



**WASTE MANAGEMENT**

1550 Balmer Road  
Model City, NY 14107  
716 286 1550  
716 286 0211 Fax

July 29, 2016

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

Re: RMU-2 Notice of Complete Application and Fact Sheet - Public Notice  
Air State Facility Permit Modification - Proof of Publication

Dear Mr. McClymonds:

In July 2016, NYSDEC issued a Public Notice of Complete Application and associated Fact Sheet and Draft Permit Modification for CWM's Air State Facility Permit (DEC No. 9-2934-00022/00233) related to CWM's proposal to construct and operate Residuals Management Unit No. 2 (RMU-2). As required, CWM arranged to have the notice of complete application for public comment published in local newspapers. Attached please find the originals of the Affidavits of Publication from the newspapers Niagara Gazette and the Buffalo News (July 13, 2016) and the Lewiston-Porter Sentinel (July 16, 2016).

If you have any questions, please contact myself at (716) 286-0246 or Mr. Jonathan P. Rizzo at (716) 286-0354.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Sincerely,  
CWM CHEMICAL SERVICES, LLC

A handwritten signature in black ink that reads "Jill A. Banaszak". The signature is written in a cursive style.

Jill A. Banaszak  
Technical Manager  
Model City Facility

JPR/JAB/jbh  
Attachment

Mr. James T. McClymonds

NYSDEC

July 29, 2016

Re: RMU-2 Notice of Complete Application and Fact Sheet - Public Notice  
Air State Facility Permit Modification - Proof of Publication

Page - 2 -

cc: L. Alexander - NYSDEC/Albany, NY (electronic copy)  
D. Stever - NYSDEC/Region 9 (electronic copy)  
T. Mucha - NYSDEC/Region 9 (electronic copy)  
D. Denk - NYSDEC/Region 9 (electronic copy)  
M. Passuite - NYSDEC/Region 9 (electronic copy)  
P. Grasso - NYSDEC/Region 9 (electronic copy)  
A. Carlacci - NYSDEC/Region 9 (electronic copy)  
M. Cruden - NYSDEC/Albany, NY (electronic copy)  
M. Mortefolio - NYSDEC/Albany, NY (electronic copy)  
On-site Monitors - NYSDEC/ Model City, NY (electronic copy)  
A. Everett - USEPA/Region II (electronic copy)  
A. Park - USEPA/Region II (electronic copy)  
P. Dicky - NCHD/Lockport, NY (electronic copy)  
M. Mahar - CWM/Model City, NY (electronic copy)  
J. Rizzo - CWM/Model City, NY (electronic copy)  
D. Darragh - Cohen & Grigsby, PC/Pittsburgh, PA (electronic copy)  
EMD Subject File  
Q & A



# Affidavit of Publication The Lewiston-Porter Sentinel

State of New York  
County of Erie, ss

Glenda Pichette of Grand Island, in said County, being duly sworn, states that she is the bookkeeper of the **Lewiston-Porter Sentinel**, a Newspaper that is published weekly at Lewiston, in the county of Niagara, and that the legal, a printed copy of which is hereunto attached, was published once each week, for 1 week, in said newspaper, and that the said legal was so published on the **16th day of July, 2016**

Glenda Pichette

Sworn to before me this 20<sup>th</sup> day

Of July, 2016

Becky T. Stufkosky  
Notary Public

BECKY T. STUFKOSKY  
Notary Public, State of New York  
Qualified in Erie County  
Reg. No. 01ST6290683  
My Commission Expires 10-7-2017

# Plaza faces trustee vote

continued from page 1

Paladino intends to erect three two-story buildings: two comprised of restaurant and retail units, and a third with retail and apartment units. He first pitched the idea in 2013.

"This project ... this is much-needed tax base for our village," Welch said. "It's going to help all village residents. The services, the restaurants - whatever he puts in there - is going to be a benefit to this whole community. ... I think it's a great project."

The front half of the property (buildings No. 1 and No. 2) is zoned RB-2/retail business, while the back building (apartment complex) is zoned B-1/general business.

Ellicott counsel Peter Sorgi said, "The plan really hasn't changed, except to address issues with the fire department."

Prior to the Planning Commission meeting, Paladino, along with Sorgi, of the Buffalo law firm Hopkins Sorgi & Romanowski, and project engineer R. Christopher Wood, of Buffalo's Carmina Wood Morris PC, met with Lewiston No. 1 Volunteer Fire Co. director Barry Beebe, Chief John Penzotti and Vice President Les Myers.

