardous landfill. PLEASE SAY NO TO THE CWM APPLICATION FOR EXPANSION. IT WOULD BE A DEATH SENTENCE TO OUR AREA.

Sincerely,

*Eugene Dimet*

Janel & Gene Dimet

SARAFALO NY 1412

19 MAY 2014 PM 5 L



James T. McElroy  
Chief Administrator & Judge  
NYSDEC Office of Hearing & Mediation Services  
625 Broadway - 18th floor  
Albany, NY 12233-1550

122331550



RECEIVED

MAY 22 2014

HEARINGS AND MEDIATION SERVICES

Lewiston, New York 14092

May 14, 2014

James T. McClymonds  
Chief Administrative Law Judge  
NYSDEC Office of Hearings and Mediation Services  
625 Broadway, 1st Floor  
Albany, NY 12233-1550

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The ongoing disposal of hazardous waste in our corner of the state must end. To permit the new RMU-2 43.5 acre waste burial site would be disastrous to the region and to this community. Allowing an additional 4 million cubic yards of toxic waste to be transported to our town, on our roads and past our schools and playgrounds is unthinkable. It is a disaster waiting to happen. Enough is enough.

This region of our state is absolutely beautiful. Niagara Falls plunges into the lower Niagara River and a magnificent gorge with hiking trails lines its banks. The river continues through our town and empties into lake Ontario. At its mouth is Historic Fort Niagara with its French chateau. We have quaint villages, residential areas, farms and vineyards. On the other side of the river lies Canada and the charming town of Niagara on the Lake. River boating adventures are a big attraction in this area. The tourism industry is vital to our economy.

The health and welfare of our population, the quality of our lives and the value of our homes will be adversely affected by the requested hazardous landfill. PLEASE SAY NO TO THE CWM APPLICATION FOR EXPANSION. IT WOULD BE A DEATH SENTENCE TO OUR AREA.

Sincerely,

Janet Demet

[Redacted signature area]

Dear Judge McClymonds  
This town must  
end!

Janet & Gene Dimet



BUFFALO NY 142

19 MAY 2014 PM 5 L



James T. Mc Clemonds  
Chief Administrator Law Judge  
NYS DEC Office of Hearing & Mediation  
625 Broadway, 15th Floor  
Albany, N.Y. 12233-1550

122331550





[REDACTED]  
[REDACTED]  
May 14, 2014

James T. McClymonds  
Chief Administrative Law Judge  
NYSDEC Office of Hearings and Mediation Services  
625 Broadway, 1st Floor  
Albany, NY 12233-1550

RECEIVED  
MAY 19 2014

HEARINGS AND MEDIATION SERVICES

Dear Judge McClymonds,

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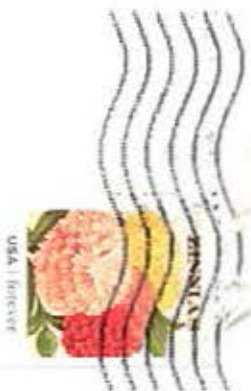
Sincerely,

  
Diane C Pfirman

DIANE G. PEIRMAN



BUFFALO NY 142  
15 MAY 2014 PM 1 L



Hon. James T. McClymonds  
Chief Administrative Law Judge  
NYS DEC Office of Hearings and Mediation  
605 Broadway, 15th Floor  
ALBANY, NY 12242-1550

[REDACTED]  
May 14, 2014

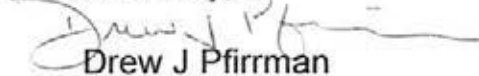
James T. McClymonds  
Chief Administrative Law Judge  
NYSDEC Office of Hearings and Mediation Services  
625 Broadway, 1st Floor  
Albany, NY 12233-1550

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Sincerely,

  
Drew J Pfirman

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MAY 22 2014

HEARINGS AND MEDIATION SERVICES

DREW PFIRMAN

SUFFALO NY 142

20 MAY 2014 PM 5 1



HON. JAMES T. MCCLYMONDS  
CHIEF ADMINISTRATIVE LAW JUDGE  
NYS DEC OFFICE OF HEARINGS + MEDIATION SERVICES  
625 BROADWAY, 15 FLOOR  
ALBANY, NY 12233-1550

122331550



Lewiston, New York 14092

May 14, 2014

James T. McClymonds  
Chief Administrative Law Judge  
NYSDEC Office of Hearings and Mediation Services  
625 Broadway, 1st Floor  
Albany, NY 12233-1550



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Sincerely,

A handwritten signature in black ink that appears to read "Alice Wellen". The signature is fluid and cursive.



Lewiston, New York 14092  
May 14, 2014

James T. McClymonds  
Chief Administrative Law Judge  
NYSDEC Office of Hearings and Mediation Services  
625 Broadway, 1st Floor  
Albany, NY 12233-1550

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Sincerely,

A handwritten signature in cursive script, appearing to read "Marie Wellman".



