

**New York State Department of Environmental Conservation
Office of Hearings and Mediation Services, 1st Floor**

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Joseph J. Martens
Commissioner

Sent via Email and Regular Mail

October 22, 2014

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RE: Corrected Hearing Documents

6 NYCRR Part 361 Hazardous Waste Facility Siting Application;
6 NYCRR Part 373 Hazardous Waste Management Permit Modification
Application, et al.

Dear Messrs. Darragh and Stever:

This letter acknowledges timely receipt of a letter dated October 9, 2014, on behalf of applicant, from Jonathon P. Rizzo, Permitting Manager, and enclosure (*see* OHMS Document No. 201469232-00096), and a letter dated October 10, 2014, on behalf of Department staff, from David F. Stever, Esq., Assistant Regional Attorney, and enclosures (*see* OHMS Document No. 201469232-00097). These correspondence respond to my letter dated October 3, 2014 (*see* OHMS Document No. 201469232-00094) in which I requested applicant and Department staff to verify the permit application documents concerning the proposed RMU-2 landfill and associated facilities as they are posted on the Department's website. I also requested verification of the hard copies of the documents, which are available at review locations in the Towns of Porter and Lewiston, and at the Department's offices in Buffalo and Albany.

Based on the information provided by applicant and Department staff, the hard copies of the documents maintained by the Office of Hearings and Mediation Services (OHMS), as well as the electronic copies of them posted on the Department's website have been corrected. The following describes where the corrections were made in the hard copies of the documents and on the Department's website.

I. Table T6

With its October 9, 2014 letter, applicant provided a corrected Table T6 of the Groundwater Sampling and Analysis Plan (Revised December 18, 2013). The corrected Table T6 has been inserted into the application materials and the documents associated with the draft permit as follows.

1. With respect to the application materials (*see* OHMS Document No. 201469232-00004), Table T6 is located in the binder entitled, *6 NYCRR Part 373 Modification Request to Sitewide Part 373 Permit (Permit ID 9-2934-00022/00097) Referenced Documents and Additional Documents*. On the Department's website (<http://www.dec.ny.gov/chemical/97767.html>) under the heading entitled, *Proposed CWM RMU-2 Project Application Materials*, Table T6 is part of the document posted at *OHMS Doc. No. 201469232-00004[2 of 5].Application.Part 373 Permit Modification Reference Documents* (pages 50-58).
2. With respect to the draft permit (*see* OHMS Document No. 201469232-00043), Table T6 is also located in the binder entitled, *6 NYCRR Part 373 Hazardous Waste Management Draft Permit Modification of CWM Chemical Services, LLC, Model City Facility, Draft Incorporated Documents, Volume 2 of 2*. On the Department's website (<http://www.dec.ny.gov/chemical/97778.html>), Table T6 is part of the documents incorporated by reference (Inc Doc) posted at *OHMS Doc. No. 201469232-00043[1 of 10].Draft Permit.Inc Doc.Revised Groundwater SAP* (pages 77-85).

Accordingly, OHMS has corrected the hard copy of the application materials and the draft permit documents it maintains, and the electronic copies of the same documents posted on the Department's website.

II. Section C-2i Figures, and Appendix A Standard Analytical Procedure

Department staff provided hard copies of "Section C-2i Figures" and "Appendix A Standard Analytical Procedure," which were omitted from the draft permit documents originally provided to OHMS.¹ Hard copies of these documents have been inserted into the draft permit documents (*see* OHMS Document No. 201469232-00014) in the binder entitled, *6 NYCRR*

¹ Although "Section C-2i Figures" and "Appendix A Standard Analytical Procedure," were omitted from the draft permit documents originally provided to OHMS, this information was part of the application materials (*see* OHMS Document No. 201469232-00002). With respect to the application materials, the hard copies of these documents can be found in the binder entitled, *6 NYCRR Part 373 – Hazardous Waste Permit to Construct/Operate Hazardous Waste Management Facility (HWMF)/Modification Request to Sitewide Part 373 Permit, Volume I of II*. In addition, this information is posted on the Department's website (<http://www.dec.ny.gov/chemical/97767.html>) at *OHMS Doc. No. 201469232-00002[1 of 4].Application.Part 373 Permit Modification Request Vol I* (pages 313 to 325).