"We increased some of the interior radiuses for (fire) truck turning ... and we also revised our water system," Wood said. "Before, we were tapping two of the buildings up from Onondaga street. We revised that to tap the two front ones off Center Street, which has a bigger (water) main and better pressure. And we also provided a hydrant interior to the site."

"We met with them at 6 o'clock for a half an hour," Beebe said. "We really didn't look at the drawings. Without knowing the layout of the buildings, we don't know what's going in the buildings. Yes, fire lanes would be appreciated. But, again, we don't know where the entrances are to the businesses. All we ask is (for) accessibility to get into the businesses and, more importantly, to get into the apartment on the upper floor in the back building."

Zoning Officer Edward DeVantier, Wood said, ruled the apartment units can be two-bedroom. The village codebook is ambiguous on permitted usage in a B-1 district.

All plaza exits remain on Onondaga and North Eighth streets.

Both Planning Commission Chairman Norm Machelor and Welch reiterated they would not ask for or vote in favor of a Center Street plaza exit.

Welch called it "dangerous" and said, "We do not want people coming up over the sidewalk there. We have maintained that all along."

"(It's safer) for the people walking on Center Street," Machelor said.

The Planning Commission met and voted without its customary courtesy correspondence with neighbors. As such, the residents who normally attend plaza meetings were not in attendance.

"We've (already) had two or three public meetings," Machelor said.

On May 6, the ZBA granted Ellicott Development five variances: primary building (three units instead of one); number of parking spaces (187 instead of a required 262); parking space size (9 by 18 feet instead of 9 by 20 feet); green space (25 percent instead of 30 percent); and drive-thru windows (two are not rear-positioned).

Those variances were rescind-

ed as they were granted prior to NCPB review.

The ZBA is expected to re-approve the variances at a special meeting scheduled for 6:30 p.m. Thursday, July 21. Additional variance requests also have been submitted and will be discussed.

Barring any unexpected happenings with the ZBA, the plaza project will be in the hands of the Village of Lewiston Board of Trustees, which is required to hold a public hearing before voting for or against the plan. The board also will hear the results of the State Environmental Quality Review, which village Engineer Mike Marino will explain in depth.

If trustees approve the plaza proposal, Paladino and his team would return to the Planning Commission for building design approval.

### Fairchild

Orchard Park developer Jerge brought forward his fourth proposal for 765 Fairchild Place and nearly 1.6 acres of property bordering Onondaga Street. He was forced to revise the plan when the ZBA strongly suggested it would not grant variances to the previous proposal, which was approved by the Planning Commission in February.

Wood, also representing Jerge, said this project keeps the three-story Onondaga Street apartment complex, but moves it back off the road 10 feet. Previously shown parking on the village right-of-way is reduced from more than 20 spaces to less than 10, including some reserved for handicap parking. This plan also calls for six attached single-story patio homes, each with an accompanying garage, on Fairchild Place. These units would be rented out.

Of the 28 apartment complex units, 10 would be two-bedroom and 18 would be one-bedroom. The structure would have 44 parking spots, which is 24 less than required. Those spaces would primarily line the east side of the complex. The covered garage units are no more.

Within the development of the 1.6 acres, at least 30 percent must be green space. This project calls for 44 percent.

"Since last time, we've taken input from several village members," Wood said. He noted this proposal is similar to the original design.

Machelor and Welch said they preferred the last plan, which called for a three-story apartment building with no setback on Onondaga Street. That structure would utilize the existing parking spaces in the village right-of-way, as well as two new units of covered garage spaces (closer to Fairchild Place).

Wood said the ZBA would reject that proposal. As such, Machelor and Welch agreed to vote in favor of the new concept. Marasco and

board members Joshua Krupp and Joseph Sorce voted likewise.

Board Chairman H. John Ritter was in attendance and said he did not favor allowing parking in the village right-of-way. He chastened the Planning Commission for allegedly not adhering to village code, and recommending myriad variances. He said variances are supposed to be for minor project adjustments, and suggested a smaller apartment complex would solve the required parking space problem.

"If the Village Board wants parking in the right-of-ways, they have to change the code," Ritter said. "As long as the code is what it says, this village should try and stick to the codes. That's what we're here for."

Machelor said, "I guess the question I have is, if you were a person who purchased a piece of property, and you came to buy the property and observe the conditions of that property, and went ahead and purchased it, and then somebody said to you afterwards, 'You know, the fact that the former tenant for 60 years has parked there, we're not going to give you that privilege,' (what would you do?)"

