



Truck Drivers Local Union No. 449

AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS

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*Principal Officer, Secretary-Treasurer
Business Agent*

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Business Agent*

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Trustee

GAYLE R. DEAK
Trustee

KEVIN J. TRINKLE
Trustee

October 2, 2014

Commissioner Joe Martens
New York State DEC
625 Broadway
Albany, NY 12233-1010

James T. McClymonds
Chief Administrative Law Judge
NYSDEC Office of Hearings and Mediation Services
625 Broadway, 1st Floor
Albany, NY 12233-1010

RECEIVED

OCT 16 2014

Re: CWM Chemical Services RMU-2 Application

Dear Commissioner Martens and Judge McClymonds,

This letter is submitted on behalf of the 25 teamsters who maintain and monitor the current Model City landfill in Niagara County.

As you are well aware, the RMU-2 application was first filed in 2003. The employees that I represent have been working and living with an uncertainty of where the employment future may be. The original comment period was set at 60 days on May 5, 2014. Since that time there has been an additional 105 days. Regulation requires a minimum 45 days public comment period and the RMU-2 expansion has already been extended for 165 days.

With virtually no space left in the landfill, further delaying the process may put many of these jobs in jeopardy. The employees that I represent have, collectively, over 700 years' experience working at the landfill.

As the President of Local 449, representing approximately 3,300 members in the Greater Buffalo-Niagara Region, I respectfully request that another extension period be denied.

Thank you in advance for your consideration.

Sincerely,

Jeffrey S. Brylski
President/Business Agent
Truck Drivers Local Union #449



Truck Drivers Local Union No. 449

Affiliated with the
International Brotherhood of Teamsters



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10/03/2014

US POSTAGE

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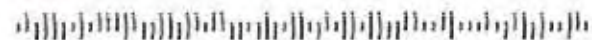


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James T. McClymonds
Chief Administrative Law Judge
NYSDEC Office of Hearings and Mediation Services
625 Broadway, 1st Floor
Albany, NY 12233-1010

1550 Code

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PROFESSIONAL SERVICES IN CIVIL AND ENVIRONMENTAL ENGINEERING

October 8, 2014

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



Dear Judge McClymonds:

I am in favor of the new landfill that is proposed for construction at the CWM Chemical Services, LLC (CWM) facility in Model City, NY. I am a Professional Engineer licensed to practice civil and environmental engineering in the state of New York. I have experience in solid and hazardous waste landfill design, permitting, and construction. I have provided quality assurance oversight for final capping of SLF 12 and new construction of RMU-1 at CWM, and have worked on most of the other landfills in western New York, both operating and closed facilities. I believe that the design of RMU-2, with a double liner and leak detection system is protective of the environment. I have first-hand knowledge of the rigorous oversight that will take place during construction to ensure that the unit is constructed to meet specifications; oversight by the facility, by an independent Quality Assurance engineer, and daily monitoring by a NYSDEC Engineer.

A well designed and constructed landfill provides controlled long term containment for contaminated soil and other hazardous waste. New landfill capacity will allow environmental remediation to continue in Western New York, rendering previously utilized and contaminated land available for new development. Environmental remediation is an important part of economic growth in our area, as evidenced by our River Bend solar development project, and the new Uniland office tower in the heart of Buffalo, among others.

Judge McClymonds

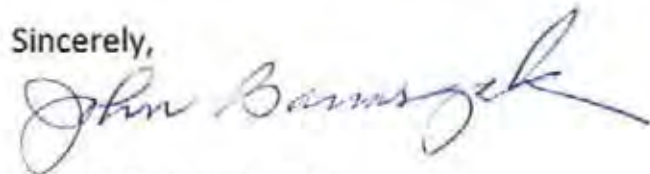
Oct 8, 2014

Page 2

The NYSSWMP (Beyond Waste) talks about waste self sufficiency. *"Waste export leaves many New York communities vulnerable to capacity restrictions and additional user fees at out-of-state disposal facilities."* Although this plan was developed for solid waste, the concept is applicable to hazardous waste as well. Having a permitted, secure and convenient disposal option in western New York is undoubtedly a valuable resource, for our existing industries, for our new developing industries, and for our Brownfield remediation efforts that are contributing to the area's rebirth.