James T. McClelland  
Chief of Police  
1945 St. Louis  
Mediation Service  
635 Broadway, 1st Floor  
Albany, New York 12242-1350

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MAY 22 2014

HEARINGS AND MEDIATION SERVICES

[REDACTED]  
[REDACTED]  
May 16, 2014

James T. McClymonds  
Chief Administrative Law Judge  
NYSDEC Office of Hearings & Mediation Services  
625 Broadway, 1<sup>st</sup> Floor  
Albany, N.Y. 12233-1550

Dear Sir:

This letter is to show my support of CWM and the RMU-2 expansion.

I am confident that CWM is taking all necessary precautions to make the site a safe place to work.

Our area needs CWM for economic reasons, both as employer and tax contributor. I am in favor of this expansion.

Sincerely,



Peter Curione, Jr.

Mr Peter Curione



BUFFALO NY 142

19 MAY 2014 PM 2 L



NYSDEC OHMS Document No. 201469232-00063

James S. Mc Clymonds  
Chief Administrative Judge  
NYSDEC Office of Hearing & Mediation  
625 Broadway, 1st Floor  
Albany, NY 12233-1550

122331550





Mr. James T. McClymonds  
NYSDEC Office of Hearings & Mediation Services  
625 Broadway, 1st Floor  
Albany, NY 12233-1550

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MAY 16 2014

HEARINGS AND MEDIATION SERVICES

Dear Mr McClymonds  
Mr Confer summed up the feelings  
and sentiments of 99% of Niagara County  
residents. The other 1% has ties to CWM.  
Please help us to end this environmental  
injustice! Thank you - Tim Henderson

## CONFER: All of Niagara County should say 'no' to CWM expansion

--

Niagara Gazette

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Yes, prevent.

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Realize that after the natural beauty of Niagara Falls and the mighty Niagara River, Niagara County is most known the world-over as being a cesspool of chemical waste (an odd amalgamation of contrasts). Before state/federal/international regulation and a better environmental understanding by the populace, manufacturers and tanneries dumped their offal into those waters, forever tainting them and their shorelines. Our own government also found it convenient to do the same while conducting the Manhattan Project.

Niagara Gazette  
(Continued)

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It's likely CWM isn't to blame for any of that, but decades of direct exposure to the same chemicals that they are bringing here — just under different circumstances with different corporations (many of which no longer exist) — are to blame. We need to learn from those mistakes. CWM's landfill will possess a double composite liner system consisting of natural and synthetic materials with primary and secondary systems for leachate collection and removal and it will meet stringent regulatory operating and design requirements. Even so, anything can happen. These are containment systems designed by and built by man, an erred species, so leaks can and do occur.

On top of that, people regularly make mistakes or deliberate "errors." Case in point: In 2008, CWM agreed to pay a \$175,000 penalty to settle a

series of violations of its operating permit and state hazardous waste laws. At the time, the DEC noted dozens of violations including improperly labeled, deteriorating and leaking drums, disposal of non-hazardous waste without approval, process tank overflows, waste transporter conditions compliance failure and other issues.

Those are just some of the problems that can occur on-site. Consider what can happen off-site. These wastes have to come from somewhere, and will be trucked in, as they are now, from all corners of the country, from communities that know better than to store hazardous wastes in their backyards. Those trucks pass through our neighborhoods, by our schools and near our creeks. Sooner or later, one of those trucks will have an accident (especially given our five months of winter driving). When that happens, who knows what will be unleashed.

(Continued)

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Bob Confer is a Gasport resident and vice president of Confer Plastics Inc. in North Tonawanda. Email him at [REDACTED]



BUFFALO NY 142  
14 MAY 2014 PM 5 L



Mr James T. McClymonds  
NYS DEC of Reg Health + Noda +  
625 Broadway 15th Floor  
Albany, NY 12233-1550

122331550





Chief Administrative law judge  
Attention: James T. McClymonds I May 16, 2014  
Department of Environmental Conservation  
NYSDEC Office of Hearings and Mediation Services  
625 Broadway, 1st. Floor, Albany New York 12233-1550

Dear Mr. James T. McClymonds

Because we value the beauty and more importantly the safety of Niagara County and what the future holds for our children and grandchildren we ask your help to say "NO" to CWM Chemical Services Located in towns of Lewiston and Porter for the treatment, storage and disposal of hazardous and industrial wastes for their plans to create a new 43.5 acre land fill (RMU-2) nearby its current one.

The new dump would have the capacity of 4 million cubic yards for disposal of hazardous and industrial non-hazardous wastes and will reach its capacity in 10 to 20 years.

Sure our economy needs a shot in the arm and most expansions of new and current businesses should be welcome with open arms.