"That's the way it goes," Ritter said.

Jerge chided Ritter for failing to be straightforward with what the ZBA wants from him, and for baiting Machelor.

He later shook Ritter's hand and the two spoke privately. Ritter said he preferred Jerge's new plan.

After the meeting, Jerge said, "They're great people here. There's just a nice town, nice village, and you can see that the need is here. The need is here. Sometimes it takes a little longer to get people educated along with how long the process really does take. But if you believe in something, you just dig in and you want to finish it up."

"So, we're pretty deep into it. We just want to finish it up."

Jerge acquired his property and first presented the project concepts in 2014.

### Finally

The discord between Machelor and Welch and the Board of Trustees continues.

At the start of the meeting, Machelor read a statement wherein he said trustees acted disrespectfully

last month in removing Historic Preservation Commission duties from the Planning Board without preceding notice or discussion.

In turn, it appears the mayor's office was caught off guard about Paladino's appearance and Machelor's board's intent to approve the second plaza submission.

The mayor's office had stated Paladino would first visit the ZBA in August before returning to the Planning Commission. Some people were surprised to see him Monday.

Minutes before the meeting, Machelor and Welch both said Paladino was attending, which

was news to Edward Walker, village deputy treasurer, who is pinch-hitting for the recently retired Melody Griffith.

Though the plaza project appeared on the agenda, Walker suggested it was there simply as a topic of discussion following the NCPB meeting.

Machelor, Welch and members of the Board of Trustees have exchanged words in recent months concerning the proper review of procedures concerning the handling of these two projects.

Despite that, the Village Board reappointed Machelor and Welch at a meeting last week.

## New York State Department of Environmental Conservation Notice of Complete Application



Date: 07/08/2016

Applicant: CWM CHEMICAL SERVICES LLC  
1550 BALMER RD  
MODEL CITY, NY 14107

Facility: CWM CHEMICAL SERVICES - MODEL CITY SITE  
1550 BALMER RD  
MODEL CITY, NY 14107

Application ID: 9-2934-00022/00233

Permits(s) Applied for: 1 - Article 19 Air State Facility

Project is located: in PORTER in NIAGARA COUNTY

### Project Description:

CWM Chemical Services, L.L.C. ("CWM") proposes a modification to its current Air State Facility permit, No. 9-2934-00022/00233, for the Model City Facility, located at 1550 Balmer Road, in the Towns of Porter and Lewiston, to address air emissions from the construction and operation of a proposed hazardous waste landfill, referred to as the Residual Management Unit - Two (RMU-2).

The Department has prepared a draft permit modification and made a tentative determination to issue a modified Air State Facility permit pursuant to Article 19 of the Environmental Conservation Law and Part 201-5 of Title 6 of the New York Codes Rules and Regulations ("draft ASF Permit Modification"). The Department has determined CWM is not a major source of criteria or hazardous air pollutants, and thus, is not subject to major source Title V air permitting nor the National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations - 40 CFR 63 Subpart DD.

The draft ASF Permit Modification references the operating and monitoring requirements in the draft RMU-2 Hazardous Waste Management Part 373 permit modification ("draft Part 373 Permit Modification") pertaining to certain pollution control requirements for air emission sources associated with hazardous waste management. Modifications are also being proposed to the draft Part 373 Permit Modification for CWM's proposed RMU-2 landfill. Specifically, proposed modifications are being made to the "Fugitive Dust Control Plan" (Attachment L of the draft Part 373 Permit Modification) and the "Air & Meteorological Monitoring Plan" (Attachment N of the draft Part 373 Permit Modification) to impose additional and more stringent requirements with respect to dust control and air monitoring associated with the construction and operation of the proposed RMU-2 landfill. These modified Attachments are intended to replace, in their entirety, the versions of Attachments L & N originally presented in the draft Part 373 Permit Modification for CWM's proposed RMU-2 landfill.

Please note that two versions of the Fugitive Dust Control Plan (Attachment L of the draft Part 373 Permit Modification) and the Air & Meteorological Monitoring Plan (Attachment N of the draft Part 373 Permit Modification) are available for review at the document repositories. One version of each plan is marked to show the changes that were made to it. The other version of each plan is unmarked.

