



CWM Chemical Services, LLC - October 15, 2014

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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 EXTENSION OF PUBLIC COMMENT PERIOD

NOTICE OF EXTENSION TO FILE PETITIONS FOR PARTY STATUS

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 Certificate Application (Environmental Conservation Law [ECL] Article 27, Title 11);
- Part 373 Hazardous Waste Management Facility 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).

Document Availability: Hard copies of the CWM application materials, the draft environmental impact statement, and the draft permit documents are available for inspection at the following locations:

- NYS DEC, Division of Environmental Remediation, 625 Broadway, 12th Floor, Albany, NY 12233-7017. Telephone: 518-402-9814;
- NYS DEC Region 9 Office, 270 Michigan Avenue, Buffalo, NY 14203-2915. Telephone: 716-851-7220;
- Youngstown Free Library, 240 Lockport Street, Youngstown, NY;
- Porter Town Hall, 3265 Creek Road, Youngstown, NY;
- Ransomville Free Library, 3733 Ransomville Road, Ransomville, NY; and

- Lewiston Free Library, 305 South Eighth Street, Lewiston, N.Y.

Notice of Complete Application: A [Notice of Complete Application](#) was published in the Department's *Environmental Notice Bulletin (ENB)* on May 7, 2014, and in local newspapers during the week of May 5, 2014.

Written Comments: The date to file comments is hereby extended from October 20, 2014 to November 21, 2014. Written comments must be postmarked by **November 21, 2014** to be considered.

All interested persons, organizations, corporations or government entities may submit written comments by mail no later than November 21, 2014, to Chief Administrative Law Judge James T. McClymonds, Office of Hearings and Mediation Services, New York State Department of Environmental Conservation, 625 Broadway, 1st Floor, Albany, NY 12233-1550. The following email address is also available: CWM.RWMUNIT2@dec.ny.gov. All comments submitted by email must be dated no later than November 21, 2014.

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).

The August 13, 2014 [ENB Notice](#) set October 20, 2014, as the deadline to file petitions for party status. Please take notice that the date to file petitions for party status or amicus status is extended from October 20, 2014 to **November 21, 2014**. All filings for party status or amicus status must be sent to ALJ Daniel P. O'Connell, Office of Hearings and Mediation Services, New York State Department of Environmental Conservation, 625 Broadway, 1st Floor, Albany, NY 12233-1550, and must be received by 4:00 P.M. on Friday, November 21, 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 to CWM's counsel (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
October 15, 2014