

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

RECEIVED

AUG 13 2014

HEARINGS AND MEDIATION SERVICES

Honorable Judge McClymonds:

My name is John Battaglia, I live at [REDACTED].

Thank you to the regulators, government officials and CWM staff for hosting this public hearing and allowing us to present our views and feelings about the upcoming decisions affecting our community.

I am a Town of Porter resident, and have lived in the Lewiston and Youngstown area for most of my life. My family and I were all born in NFNy. We moved to the Town of Lewiston in 1968 and attended high school at Lewiston-Porter. I am UB engineering graduate. My wife and I moved to Youngstown in 1991, raised 3 children, and several canines. All of our children are also Lew-Port graduates. My family and friends have swum, hunted, fished and worked and played in and around the towns of Lewiston and Porter, and on properties adjacent to, and downstream from, CWM. I love the local area. The quiet, local environment is beautiful and the people are a source of pride and security to my family. One of our favorite pastimes is to sit down by the river on summer weekday evenings and enjoy the sunset. You cannot find a better place to raise a family.

My experience over the past almost 30 years has been in the waste management, remediation and material recycling and recovery industries, working with sw, haz waste, C&D, soils, recyclables, and radioactive material storage and more. My experience extends across the country, with projects in NY, PA, MA, VA, FL and TX. This experience provides a unique backdrop for understanding and putting environmental impacts into perspective.

In 1985, I began working on landfills as a field engineer for several construction projects. At that time, I worked for a large engineering firm and performed many duties in connection with the documentation and certification of landfill construction, including the construction oversight at CWM. Since then, I have managed and designed many environmental projects across the northeast.

**My company, staff and I have made a true contribution to the improvement of our environment.**

We are very familiar with the area environs and have worked on many local landfill, remediation and recycling projects. I was personally an active member of the LOOW RAB (addressing issues of the NFSS (Radioactive Material Storage Site).

I can say, with first-hand knowledge, having performed many inspections and certifications for Waste Management over the past 30 years, that the CWM facility is a professionally-run facility, with a quality staff.

**The Waste Industry as a Whole**

When looking at alternatives to reduce waste generation, we often believe the solution is the elimination of landfills. In reality, the elimination of landfills only further exacerbates the problem as it does not address the inherent cause of waste generation. In order to eliminate the need for landfills we need a cradle-to-grave approach to product development. That is, when you put a product on the market, you should be required to show the entire life cycle of the product and demonstrate the level of environmental

harm and waste that the product creates. This is not a new theory and is practiced in many countries in Europe.

Consumption and waste go hand-in-hand. Americans are the biggest consumers on the planet, of both products and energy. It is amazing to see the amount of usable products disposed at a landfill every day. A practical approach to reduction of waste and land disposal is to reduce consumption and use of energy.

#### **Fear and Safety**

Fear is a very powerful tool. Words such as "Risk Factors" and "Environmental Impact" bring about many strong feelings. The fact of the matter is, I do not fear the operations of a properly constructed and managed landfill facility. I went to Lew-Port schools and my children went to Lew-Port schools. I hope I see the day that my grandchild can also attend my high school. No, I do not fear the landfill because I understand it and am comfortable that the appropriate measures are taken to ensure my family's safety.

#### **Level of Proof**

When permitting a facility, the State and Federal governments have a very high level of detail and proof that must be maintained. In most cases, it takes several iterations of review and revisions to the permit applications to ensure the most accurate detail is presented. The NYSDEC Regional Permit Administrator goes to great lengths to ensure this. By contrast, the opposition groups have no regulatory oversight or professional review. There is a benefit to the community in providing objective information, prepared under the direction of the regulators.

#### **The CWM Facility**

Lewiston and Youngstown are host to land disposal facilities. So are Rochester, Seneca Falls, Albany and many other communities across the state of NY and the country as well. The CWM facility is a well-run, environmentally sound operation. There is no measurable risk to human health and the environment from that facility. It is very impracticable to relocate or construct a new waste management facility. Instead, it is more prudent and environmentally sound to expand the operations of an existing facility and use the revenues to further improve the site (i.e., older areas) and provide for long term maintenance and monitoring of the facility as a whole.