Persons wishing to inspect the subject draft ASF Permit Modification and draft Part 373 Permit Modification files, including the application with all relevant supporting materials, the draft permit, and other materials available to the DEC that are relevant to this permitting decision should contact the DEC representative listed below. The draft ASF Permit may be viewed and printed from the Department web site at: [http://www.dec.ny.gov/data/data/boss/asf/draft\\_asf.html](http://www.dec.ny.gov/data/data/boss/asf/draft_asf.html)

### Availability of Application Documents:

Filed application documents, and Department draft permits where applicable, are available for inspection during normal business hours at the address of the contact person. To ensure timely service at the time of inspection, it is recommended that an appointment be made with the contact person.

### State Environmental Quality Review (SEQR) Determination

A draft environmental impact statement has been prepared on this project and is on file.

SEQR Lead Agency: NYS Department of Environmental Conservation

### State Historic Preservation Act (SHPA) Determination

The proposed activity is not subject to review in accordance with SHPA. The application type is exempt and/or the project involves the continuation of an existing operational activity.

### DEC Commissioner Policy 29, Environmental Justice and Permitting (CP-29)

It has been determined that the proposed action is not subject to CP-29.

### Availability for Public Comment

Comments on this project must be submitted in writing to the Contact Person no later than 08/17/2016 or 33 days after the publication date of this notice, whichever is later.

### Contact Person

MARK PASSUITE  
NYSDEC  
270 Michigan Ave  
Buffalo, NY 14203-2915  
(716) 851-7165

Limited Space!  
**GET YOUR ENTRY FORMS IN!**  
THE ALEXA FOUNDATION  
Presents  
**Great The A Contraction Race**  
A fun team-challenge race down the mighty Niagara River. Spectators Welcome!  
**Saturday, July 30**  
After Party at Falkner Park  
Noon to 8pm  
**Fun for the Whole Family!**  
For information or to register online:  
[www.ithappenedtoalexa.org](http://www.ithappenedtoalexa.org)

**McNerney's Irish Imports**  
Irish & Celtic Gift Center in Lewiston  
Claddagh Rings & Jewelry  
Join us on our trip to Ireland in April 2017. Call for details.  
Open Daily 11-5pm  
Closed Sunday & Tuesday  
480 Center St., Lewiston  
998-5410

# THE BUFFALO NEWS

## -Affidavit-

Marcy Lombardo of the City of Buffalo, New York, being duly sworn, deposes and says that he/she is Principal Clerk of THE BUFFALO NEWS INC., Publisher of THE BUFFALO NEWS, a newspaper published in said city, that the notice of which the annexed printed slip taken from said newspaper is a copy, was inserted and published therein **1** times, the first insertion being on **07/13/2016** and the last insertion being on **07/13/2016**

*Marcy Lombardo*

Dates Ad Ran:

Buffalo News (P1) 07/13/16

Sworn to before me this 13<sup>th</sup> day of July 2016

*Barbara Anne Juzwiak*  
Notary Public, Erie County, New York

**BARBARA ANNE JUZWIAK**  
**Notary Public, State of New York**  
**Appointed in Niagara County**  
**My Commission Expires** 6/20/2018

**Legals**  
 BuffaloNews.com/classifieds



To place an ad call  
**849-5535**  
 M-F 8:30-4:30

- Legals**
- 751 Articles of Incorporation
  - 752 Auctions
  - 753 Business & Corporate
  - 754 Election & Legislation
  - 756 Foreclosures / Trustee Sales
  - 757 Licenses / Permits
  - 758 Meetings
  - 759 Planning & Land Use
  - 760 Probates
  - 761 Public Finances & Taxation
  - 762 Purchasing & Procurement
  - 763 Summons
  - 764 Misc. Notices
  - 765 Adoptions
  - 766 Bids & Proposals

**756 Foreclosures/Trustee Sale**

**SUPPLEMENTAL SUMMONS**  
 Index No.: 803316/2016  
 Date of Filing: June 7, 2016  
**SUPREME COURT OF THE STATE OF NEW YORK**  
**COUNTY OF ERIE**  
**DITECH FINANCIAL LLC**  
**FKA GREEN TREE SERVICING LLC, Plaintiff,**  
 -against-  
**MATTHEW J. PIEKARSKI, if living, or if either or all be dead, their wives, husbands, heirs-at-law, next of kin, distributees, executors, administrators, assignees, lienors and generally all persons having or claiming under, by or through said MATTHEW J. PIEKARSKI, by purchase, inheritance, lien or otherwise, of any right, title or interest in and to the premises described in the complaint herein, and the respective husbands, wives, widow or widowers of them, if any, all of whose names are unknown to plaintiff; SANDRA PIEKARSKI; LINDA GAFFNEY; "JOHN DOES" and "JANE DOES", said names being fictitious, parties intended being possible tenants or occupants of premises, and corporations, other entities or persons who claim, or may claim, a lien against the premises, Defendants.**  
**TO THE ABOVE-NAMED DEFENDANTS: YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a Notice of Appearance on the Plaintiff's attorney(s) within twenty (20) days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you person.**