But there are certain times when we as a society need to take a step back and ask if this is really the best thing for the health of our environment and our families. This is one of those times.

Know that after the natural beauty of Niagara Falls and the mighty Niagara River, Niagara County is most known the world over as being a cesspool waste (an odd series of contrasts). Before state/federal international regulation and a better environmental understanding by the populace, manufacturers, and tanneries dumped their offal into the Niagara waters, forever tainting them and their shorelines. (OVER please)



II

May 16, 2014

Chief Administrative law judge

James T. McClymonds

Albany, New York

12233-1550

"No" to CWM expansion (Continued)

Our own government also found it convenient to do the same disposal of hazardous wastes while conducting the Manhattan Project.

From Hudson river to Love Canal to an Eight mile Creek so stricken with poison its fish can't be eaten (despite it being a tourist destination for fishing), it's no wonder that we all know someone who has suffered from cancer, multiple sclerosis and other ailments that are more pronounced here than in most other regions of the United States.

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(over please)

Department of Environmental Conservation III

May 16, 2014

Chief Administrative Law Judge

James T. McClymonds

Albany, New York 12233-1550

"No" to CWM Chemical Services - (Continued)

those are just some of the health problems that can occur on-site. Consider what can happen off-site.

These wastes have to come from somewhere, and will be trucked in, as they are now, from all corners of the United States, from communities that know better than to store hazardous wastes in their backyards.

These trucks pass through our neighborhoods, by our schools, and near our creeks. Sooner or later, one of those trucks will have an accident (especially given our five (5) months of winter driving.) When that happens who knows what will be unleashed. Please say "No" to CWM Chemical Services expansion.

Thank you for listening to our views.

Mrs. Vincenza Dabelli and family

[REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

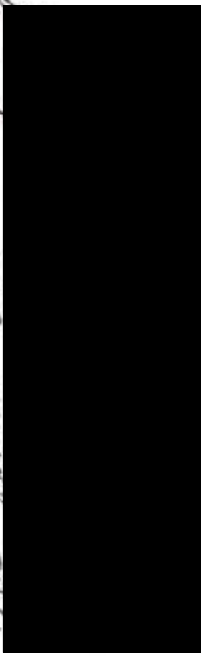


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MAY 19 2019

HEARINGS AND MEDIATION SERVICES

Ms. Vincenta Subelli's family



Attention  
James T. Mc Clymonds  
Chief Administrative  
Law Judge

Department of Environmental Conservation  
NYS DEC Office of Hearings & Mediation Services  
625 Broadway 10th Floor  
Albany, New York 12233-1550




122331550



Dear James T. McDymonds

I would like to say no to the expansion of the land fill of CWM on Balmer road, enough is enough, we are the highest taxed people in the nation quit making us the biggest dumping grounds to, please don't give CWM a permit to bring in more cancer causing junk tell them to keep their trash in there our back yards we don't need it here

thanks  
Roy Myers



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MAY 22 2014

HEARINGS AND MEDIATION SERVICES



Roy Meyers



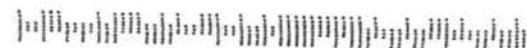
BUFFALO NY 142

19 MAY 2014 PM 2 L



James T. McDymonds  
Chief Administrative Law Judge  
NYSDEC Office of Hearing & Mediation Services  
625 Broadway, 1st Floor  
Albany, N.Y. 12233-1550

122331550



No Computer

NYSDEC OHMS Docu

May 17, 2014

Dear Hon. Mc Clymonds,

I am 80 years old and have resided in Niagara Co. for many years. I do not want any landfill expansions at The Balmer Rd CWM site. Too many acres of beautiful country side have been ruined this way. I was raised on a 60 acre farm.

Our family has visited 50 states, mostly camping.

My husband has always felt unused mine shafts could be used, if they didn't interfere with the ground water. We have driven through miles of total open desert - not near any population - They should consider other options - Mrs. Rosemary Warren

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MAY 23 2014

HEARINGS AND MEDIATION SERVICES



## "What Cancer Cannot Do"

NYSDEC OHMS Docu

- It cannot cripple love.
- It cannot shatter hope.
- It cannot corrode faith.
- It cannot kill friendship.
- It cannot destroy memories.
- It cannot silence courage.
- It cannot reduce eternal life.
- It cannot quench the spirit.
- It cannot lessen the power of the Resurrection.

Author Unknown.

### 5 Ways God Answers Prayer

- 1) Definitely as we ask
- 2) Different than we ever dreamed
- 3) Delayed for reasons known only to HIM.
- 4) Distributed a little at a time, because He knows best
- 5) Denied in His Compassion, which is always a test!

### There are 2 kinds of healing

- 1) Physical - GOD and man work together to make a person better.
- 2) Spiritual - GOD says "It's time to come HOME."