Thank you for considering my comments.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Banaszak". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John E. Banaszak, P.E.

JEB Consultants

J. BANASZAK



BUFFALO NY 142

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

122331550





Office of the Regional Chair | Gary Burroughs

[REDACTED]
[REDACTED]
[REDACTED]

October 8, 2014

Chief Administrative Law Judge James T. McClymonds
NYS Department of Environmental Conservation
Office of Hearings and Mediation Services
First Floor, 625 Broadway
Albany, New York 12233-5500



Your Honour Judge McClymonds:

As Chair of the Regional Municipality of Niagara and on behalf of Niagara Regional Council, I am writing to express our full support for Niagara County and the Town of Lewiston's request for an extension of the submission period for comments on the CWM application to construct and operate a new hazardous waste landfill at the company's existing facility in the Towns of Porter and Lewiston in Niagara County, New York, until January 20, 2015.

At its meeting of October 2, 2014, Niagara Regional Council unanimously passed the following resolution:

That the Regional Chair BE REQUESTED to forward a letter on behalf of Regional Council supporting Niagara County and the Town of Lewiston in their efforts to obtain a federal extension to the public comment period from Washington on the hazardous waste dump site in Youngstown, New York.

The Regional Municipality of Niagara, an upper tier municipal government comprised of 12 local area municipalities located on the Canadian side of the Greater Niagara Region with a population of over 430,000 people, learned only recently of the CWM expansion application to its operations via discussions with our political colleagues in Niagara County. Until that time, many of us were unaware of both the existence and state of the hazardous waste site that currently resides at that location; moreover, officials on the Canadian side were assuredly unaware of the application to expand the site which is located so close to our municipality.

There have been considerable and targeted investments made on both sides of our unique binational border region to protect and preserve our shared international waterways – including our Great Lakes and the Niagara River – in a concerted effort to ensure the future sustainability of our shared freshwater supply. It was alarming to learn so recently of the application and state of the CWM landfill content, particularly in light of the tragic events surrounding the Love Canal in this same region not a generation past and its lasting effects on the health of local residents and the irreparable impact to the environment.

Therefore, in an effort to fully understand the nature of the materials currently housed at the landfill, to better understand the details of the application, as well as the impact expansion could have on our shared waterways given its close proximity to our borders, we respectfully request that additional time be granted until January 20, 2015, as requested by Niagara County and the Town of Lewiston, to allow for a fulsome and meaningful analysis to be undertaken so as to ensure full awareness of the potential outcomes of this initiative.

We are continuing to work very closely with our American colleagues to understand the potential impacts of this expansion application and to ensure that we support their efforts to advocate on behalf of their residents. Niagara Region staff has been given direction to work diligently with our U.S. counterparts to ensure we connect to learn more about all facets of the situation including our interest in ensuring compliance with the Great Lakes Treaty and its implementation and legislative obligations on both sides of the border. Conversely, local residents on the Canadian side are only just recently being made aware of the application via media reports and are demanding answers and comment from public officials on what next steps are in order to better understand the issues surrounding the CWM site.

We strongly urge you to give favourable consideration to the extension requested by Niagara County and the Town of Lewiston until January 20, 2015 to ensure that appropriate, adequate and meaningful input can be obtained from all impacted parties including, but not limited to, Canadian interests who so closely, cooperatively and mutually share these precious binational freshwater resources.

Yours truly,



Gary Burroughs, BA, FCPA, FCA
Regional Chair

C: Mr. William Ross, Chairman, Niagara County Legislature
Mr. Clyde L. Burmaster, Vice-Chairman, Niagara County Legislature
Mr. Terry Collesano, Mayor, Village of Lewiston, New York
Mr. Dennis J. Brochey, Supervisor, Town of Lewiston
The Honourable Leona Aglukkaq, PC, MP, Minister of the Environment, Government of Canada
The Honourable Glen Murray, MPP, Minister of the Environment, Province of Ontario
The Honourable Rob Nicholson, PC, QC, MP, Niagara Falls
Mr. Rick Dykstra, MP St. Catharines
Mr. Dean Allison, MP Niagara West-Glanbrook
Mr. Malcolm Allen, MP Welland
The Honourable James J. Bradley, MPP St. Catharines
Mr. Tim Hudak, MPP Niagara West-Glanbrook
Ms. Cindy Forster, MPP Welland
Mr. Wayne Gates, MPP Niagara Falls
Members of Niagara 10