**756 Foreclosures/Trustee Sale**

in the County of Erie on June 8, 2011 in Book 11204 at Page 3105, creating a single lien of \$128,675.00. Thereafter said mortgage was assigned to GREEN TREE SERVICING LLC by assignment of mortgage bearing date January 5, 2015 and recorded under Book 13708 of Mortgage at Page 8993 in the County of Erie on January 15, 2015. Said premises being known as and by 3721 JAMES STREET, BUFFALO, NY 14219. Date: May 24, 2016 Batavia, New York Virginia C Grapensteter, Esq. ROSICKI, ROSICKI & ASSOCIATES, P.C. Attorneys for Plaintiff Batavia Office 26 Harvester Avenue Batavia, NY 14020 585.815.0288 Help For Homeowners In Foreclosure New York State Law requires that we send you this notice about the foreclosure process. Please read it carefully. Mortgage foreclosure is a complex process. Some people may approach you about "saving" your home. You should be extremely careful about any such promises. The State encourages you to become informed about your options in foreclosure. There are government agencies, legal aid entities and other non-profit organizations that you may contact for information about foreclosure while you are working with your lender during this process. To locate an entity near you, you may call the toll-free helpline maintained by the New York State Banking Department at 1-877-BANKNYS (1-877-226-5697) or visit the Department's website at www.banking.state.ny.us. The State does not guarantee the advice of these agencies.

**757 Licenses/Permits**

**New York State Department of Environmental Conservation Notice of Complete Application**  
 Date: 07/08/2016  
**Applicant:** CWM CHEMICAL SERVICES LLC 1550 BALMER RD MODEL CITY, NY 14107  
**Facility:** CWM CHEMICAL SERVICES - MODEL CITY SITE 1550 BALMER RD MODEL CITY, NY 14107  
**Application ID:** 9-2934-00022/00233  
**Permits(s) Applied for:** 1 - Article 19 Air State Facility  
**Project is located:** in PORTER in NIAGARA COUNTY  
**Project Description:** CWM Chemical Services, L.L.C. ("CWM") proposes a modification to its current Air State Facility permit, No. 9-2934-00022/00233, for the Model City Facility, located at 1550 Balmer Road, in the Towns of Porter and Lewiston, to address air emissions from the construction and operation of a proposed hazardous waste landfill, referred to as the Residual Management Unit - Two (RMU-2).

**757 Licenses/Permits**

ASF Permit may be viewed and printed from the Department web site at: [http://www.dec.ny.gov/dardata/boss/asf/draft\\_asf.html](http://www.dec.ny.gov/dardata/boss/asf/draft_asf.html)  
**Availability of Application Documents:** Filed application documents, and Department draft permits where applicable, are available for inspection during normal business hours at the address of the contact person. To ensure timely service at the time of inspection, it is recommended that an appointment be made with the contact person.  
**State Environmental Quality Review (SEQR) Determination** A draft environmental impact statement has been prepared on this project and is on file.  
**SEQR Lead Agency** NYS Department of Environmental Conservation  
**State Historic Preservation Act (SHPA) Determination** The proposed activity is not subject to review in accordance with SHPA. The application type is exempt and/or the project involves the continuation of an existing operational activity.

**DEC Commissioner Policy 29, Environmental Justice and Permitting (CP-29)** It has been determined that the proposed action is not subject to CP-29.

**764 Miscellaneous Notices**

**NOTICE**  
 The May 31, 2016 annual report of the James H. Cummings Foundation, Inc. is available at its principal office, 120 West Tupper Street, Buffalo, New York 14201 for inspection during regular business hours by any citizen who requests it within 180 days after the publication of this notice. The Principal Manager of the Foundation is Ms. Mary Jo Hunt (716) 874-0040.