"It is impossible to govern the world without God and the Bible.

George Washington

## **THE WEIGHT OF A PRAYER**

A tired looking woman came into the little country grocery store, and asked for enough food to make a dinner for her children. The grocer asked her how much she could spend. The frail woman answered, "I have nothing to offer but a little prayer."

The storekeeper, who was not a religious man, nor very sentimental, said to her in a half-mocking manner, "Well, write it on paper, and I'll weigh it."

So she did. The grocer placed the prayer on the weight side of his old-fashioned scale. Then he began piling food on the other side, but to his amazement, the scale would not go down. He finally became flustered and gave the woman a large bag of food.

The grocer never saw the woman again, but he treasures the slip of paper upon which she had written her prayer - "Please, Lord, give us this day our daily bread."

## **PRAYERS IN A WAGON**

A poor man who lived in the country broke his leg in an accident. That meant he was laid up for a long while, unable to work. His family was large and needed help. Someone got up a prayer meeting at the church to pray for this family. While the people were praying and asking God to help the family, there was a loud knock on the door of the injured man's home. Someone tiptoed to the door, opened it, and there stood a young farm boy, who said, "My dad could not attend the prayer meeting tonight, so he just sent his prayers in a wagon." And there was the wagon loaded with meat, potatoes, apples, and other things from the farm.

Maybe we should give GOD back His Book, if we're not using it -

## How Smart Is Your Right Foot?

*(From an orthopedic surgeon) This will boggle your mind. You'll keep trying over and over again to see if you can outsmart your foot, but you can't. It's preprogrammed in your brain.*

1. Without anyone watching you (they'll think you are goofy) and while sitting where you are, lift your right foot off the floor and make clockwise circles.
2. Now, while doing this, draw the number "6" in the air with your right hand. Your foot will change direction. We told you so! And there's nothing you can do about it!

*Sure, we all know how stupid this sounds, but before the day is done you're going to try it again (if you've not already done so). Now just go ahead and smile. ☺*





Mrs. Rosemary Warren



comment  
on CWM

BUFFALO NY 142

12 MAY 2014 PM 5 L



OVER

Hon. James T. McClymonds  
Ch. Ad. Law Judge  
NYSDEC. Off. of H.+M. Services  
625 Broadway, 1<sup>st</sup> Fl.

Albany, N.Y.

1 2233-1550

122331550



Read!  
Believe!  
John 3:16

Just  
heard!

for (usa) lem

I think GOD planned for our country.  
We should pray for peace in Jerusalem,  
all of Israel and the Middle East -



James T. McClymonds  
Chief Administrative Law Judge  
NYSDEC Office of Hearings and Mediation Services  
625 Broadway, 1<sup>st</sup> Floor  
Albany, NY 12233-1550

May 19, 2014

Re: draft 373 permit modification, CWM Chemical Services, L.L.C.

Dear sir:

The Lewiston-Porter area **does not** need more hazardous waste. There are millions of tons of toxic waste already landfilled here, most of which was imported from outside the state. This is an undue burden to our area and risk to 95% of the country's fresh water supply.

In the Siting Plan, re-draft Sept, 2009, the DEC was obligated to discourage applications which add more landfill capacity in this same Great Lakes area by recognizing the existing inequitable burden.

We ask the DEC:

- 1) Follow the law which requires it consider the burden of the **type** and the **size** of hazardous waste treatment, storage or disposal facilities, *not* just the burden of the **number** of facilities.
- 2) Include the amount of hazardous waste still contained in each open *and* close commercial hazardous waste landfill when determining size, type and number of existing facilities.

We insist, once again, on environmental justice.

Sincerely,



Carol Carreno

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

RECEIVED  
MAY 22 2014  
HEARINGS AND MEDIATION SERVICES

Carol Carreno  
[REDACTED]  
[REDACTED]

BUFFALO NY 142

20 MAY 2014 PM 2 L



Chief Administrative Law Judge

NYSDEC Office of Hearings and Mediation  
Services

625 Broadway, 1<sup>st</sup> Floor

Albany, NY 12233-1550

*C/o James T. McClymonds*

122331550



Mr. McClmonds.