THE REGIONAL MUNICIPALITY OF NIAGARA



Chief Administrative Law Judge James T. McClymonds
NYS Department of Environmental Conservation
Office of Hearings and Mediation Services
First Floor, 625 Broadway
Albany, New York 12233-5500

12233\$5500



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

RECEIVED

DEC 12 2014

Dear Judge McClymonds

I strongly urge the DEC to not approve CWM's request for an expansion of its facility in Lewiston – Porter.

When I first learned of CWM, I was horrified that an 8 million ton toxic landfill is allowed to operate so closely to a daycare, a primary school, an intermediate school, a middle school and a high school. It is extremely upsetting to know that every day up to 250 trucks carrying toxic waste are allowed to travel in front of our campus of 2,500 children on to that huge toxic landfill behind our schools. The repeated instances of these trucks over-turning and leaking alone are nothing short of a nightmare.

Another valid concern, as both a parent and a resident, is the NYS DOH study from 2008 which concluded cancer rates in this area (even among children) to be statistically, significantly high. Toxic waste and nuclear waste are known carcinogens. The further storing of toxic waste upon land with radioactive contamination defies any sense of logic. It is especially sickening to know that all of this toxic and nuclear waste is situated in such close proximity to our schools. I beg the DEC to not put our health – and, most importantly, our children's health - at further risk by allowing millions of tons of additional cancer-causing toxic waste to be brought here.

The NYS DEC is required to ensure hazardous waste is equitably distributed. Sadly, Niagara County has and will continue to bear the outrageous burden of the existing 8 million ton CWM toxic landfill as well as the radioactive waste at the LOOW / NFSS sites and in addition to the millions of tons of toxic waste at the nearby CECOS landfill in Niagara Falls. A CWM expansion would be environmental injustice as its worst for the citizens of Niagara County and especially to the students at Lewiston-Porter schools.

The mission statement of the DEC (as found on the NYS DEC website) reads as follows:

To conserve, improve and protect New York's natural resources and environment and to prevent, abate and control water, land and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well-being."

DEC's goal is to achieve this mission through the simultaneous pursuit of environmental quality, public health, economic prosperity and social well-being, including environmental justice and the empowerment of individuals to participate in environmental decisions that affect their lives.

The DEC needs to stay true to its mission statement and protect the people of Lewiston-Porter. Approving any expansion of a toxic landfill on land with radioactive contamination in such close proximity to our schools would in no way "enhance our health, safety and welfare".

The DEC should re-consider whether it is truly empowering Lewiston-Porter residents to "participate in environmental decisions that affect their lives". Over the years, this community has repeatedly voiced its over-whelming opinion against any expansion of CWM. Residents have cited endless scientific, environmental and public health concerns. Allowing the community to continue to speak at hearings and write letters but, ultimately, not allow for any actual "participation" in the decision-making goes against the DEC's own mission statement. I, thereby, request the DEC to allow this community to vote on the issue. The DEC is then asked to add a Lewiston Porter resident to the Siting Board. This member would be an active representative for the majority viewpoint of this community (based on the vote) and "participate in this environmental decision that will affect" our lives.

I beg the DEC to put an end to this 40-plus year nightmare of hauling in toxic waste for burial behind our schools. Please consider the environmental injustice that this area has already been and will always be burdened with. The EPA has even recently declared that there is no need for additional hazardous waste landfills.

Please make the ethical decision for this community, especially for our children, by saying NO to CWM's requested expansion.