**766 Bids & Proposals**

**CITY OF BUFFALO**  
**DEPARTMENT OF PUBLIC WORKS, PARKS & STREETS**  
 851-5636  
 Sealed proposals will be received and publicly opened for the following project. Details for obtaining bids can be found at our website, www.city-buffalo.com/bids in the City's home page, under Formal Bids. Bidder must submit statement indicating he/she will work toward a minority workforce and utilization goal of 25% along with a 5% goal for women.  
**2016 STREET TREE PLANTING, Group #884**  
 Bid Opening to be held Thursday, August 4, 2016 at 11:00 AM at 65 Niagara Sq. Room 502  
 Andrew R. Rabb Deputy Commissioner for Parks & Recreation

**767 Liens**

**[BN] Thank You for your business**  
**Buffalo** Help emp

**757 Licenses/Permits**

**DEC Commissioner Policy 29, Environmental Justice and Permitting (CP-29)** It has been determined that the proposed action is not subject to CP-29.  
**Availability For Public Comment** Comments on this project must be submitted in writing to the Contact Person no later than 08/05/2016 or 30 days after the publication date of this notice, whichever is later.  
**Contact Person** MARK F PASSUITE NYSDEC 270 Michigan Ave Buffalo, NY 14203-2915 (716) 851-7165

**766 Bids & Proposals**

**CITY OF BUFFALO**  
**DEPARTMENT OF PUBLIC WORKS, PARKS & STREETS**  
 851-5636  
 Sealed proposals will be received and publicly opened for the following project. Details for obtaining bids can be found at our website, www.city-buffalo.com/bids in the City's home page, under Formal Bids. Bidder must submit statement indicating he/she will work toward a minority workforce and utilization goal of 25% along with a 5% goal for women.  
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 Andrew R. Rabb Deputy Commissioner for Parks & Recreation

**767 Liens**

**[BN] Thank You for your business**  
**Buffalo** Help emp

**PUZZLE CORNER**

**Crossword / BY EUGENE SHEFFER**

**Solution time: 21 minutes**

- ACROSS**
- 1 "Nonsense!"
  - 5 — de deux
  - 8 "The Thin Man" dog
  - 12 Sax range
  - 13 Mentalist's claim
  - 14 Act of faith?
  - 15 Many a Winslow Homer painting
  - 17 Stow cargo
  - 18 Mingle
  - 19 Pretty good
  - 21 Altar affirmative
  - 22 Small combo
  - 23 Not neg.
  - 26 Billboards
  - 28 Big hit
  - 31 Unpaid
  - 33 Evergreen tree
  - 35 New York canal
  - 36 Runway model?
  - 38 Pallid
  - 40 Parched
  - 41 "Mary — Little Lamb"
  - 43 Thither
  - 45 Lady Liberty, e.g.
  - 47 Was patient
  - 51 Hockey's Gordie
  - 52 Fish with a prehensile tail
  - 54 Sacred chests
  - 55 Bruins legend
  - 56 Audio equipment brand
  - 57 Lion's share
  - 58 Writer's block?
  - 59 Thames town
- DOWN**
- 1 Wild party
  - 2 Margarine
  - 3 Wild guess
  - 4 Egypt's Mubarak
  - 5 Prestigious TV award
  - 6 Nile biter
  - 7 Exhausted
  - 8 Unsurpassed, as in sports
  - 9 Coast
  - 10 "I did it!"
  - 11 Mimicked
  - 16 Musical finale
  - 20 Surgery ctrs.
  - 23 Soda
  - 24 Hooter
  - 25 Fish-eating birds
  - 27 Stitch
  - 29 Knight's address
  - 30 "Psst!"
  - 32 "CSI" procedure
  - 34 Ungovernable
  - 37 Sch. URL ender
  - 39 Ancient mariner
  - 42 Man of morals?
  - 44 Weeper of myth
  - 45 Counterfeit
  - 46 Corrida charger
  - 48 Jog
  - 49 Old U.S. gas brand
  - 50 TV chef Paula
  - 53 Epoch

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7/13/16

**Tuesday's Answer**

C	L	A	P	S	A	O	P	R	E	P	
H	E	R	O	A	I	R	L	A	V	E	
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G	U	R	U	Q	U	I	E	T	U	D	E
A	T	A	D	E	M	S	I	B	I	S	
R	E	N	E	D	O	E	N	Y	E	T	

**JUMBLE**

Unscramble these four Jumbles, one letter to each square, to form four ordinary words.

LERBE

**THAT SCRAMBLED WORD GAME**  
 by David L. Hoyt and Jeff Knurek



**WONDERWORD**

By DAVID OUELLET

**HOW TO PLAY:** All the words listed below appear in the puzzle — horizontally, vertically, diagonally and even backward. Find them, circle each letter of the word and strike it off the list. The leftover letters spell the WONDERWORD.