Please STOP allowing  
CWM to expand. We do not  
need more Trucks moving  
community. We do not need  
more Hazardous Waste. We  
had a beautiful area it's not  
as great as it was back in  
the 50's, 60's & 70's. But we'd  
like to keep the Beauty that  
we still have. Thank you for  
considering this problem  
S. Hendrick

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MAY 19 2014

HEARINGS AND MEDIATION SERVICES





Mr Robert M. Hendrick



BUFFALO NY 142

BUFFALO NY 142

16 MAY 2014 PM 2 L

16 MAY 2014 PM 6 L



JAMES T. McClymon US  
NYSDEC Office of Hearings & Mediation  
625 Broadway 1st floor Services  
Albany NY  
12233-1550

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MAY 22 2014

5/19/14


HEARINGS AND MEDIATION SERVICES

DEAR JUDGE MC CLYMONDS,

AS A LIFE LONG RESIDENT  
OF THE LEWISTON/YOUNGSTOWN AREA (MY FAMILY HAS BEEN  
HERE FOR THREE GENERATIONS), I CONTINUE TO BE ANAZED  
THAT ANY EXTENSION OF CWM'S OPERATION AT THE BALMER ROAD  
FACILITY IS BEING CONSIDERED AT ALL. THIS OPERATION WAS  
TO HAVE BEEN - AT LEAST - "SUNSETED" AND PREFERABLY  
REMEDIATED MORE THAN A DECADE AGO AS PER A JUDGE'S  
RULING, WITH EXPEDITION, IN ACCORDANCE WITH THE ETHICS  
OF ENVIRONMENTAL JUSTICE.

THIS BEDROOM COMMUNITY VOLUNTEERED MORE THAN ~~60~~<sup>70</sup>  
YEARS AGO TO RECEIVE NUCLEAR WASTE FROM THE MANHATTAN  
PROJECT. SUBSEQUENTLY, ALL MANNER OF TOXIC WASTES (IN-  
CLUDING PCB'S) HAVE BEEN FERRIED HERE IN AN ENDLESS  
PARADE OF NOISY, POTENTIALLY LETHAL TRUCKS. AFTER SERVING  
OUR COUNTRY PATRIOTICALLY DURING A WAR EFFORT, WE HAVE

BEEN PERMANENTLY (OR SO IT APPEARS) ADOPTED BY THE WASTE INDUSTRY AS A DUMPING GROUND FOR THE ENTIRE NORTH EAST AND BEYOND. WHILE OUR BOYS WERE ESTABLISHING BEACH HEADS IN THE SOUTH PACIFIC ISLANDS, THE WASTE INDUSTRY WAS ESTABLISHING A BEACH HEAD RIGHT HERE IN OUR BACKYARD. POSING AS A GOOD, CONSCIENTIOUS CORPORATE CITIZEN, THEY HAVE BEEN SPENDING A BUNDLE ON P.R. AND 'LUBRICATING' LEWISTON BUSINESSES, HOSPITALS AND FESTIVALS FOR YEARS WHILE CRITICALLY DAMAGING THE IMAGE OF THE NIAGARA FALLS AREA AS A PRISTINE, TOURIST DESTINATION).

MY QUESTION TO YOU, JUDGES, IS, WHEN AND HOW IS OUR COMMUNITY'S INTEGRITY AND SELF RESPECT TO BE RESTORED IN VIEW OF THE UNBROKEN AMBITION OF A MULTI-BILLION DOLLAR CORPORATION AND A DORMANT D.E.C. WHICH, TO ALL INTENTS AND PURPOSES, SEEMS TO BE PROTECTING THE C.W.M. CORP.  FROM THE PUBLIC!

Yours truly, LARRY LEONARD



BUFFALO NY 142  
19 MAY 2014 PM 5 L



JAMES T. MCCLYMONDS  
CHIEF ADMINISTRATIVE LAW JUDGE  
NYDEC OFFICE OF HEARINGS AND MEDIATION SAKS  
625 BROADWAY, 1ST FLOOR  
ALBANY, N.Y. 12233-1550

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# Thruway Transport

ICC MC 289614



5/19/14

JAMES T. MCCLYMONDS  
CHIEF ADMINISTRATIVE LAW JUDGE  
NYSDEC OFFICE OF HEARINGS AND MEDIATION SERVICES  
625 BROADWAY, 1ST FLOOR  
ALBANY, NY 12233-1550

RECEIVED

MAY 22 2014

HEARINGS AND MEDIATION SERVICES

DEAR JAMES,

I AM WRITING IN REGARDS TO CWM, BOTH PRESENT  
AND FUTURE OPERATIONS.

AS SOMEONE WHO HAS BEEN IN THE TRANSPORTATION INDUSTRY  
FOR OVER 30 YEARS, I FEEL IT IS TIME TO PUT A HALT TO CWM'S  
OPERATIONS.

THE ROADS DIRECTLY IN FRONT OF LEWISTON-PORTER  
SCHOOLS WERE SUPPOSED TO BE FREE OF TRAFFIC OF INBOUND  
TRUCKS HAULING HAZ WASTE. THIS HAS NOT BEEN THE CASE. ASIDE  
FROM THE ENVIRONMENTAL CONCERN, I FEEL CONSIDERATION SHOULD  
NOW BE MADE AS TO THE BLATANT DISREGARD OF CHILDREN ON BUSES  
IN THE AREA.