Sincerely,

Emily Brown
Emily Brown

Emily Brown

BUFFALO NY 142

08 OCT 2014 PM 1 L



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

122331550



[REDACTED]

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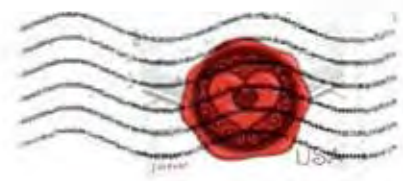


James Brown

Jim Brown



BUFFALO NY 142
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TO/ 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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NIAGARA COUNTY LEGISLATURE
Lockport, New York

NYSDEC OHMS Document No. 201469232-00104

CLYDE L. BURMASTER
Vice Chairman

10/14/14

DISTRICT OFFICE
[REDACTED]

LEGISLATIVE CHAMBERS
Courthouse
Lockport, New York 14094
[REDACTED]

Dear Chief Judge :-
Please give
consideration regard
CWM application - Rmu-2.

Thank you,
Clyde Burmaster

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OCT 16 2014

HEARINGS AND MEDIATION SERVICES

Burroughs calls for stop to toxic waste la

➤ Canadians should fight U.S. landfill expansion

Penny Coles
Niagara Advance

In good weather, Gary Burroughs swims in the

Niagara River almost every day, often with his daughters or grandkids.

He'd like to be able to continue, but news from the other side of the river has him concerned his favorite swimming hole, just steps from his home, could come to an end.

A company which has a landfill site for toxic waste in Youngstown, N.Y., is seeking permission to double the size of the landfill, which is less than five kilometers from the Niagara River, he says.

If Margherita Howe was still alive, she'd be leading the fight to stop it, says Burroughs, the out-going regional chair.

Howe, a Niagara-on-the-Lake resident and environmentalist who led an organization called Operation Clean in the '80s and '90s, was given the Order of Canada for her battle against major corporations polluting

the Niagara River.

PCBs and other toxic materials collected at the site are legally discharged into the Niagara River, Burroughs said, and the amount will only increase if the expansion at the landfill is allowed.

"Niagara County is fighting it as hard as it can, and they need our help," says Burroughs, an environmentalist who also supported Operation Clean when it was fighting the dumping of toxic waste.

"If Margherita was here she'd be up to speed and making sure we'd be fighting along with her. She was so connected to the province, the feds and locally that she was able to get things done."

But the landfill expansion is only one of three main issues that should concern not only those living along the border of the Niagara River but all

levels of government on this side of the river, says Burroughs.

The other two concerns are the delisting of the Love Canal site from an American environmental protection program, and the fact that radioactive waste buried since

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for stop to toxic waste landfill expansion

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Regional chair Gary Burroughs urges action against a U.S. permit to double the size of a toxic waste dump.

QMI Agency file photo

the 1970s has only 10 feet of cover, and could easily leach to the river. He's basing his concerns on a letter from Niagara County vice chair Clyde Burmaster, who is seeking support from politicians on the Canadian side of the river.

"Now is the time for us to get involved, along with the province and the feds. We haven't been involved at all, and we should be. We as Canadians actively share the water."

Burmaster, vice chair of Niagara County, contacted Burroughs in July to ask for help. He attend-

ed a public meeting on that side of the river, and hopes to find support that would stop the expansion of the landfill site and the continued pollution of the river and great lakes.

Burmaster wants Canadians to take part in the hearings against the dump expansion, said Burroughs.

"So many of us use the river for boating, fishing and even swimming. We need to affect change. It's important to us as Canadians—each of us needs to be concerned. We need to make our voices heard."

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● Plumbing

OLDE TOWNE
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Niagara County Legislature

Clyde L. Burmaster



James T. McClymonds, Chief Judge
Office of Hearing & Mediation Service
Rt. 2, S. Dept. of Environmental Conservation
625 Broadway First Floor
Albany, N.Y.

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

RECEIVED

DEC 1 1 2014

COMMUNICATIONS SECTION

Dear Mr McClymonds

I am writing to you in opposition to CWM's application for expanding their Model City hazardous waste landfill operation. For the last 30 years, we have been the dumping ground for over 8 million tons of hazardous waste in our community, buried less than a mile from our school. **Enough is enough!**

The NYSDEC has stated, on record, in their hazardous waste siting plan that no additional landfill space is needed in New York. Furthermore, an expansion is absolutely not in the public's best interest. We have had to share our roads with 80,000 lb trucks that have rolled over near our school and were involved in a fatal accident three years ago. **Enough is enough!**

The last thing that our community needs is 40 more years of the environmental degradation, safety and health risks and the compromising of our quality of life that would accompany further CWM's operations.