EUCLID OF ALEXANDRIA

Solution: 12 letters

serve a Notice of Appearance on the Plaintiff's attorney(s) within twenty (20) days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the State, or within thirty (30) days after completion of service where service is made in any other manner, and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

**NOTICE YOU ARE IN DANGER OF LOSING YOUR HOME**

If you do not respond to this summons and complaint by serving a copy of the answer on the attorney for the mortgage company who filed this foreclosure proceeding against you and filing the answer with the court, a default judgment may be entered and you can lose your home.

Speak to an attorney or go to the court where your case is pending for further information on how to answer the summons and protect your property.

Sending a payment to your mortgage company will not stop this foreclosure action. YOU MUST RESPOND BY SERVING A COPY OF THE ANSWER ON THE ATTORNEY FOR THE PLAINTIFF (MORTGAGE COMPANY) AND FILING THE ANSWER WITH THE COURT.

YOU ARE HEREBY PUT ON NOTICE THAT WE ARE ATTEMPTING TO COLLECT A DEBT, AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. TO THE ABOVE-NAMED DEFENDANTS:

The foregoing summons is served upon you by publication pursuant to an Order of the Honorable John L. Michalski of the Supreme Court of the State of New York, signed on June 1, 2016, and filed with supporting papers in the Office of the Clerk of the County of Erie, State of New York.

The object of this action is to foreclose a mortgage upon the premises described below, executed by MATTHEW J. PIEKARSKI and SANDRA PIEKARSKI, to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR FLAGSTAR BANK, FSB., ITS SUCCESSORS AND ASSIGNS bearing date August 9, 2007 and recorded in Book 13365 of Mortgages at Page 1648 in the County of Erie on August 9, 2007.

A second mortgage from MATTHEW J. PIEKARSKI and SANDRA PIEKARSKI, to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR FLAGSTAR BANK, FSB., ITS SUCCESSORS AND ASSIGNS was made on May 8, 2011 and recorded in Book 13537 at Page 2402 in the County of Erie on June 8, 2011. Said mortgages were thereafter consolidated by agreement dated May 8, 2011, and recorded

Porter and Lewiston, to address air emissions from the construction and operation of a proposed hazardous waste landfill, referred to as the Residual Management Unit - Two (RMU-2).

The Department has prepared a draft permit modification and made a tentative determination to issue a modified Air State Facility permit pursuant to Article 19 of the Environmental Conservation Law and Part 201-5 of Title 6 of the New York Codes Rules and Regulations ("draft ASF Permit Modification"). The Department has determined CWM is not a major source of criteria or hazardous air pollutants, and thus, is not subject to major source Title V air permitting nor the National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations - 40 CFR 63 Subpart DD.

The draft ASF Permit Modification references the operating and monitoring requirements in the draft RMU-2 Hazardous Waste Management Part 373 Permit Modification for CWM's proposed RMU-2 landfill. Specifically, proposed modifications are being made to the "Fugitive Dust Control Plan" (Attachment L of the draft Part 373 Permit Modification) and the "Air & Meteorological Monitoring Plan" (Attachment N of the draft Part 373 Permit Modification) to impose additional and more stringent requirements with respect to dust control and air monitoring associated with the construction and operation of the proposed RMU-2 landfill. These modified Attachments are intended to replace, in their entirety, the versions of Attachments L & N originally presented in the draft Part 373 Permit Modification for CWM's proposed RMU-2 landfill.

Please note that two versions of the Fugitive Dust Control Plan (Attachment L of the draft Part 373 Permit Modification) and the Air & Meteorological Monitoring Plan (Attachment N of the draft Part 373 Permit Modification) are available for review at the document repositories. One version of each plan is marked to show the changes that were made to it. The other version of each plan is unmarked.

Persons wishing to inspect the subject draft ASF Permit Modification and draft Part 373 Permit Modification files, including the application with all relevant supporting materials, the draft permit, and other materials available to the DEC that are relevant to this permitting decision should contact the DEC representative listed below. The Draft

is a commercial printing facility specializing in the printing and manufacture of custom folding cartons and stock packaging. This permit action changes the existing air facility registration to an air state facility permit due to the facility no longer being eligible to cap-by-rule.