I BELIEVE CWM IS SUPPOSED TO IMPLEMENT A POLICY OF NO TRUCKS  
DURING THE HOURS OF TRANSPORT OF CHILDREN TO / FROM SCHOOL.  
WITH THE EVER-CHANGING LAWS, GOVERNING LOG BOOKS FOR DRIVERS,  
AND THE FACT THAT I HAVE WITNESSED TRUCK TRAFFIC AT THE HOURS  
AFOREMENTIONED, I WOULD ASK THAT YOU CONSIDER NOT APPROVING  
ANY FURTHER GROWTH OF CWM.

SINCERELY,

A handwritten signature in blue ink, appearing to read "John Lynch", written over the printed name.

JOHN LYNCH





Thruway Transport

BUFFALO NY 142

20 MAY 2014 PM 51



NYSDEC Office of Hearings / Mediation  
625 Broadway, 1<sup>st</sup> Floor  
Albany, NY 12233-1550  
Attn: Hon. James T. McChynolds

122331550



May 19, 2014

James T. McClymonds  
Chief Administrative Law Judge  
NYSDEC Office of Hearings and Mediation Services  
625 Broadway, 1<sup>st</sup> floor  
Albany, New York 12233-1550

Dear Mr. McClymonds,

CWM is and has been a detriment to Western Niagara County.

As the former Mayor of the popular Village of Lewiston from 1994 through 2009 we labored diligently and fervently to improve and enhance our community. A cloud always hung over Lewiston and Porter, that obviously being Chemical Waste Management.

Buffalo and vicinity Realtors blunt any advantages we have because CWM is in the background and I am certain we could draw clean light industry into our towns if CWM closed and the Lake Ontario Ordinance closed.

The people in our area have had "enough!" Save our river, save our villages, protect our towns by saying goodbye to CWM.

Respectfully,



Richard F. Soluri, Former Mayor  
Village of Lewiston  
April 1994 – October 2009

RECEIVED

MAY 27 2014

HEARINGS AND MEDIATION SERVICES

*R. Salari*

BUFFALO NY 142

23 MAY 2014 PM 1 L



James T. McClymonds  
Chief Administrative Law  
NYSDEC Office of Hearings and Mediation  
Services  
625 Broadway, 1<sup>st</sup> floor  
Albany, New York 12233-1550

122331550





[REDACTED]  
May 21, 2014

James T. McClymonds  
Chief Administrative Law Judge  
NYSDEC Office of Hearings and Mediation Services  
625 Broadway, 1<sup>st</sup> Floor  
Albany, NY 12233-1550

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MAY 27 2014

HEARINGS AND MEDIATION SERVICES

Re: CWM Chemical Services, L.L.C.  
Proposed Landfill Project  
Model City, New York

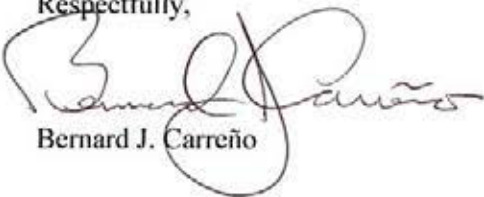
Dear Mr. McClymonds:

I strongly oppose the approval of a permit for CWM's proposed expansion of its Model City, New York hazardous waste operations including RMU-2 and other related facilities. The fundamental issue is identified in CWM's siting documentation: the NYSDEC has determined that New York State does not need the expanded capacity and can rely on the national market for such facilities. No compelling public interest will be served by approval of the permit. In fact, the health, safety, and economic interests of local communities and citizens will be negatively impacted. Over the years, NYSDEC has consistently ignored these impacts with respect to CWM's operations. Approval of the permit may benefit CWM in the short term, but it will burden the community with the negative impact of storage of millions of tons of hazardous waste that will remain on the site forever!

Approval will also be clearly inconsistent with NYSDEC's own environmental justice policy that requires NYSDEC to "address disproportionate exposures to multiple environmental harms and risks". There is no doubt that CWM's operations have and will continue to impose such harms and risks on the local community if the permit is approved.

In summary, I strongly urge you to reject CWM's permit application for expansion of its landfill (RMU-2) and related operations. There is no public need or benefit for the expansion. On the other hand, if approved the expanded operations will impose significant negative health, safety, and economic burdens on the local community forever!

Respectfully,

  
Bernard J. Carreño

Bernard Carreno  
[REDACTED]

BUFFALO NY 142

23 MAY 2014 PM 6 L



James T. McClymonds  
Chief Administrative Law Judge  
NYSDEC Office of Hearings and Mediation  
Services  
625 Broadway, 1<sup>st</sup> Floor  
Albany, NY 12233-1550

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MAY 27 2014

HEARINGS AND MEDIATION SERVICES

May 21, 2014

DEAR JUDGE McCLYMOUNDS,

ANYTHING YOU CAN DO TO STOP THE PROPOSED EXPANSION OF CWM'S LANDFILL WILL BE GREATLY APPRECIATED BY MYSELF AND MOST ALL THE RESIDENTS OF MY COMMUNITY.