The 20,000 + hazardous waste trucks, 60 million gallon lagoons and destruction of 40 more acres of land near our schools is unacceptable. There is currently the equivalent of 400 Love Canals buried within CWM property. **Enough is enough!**

Respectfully yours,

Marc Cousins.

HEALTHY LIVING
TRANSITIONS, INC

BUFFALO NY 142

30 OCT 2014 PM 12 L



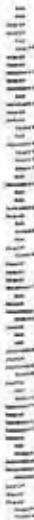
JAMES T McCLYMONDS

NYDEC OFFICE OF HEARINGS AND MEDIATION SERVICES

625 BROADWAY, 1ST FLOOR

ALBANY, NY 12233-1550

122331550



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



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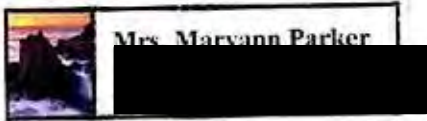
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Respectfully yours,

A handwritten signature in blue ink that reads "Maryam Parker".



BUFFALO NY 142

14 OCT 2014 PM 5 L



James T. McClymonds
Chief Administrative Law Judge
NYSDEC Office of Hearings +
Mediation Services
625 Broadway, First Floor
Albany, N.Y.
122331550 122331550

Honorable James T. McClymonds
Chief Administrative Law Judge
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Albany, NY 12233-1550

RECEIVED

OCT 31 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

Carolyn Moore

Date:

10/24/14

Address



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

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Thank you,

Name



Date:

10.21.14

Address



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Chief Administrative Law Judge
NYSDEC Office of Hearing and Mediation Services
625 Broadway, 1st Floor
Albany, NY 12233-1550

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- 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

Andreal Barracloagh

Date:

10/21/14

Address

[REDACTED]

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

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Thank you,

Name

Tim Barracough

Date:

10/21/14

Address

[Redacted Address]

[Signature]

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Thank you,

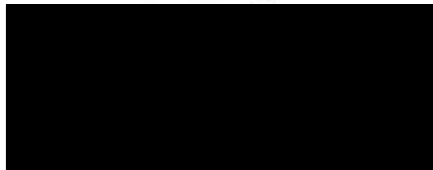
Name

Heather Stephens

Date:

10/29/14

Address



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NYSDEC Office of Hearing and Mediation Services
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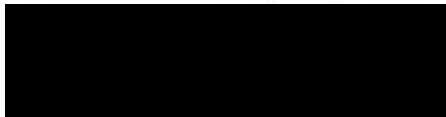
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Thank you,

Name Peter A. Stephens

Date: 10/24/14

Address



Peter A. Stephens

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Chief Administrative Law Judge
NYSDEC Office of Hearing and Mediation Services
625 Broadway, 1st Floor
Albany, NY 12233-1550

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Thank you,

Name

Casey Mueller

Date: 10-24-14

Address



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Chief Administrative Law Judge
NYSDEC Office of Hearing and Mediation Services
625 Broadway, 1st Floor
Albany, NY 12233-1550

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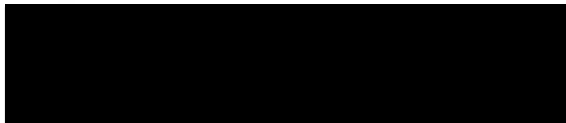
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Thank you,

Name Kendall Trichel

Date: 10/24/14

Address



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NYSDEC Office of Hearing and Mediation Services
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Albany, NY 12233-1550

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Thank you,

Name

Ana I. Gillis

Date:

10/24

Address





BUFFALO NY 142
28 OCT 2014 PM 1 L



NYSDEC Office of Hearing & Mediation Services
Attn: Honorable James McClymonds
635 Broadway, 4th Floor
Albany, NY 12233-1550

122331550



**I support the expansion of
CWM CHEMICAL SERVICES, LLC**

Big picture, it's the right
thing to do; from a lifelong
resident of Youngstown, NY,
now temporarily living in MA.

Col Jack C. James USMC (Ret)

**Please move the process along
quickly!**



Jack C. James

From: A Supporter of CWM



To: 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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