Part 373 Hazardous Waste Management Draft Permit Modification for CWM Chemical Services, LLC, Model City Facility, Volumes 1 & 2 of 5. In the previously mentioned binder, Attachment C follows Module VIII.

On the Department's website (<http://www.dec.ny.gov/chemical/97778.html>), Section C-2i Figures" and "Appendix A Standard Analytical Procedure" are posted under the heading entitled, *CWM Draft Permits, 6 NYCRR Part 373 Hazardous Waste Management - Proposed RMU-2 Landfill Draft Permit Modification*, at *OHMS Doc. No. 201469232-00014.Draft Permit.Vol If* (pages 119-130).

Accordingly, OHMS has supplemented the draft permit documents it maintains to include hard copies of "Section C-2i Figures" and "Appendix A Standard Analytical Procedure," and the electronic copies of the same documents posted on the Department's website.

III. Figures 1.1a and 1.1b

Department staff's October 10, 2014 letter also provided revised Figures 1.1a and 1.1b (both dated January 2014),² which are part of the Aqueous Waste Treatment System Operation & Maintenance (AWTS O&M) Manual (*see* OHMS Document No. 201469232-00042). The AWTS O&M Manual is one of several documents incorporated by reference into the draft permit for the proposed RMU-2 landfill and associated facilities. The revised figures have been inserted into the binder entitled, *6 NYCRR Part 373 Hazardous Waste Management Draft Permit Modification of CWM Chemical Services, LLC, Model City Facility, Draft Incorporated Documents, Volume 1 of 2*.

On the Department's website (<http://www.dec.ny.gov/chemical/97778.html>), revised Figures 1.1a and 1.1b are part of the documents incorporated by reference (Inc Doc) posted at *OHMS Doc. No. 201469232-00042.Draft Permit.Inc Doc.Revised Revised AWTS O&M Manual* (pages 55-56).

Accordingly, OHMS has supplemented the documents incorporated by reference into the draft permit it maintains to include hard copies of Figures 1.1a and 1.1b dated January 2014, and the electronic copies of the same documents posted on the Department's website.

² This information was part of the reference documents and additional documents (*see* OHMS Document No. 201469232-00004), and can be found in the binder entitled, *6NYCRR Part 373 –Modification Request to Sitewide Part 373 Permit (Permit ID 9-2934-00022/00097) Reference Documents and Additional Documents*. In addition, this information is posted on the Department's website (<http://www.dec.ny.gov/chemical/97767.html>) at *OHMS Doc. No. 201469232-00004[1 of 5].Application.Part 373 Permit Modification Reference Documents* (pages 143-144).

IV. The RMU-2 Engineering Report

OHMS Document No. 201469232-00044 identifies the RMU-2 engineering report. In the October 10, 2014 letter, Department staff observes that the document posted on the Department's website (<http://www.dec.ny.gov/chemical/97778.html>), as part of the documents incorporated by reference, consists only of the cover page. The remainder of the engineering report is not posted at this location. Department staff notes, however, that the entire engineering report (OHMS Document No. 201469232-00007 [15 parts]) is posted on the Department's website with the application materials (<http://www.dec.ny.gov/chemical/97767.html>) under the heading entitled, *Engineering Report*.

Department staff's observations with respect to OHMS Document No. 201469232-00007 and OHMS Document No. 201469232-00044 are correct. The purpose of OHMS Document No. 201469232-00044 is twofold. First, it shows that the engineering report for the proposed RMU-2 landfill and associated facilities has been incorporated, by reference, into the draft permit. Second, posting the cover page avoids the redundant posting of a lengthy document on the Department's website. The footer on OHMS Document No. 201469232-00044 directs the reader to OHMS Document No. 201469232-00007, which is located on the Department's website at <http://www.dec.ny.gov/chemical/97767.html>. At this location, the entire engineering report (OHMS Document No. 201469232-00007 [15 parts]) is posted.

V. Review Locations

Finally, as directed in my October 3, 2014 letter, applicant and Department staff have verified that the hard copy materials associated with this matter are complete at the review locations in the Towns of Porter and Lewiston, at the Department's Region 9 Office in Buffalo, and at the Division of Environmental Remediation at the Department's Central Office in Albany.

Very truly yours,

Daniel P. O'Connell
Administrative Law Judge

cc: Joseph J. Martens
Commissioner
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