SOON EXPERTS WILL DETAIL THE ENVIRONMENTAL AND ECONOMIC DESTRUCTION CWM HAS INFLICTED ON THE PEOPLE OF NIAGARA COUNTY. WHICH EXPLAINS WHY EVERY LOCAL MUNICIPALITY AND ELECTED OFFICIALS OF BOTH PARTIES HAVE GONE ON RECORD AGAINST THE EXPANSION OF CWM'S LANDFILL.

WOULD YOU PLEASE USE YOUR POWER TO PREVENT ANOTHER 30 YEARS EXPOSURE BY THIS ENVIRONMENTAL DISASTER ON MY COMMUNITY.

RESPECTFULLY YOURS,

Robert D. Loggia

PS IN ONE WAY WE HAVE BEEN FORTUNATE... CWM'S TRUCKS HAS KILLED ONLY ONE OF OUR RESIDENTS. WE WONDER HOW MANY CWM WILL KILL IF GIVEN ANOTHER 30 YEARS TO TRY?

J



JOSEPH & MARY LOZINA

RUFFALO NY 142

22 MAY 2014 PM 5 L



JAMES T. McCLYMONDS

CHIEF ADMINISTRATIVE LAW JUDGE  
NYSDEC OFFICE OF HEARINGS & MEDIATION SERVICES  
605 BROADWAY, 4th Floor  
ALBANY, NY

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MAY 27 2014  
HEARINGS AND MEDIATION SERVICES

May 24, 2014

James T. McClymonds, Chief Administrative Law Judge  
NYSDEC Office of Hearings and Mediation Services  
625 Broadway, 1st Floor  
Albany, NY 12233-1550

Please add my name to those who oppose CWM's expansion plans at the LOOW site in Niagara County (RMU-2).

I assume that the DEC understands that the LOOW property has become the chemical dumping ground of the eastern United States and Canada. I live in Youngstown, NY, on the Niagara River Gorge, in sight of where the river empties into Lake Ontario, two miles west of the LOOW facility and downriver from CWM's discharge outfall.

The decision whether to allow CWM Chemical Services to expand (RMU-2) is often framed as part of the perpetual struggle between economics and the environment. That view is too narrow.

In the first place, a cogent argument can be made that CWM has *negatively* affected the economy of Niagara County. Anecdotally, I have friends who would not move here because CWM is here.

In the second place, the economy versus the environment model should be set within the larger national picture of banking, media, and PAC money politics, and some Supreme Court judges who support such interests. I, like many others, fear that one-person, one-vote choices by informed individuals, the foundation of our republic, are being compromised.

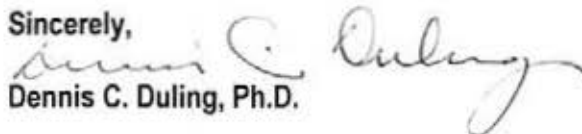
In the third place, landfill for chemical waste is, says the DEC, the least desirable option for managing chemical waste and its studies show that there is sufficient landfill in the U.S. for the foreseeable future.

It is clear where CWM as company fits this picture. It is part of a giant multinational corporate empire whose track record includes many infractions. It is driven by self-perpetuation. The DEC has a historically informed, moral obligation to be the people's trusted gatekeeper. The profit motive of CWM must not guide the decision of DEC.

If the voices of the people and enlightened business professionals are to be heard, I hope and pray that the DEC will follow its mandate.

Please hear the opinions of the polled local majority—politicians, business interests, and citizens—and deny CWM's attempt to expand.

Sincerely,

  
Dennis C. Duling, Ph.D.

May 24, 2014

ROCHESTER NY 144

24 MAY 2014 5:44 PM



James T. McClymonds, Chief Administrative Law Judge  
NYSDEC Office of Hearings and Mediation Services  
625 Broadway, 1st Floor  
Albany, NY 12233-1550

122331550



[REDACTED]  
[REDACTED]  
May 24, 2014

Mr. James T. McClymonds  
Chief Administrative Law Judge  
NYSDEC Office of Hearings and Mediation Services  
625 Broadway, 1<sup>st</sup> Floor  
Albany, NY 12233-1550

RECEIVED

MAY 29 2014

HEARINGS AND MEDIATION SERVICES

Dear Mr. McClymonds:

We are writing with our concerns over CWM Chemical Services plan to create a new 43.5 acre landfill (RMU-2) just to the west of its current one for the disposal of hazardous and industrial non-hazardous wastes. This landfill will reach its capacity in 10 to 20 years. Direct exposure to the chemicals they propose to transport and dump here are the same chemicals that were buried in Love Canal and dumped in 18 Mile Creek. They have poisoned our fish and caused an extremely high incidence of cancer and MS in our area.