Consider the impacts of other types of development. How many new homes would be needed to create the net financial impact of the host benefits package provided by CWM? Multiply this by the number of automobiles that would be added to the local traffic flow each day, not to mention the impact on our taxes and water pollution control facilities. There are all types of hazardous chemicals right in our homes. Items such as the fuel we use to cut our grass, oil base paints, nail polish remover, driveway sealer, insecticides, and herbicides just to mention just a few. We don't even bother to compute the risk factors for these items yet the exposure is far greater than from the CWM facility.

CWM supports local companies and their employees. As a Professional Engineer, I am obligated to protect human health and the environment, and find it rewarding to work with people with similar goals. We work with CWM because we know that the company is committed to protecting the environment and the community.

Consider this an invitation to those that would like to hear the other side of the story. A side that is regulated and required by law and professional standards to show all the cards. I would be more than willing to discuss my knowledge of CWM, LOOW and any other environmental issue.

Finally, I urge the New York State Siting Board to recognize the need for this facility, for safe handling and disposal of hazardous materials, for the jobs provided to our community, and for the benefits received by our local governments, and approve this project.

Sincerely,

 PE 8/11/14

John B. Battaglia, P.E.,

[REDACTED]  
[REDACTED]





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13 AUG 2014 PM 5 L



NYSDEC Office of Hearing & Mediation  
Attn: James McDynolds  
625 Broadway, 4th Floor  
Albany, NY  
12233-1550

122331550



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AUG 18 2014

HEARINGS AND MEDIATION SERVICES

Dear Honorable Judge McClymonds:

I am writing to you to express my support for the expansion of the CWM Chemical Services Landfill in Niagara County, NY. This facility is a benefit in the following ways:

- CWM provides well-paying jobs to local citizens and is a supporter of the local companies in the area. They provide significant revenues for the county that aid in funding our schools, hospitals, and towns. In addition, all of us in Western New York benefit from the company's support to charitable organizations.
- CWM is a highly regulated facility that is needed here in Western New York. It provides safe and affordable waste disposal that is strictly regulated at both the State and Federal levels.
- CWM is looking to invest heavily in this region with this project. I respectfully encourage you to support CWM. The citizens and businesses of Niagara County need CWM, and they deserve your support.

Thank you,

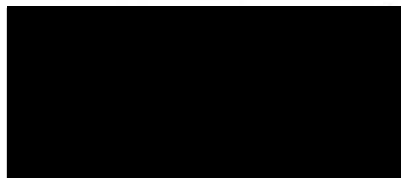
Name

Daniel Brimmer

Date:

8/12/14

Address



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Thank you,

Name \_\_\_\_\_

Date: 8/12/14

Address \_\_\_\_\_

**DIG IT OF NY, LLC**

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## Niagara Police Athletic League



"KIDS ARE OUR BUSINESS"

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AUG 18 2014

HEARINGS AND MEDIATION SERVICES

August 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

Dear Judge McClymonds,

The Niagara Police Athletic League is a not-for-profit youth organization that has been serving the youth of Western New York since 1967, with currently more than 18,000 participants annually. Our primary mission is "Cops and Kids" together in positive activities to create a better community.

To that end, CWM Chemical Services has been, and continues to be, supportive of Niagara PAL and "Our Kids."

Recognizing that the Siting Board, as part of its criteria, looks for impacts to the community, Niagara PAL has benefitted from the support and contributions made by CWM Chemical Services.

Yours for Youth,

Lt. Arthur E. Eberhart (Ret)  
Executive Director  
Niagara Police Athletic League

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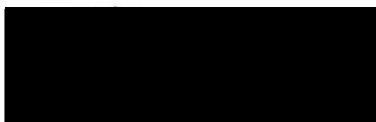
Name

SEAN FLAHERTY

Date:

8/12/14

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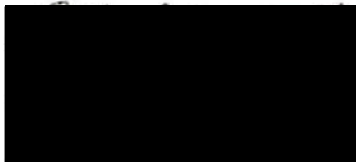
Name

JOHN GARA

Date:

8/12/14

Address



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