Besides the problems these chemicals can cause on-site, there is also the real threat of accidents with trucks carrying these chemicals and passing through our neighborhoods, by our schools, and near our creeks.

We urgently plea that you consider the impact of this dump site on Niagara County and the surrounding areas. It is already known world-over as a cesspool of chemical waste, and we need to put an end to it!

Thank you for letting us express our concerns.

Sincerely,

*Ronald C. Furness*  
Ronald C. Furness

*Roberta M. Furness*  
Roberta M. Furness

rmf



Mr. Ronald Furness



BUFFALO NY 142

27 MAY 2014 PM 11



Mr. James T. McLymonds  
Chief Admin. Law Judge  
NYSDEC Office of Hearings & Mediation Services  
625 Broadway, 15<sup>th</sup> Floor  
Albany, NY 12233-1550

122331550





***LAW OFFICE OF GARY A. ABRAHAM***

May 28, 2014

James T. McClymonds  
Chief Administrative Law Judge  
NYSDEC Office of Hearings and Mediation Services  
625 Broadway, 1st Floor  
Albany, NY 12233-1550

RECEIVED  
MAY 30 2014  
HEARINGS AND MEDIATION SERVICES

Re: CWM Chemical Services, LLC Proposed Landfill Project

Dear Judge McClymonds:

My office represents Niagara County, the Villages of Lewiston and Youngstown, and the Town of Lewiston (together, the "Municipal Stakeholders") in the above-referenced matter. I am writing on behalf of the Municipal Stakeholders<sup>1</sup> to request an extension of time to submit comments on the documents made available for the proposed RMU-2 landfill project referenced above. Sixty days has been provided for comments by the Department from the date this matter was noticed, May 5. For the reasons provided below, I am requesting 120 days.

The documents provided on which the public is invited to comment are unusually voluminous and complex, and comprise several interrelated applications that should be considered under Part 361 of the Department's regulations, governing the siting of hazardous waste facilities. These applications involve federal-only permits required by the Toxic Substances Control Act, 15 U.S.C. §§ 2601-2692 (under USEPA's authority), and by the Clean Water Act, Section 404, 33 U.S.C. § 1344 (under the U.S. Army Corps of Engineers' authority); federally delegated permits administered by the Department for which both federal and state regulations must be consulted, including permits to construct and operate hazardous waste facilities (under Part 373) and to discharge pollutants (under Article 17 of the ECL and the Clean Water Act, Section 402); and state-only permits, including an Air State Facility Permit (under Part 201) and a permit to discharge (under Part 633). In addition, the proposed project requires the Department's Water Quality Certification, required to qualify for a federal discharge permit (under Clean Water Act, Section 401, 33 U.S.C. § 1341). In addition, the project must be reviewed comprehensively under the State Environmental Quality Review Act (E.C.L. §§ 8-0101 to 8-0117, and Part 617). Potential issues under any of these requirements may interact with others, further complicating the task of preparing useful comments to the Department.

The documents supporting CWM's request for these permits comprise several thousand pages of often highly technical materials requiring review by appropriate experts some of whose services the Municipal Stakeholders have only recently secured. Moreover, adequate

---

<sup>1</sup> The Town of Porter is prohibited from criticizing CWM's plans under a host community agreement.

review of these materials requires evaluation of a substantial volume of historical technical reports by this facility, which has been in operation for decades, as well as historical technical reports by agencies and operators of adjacent managed waste sites, including Modern Landfill, Inc. and the formerly operated federal facility, Niagara Fall Storage Site, both operated or under active remediation across the CWM fence to the south. Adequate site characterization will benefit from, if not require, a full understanding of data generated by these two adjacent facilities.

In order to obtain the necessary information, the undersigned has made several requests to the Department pursuant to FOIL for relevant documentation not included in the materials provided by the Department, at least one of which is outstanding (No. 14-1688), and I anticipate further such requests may be necessary.

The proposed project is clearly one of the largest and most complicated the Department has considered in recent memory. For this and the reasons provided above, I urge you to approve the requested extension of time to comment.

Please do not hesitate to contact me with any questions or concerns.

Very sincerely yours,

  
Gary A. Abraham  
*Special Counsel to the Municipal Stakeholders*

gaa

cc: Claude Jorge, Niagara County Attorney  
Clyde Burmaster, Niagara County Legislature

Law Office of Gary A. Abraham  
[REDACTED]

BUFFALO NY 142

28 MAY 2014 PM 2 1



James T. McClymonds  
Chief Administrative Law Judge  
NYSDEC Office of Hearings and Mediation Services  
625 Broadway, 1st Floor  
Albany, NY 12233-1550

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