The facility's potential volatile organic compound (VOC) emissions are greater than 100,000 pounds per year (lbs/yr). The facility has accepted an emission limit on actual total VOC emissions to less than 96,000 lbs/yr. The facility must submit an annual capping compliance report to the Department.

The lithographic printing operations account for approximately 95% of the facility's VOC emissions. Of the materials used in the lithographic operations, the majority of the VOCs are produced from three types of materials including cleaning solutions, fountain solutions and blanket wash. VOC emissions from these three material types will be monitored on a monthly basis. If the 12-month rolling total emissions from the lithographic cleaning solutions, fountain solutions and blanket wash are greater than 80,000 lbs/yr, then VOC emissions from all VOC sources will immediately be inventoried and tracked on a 12-month rolling basis.

The facility has six (6) existing natural gas burning engine/generator sets which were used to produce electricity for facility operations until the year 2013. The engines are subject to 40CFR63 Subpart ZZZZ-National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The generator sets are currently operated periodically for emergency use.

As a tentative determination, the Department is seeking public comment on the permit application prior to making a final decision on permit issuance. A draft permit is available for review.

**Availability of Application Documents:** Filed application documents, and Department draft permits where applicable, are available for inspection during normal business hours at the address of the contact person. To ensure timely service at the time of inspection, it is recommended that an appointment be made with the contact person.

**State Environmental Quality Review (SEQR) Determination** Project is an Unlisted Action and will not have a significant impact on the environment. A Negative Declaration is on file. A coordinated review was not performed.

**SEQR Lead Agency** None Designated

**State Historic Preservation Act (SHPA) Deter-**

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one letter to each square, to form four ordinary words.

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GIRDI

TACNAV

ULDNOA

Check out the new, free JUST JUMBLE app!

pretend we're measuring the circumference of an orange again. But it's so much bigger.

IT = DIAMETER \* 2 \* PI \* RADIUS

WHEN IT CAME TO MEASURING THE EARTH'S CIRCUMFERENCE, THERE WAS A —

Now arrange the circled letters to form the surprise answer, as suggested by the above cartoon.

Yesterday's Jumbles: SHYLY ERUPT ONWARD FUTURE  
Answer: She had so many clothes, that her home looked like a — "WEAR-HOUSE"

**Cryptoquip** 7/13/16

The Cryptoquip is a substitution cipher in which one letter stands for another. If you think that X equals O, it will equal O throughout the puzzle. Single letters, short words and words using an apostrophe give you clues to locating vowels. Solution is by trial and error.

Today's Cryptoquip Clue: X equals A

QVHYR SHADBQXFHUI NVR  
ABFRDRK YRENBFRD IDTJ  
YXNR XN UHIVN, H JTDURK  
NVR SHKUHIVN EBHY.

**Yesterday's Cryptoquip:** When a low-budget family film is poorly produced and corny, would that be G-rated cheese?

CRYPTOQUIP BOOK 2! Send \$4.50 (check/m.o.) to CryptoClassics Book 2, P.O. Box 536475, Orlando, FL 32853-6475

**Word Game / BY KATHLEEN SAXE** 7/13/16

**TODAY'S WORD — ENRAGES**  
(ENRAGES: en-REYJ-ez: Infuriates.)

Average mark 25 words  
Time limit 40 minutes

Can you find 33 or more words in ENRAGES?  
The list will be published tomorrow.

**YESTERDAY'S WORD — MEDICINE**

medic	mind	deice	icemen
mend	mine	denim	cede
mice	mini	dice	need
midi	emend	dime	nice
mien	endemic	dine	niece
mince	deem	iced	

**RULES OF THE GAME:** 1. Words must be of four or more letters. 2. Words that acquire four letters by the addition of "s," such as "bats" or "dies," are not allowed. 3. Additional words made by adding a "d" or an "s" may not be used. For example, if "bake" is used, "baked" or "bakes" are not allowed, but "bake" and "baking" are admissible. 4. Proper nouns, slang words, or vulgar or sexually explicit words are not allowed. To contact Word Game creator Kathleen Saxe, write to Word Game, Kathleen Saxe, Universal Uclick, 1130 Walnut St., Kansas City, MO 64106. © 2016 United Feature Syndicate, Distributed by Universal Uclick for UFS

zontally, vertically, diagonally and even backward. Find them, circle each letter of the word and strike it off the list. The leftover letters spell the WONDERWORD.

EUCLID OF ALEXANDRIA Solution: 13 letters

C F D S E C A F R U S H A P E  
A O I M R E D N U O F R E A  
L R N N S S M O I X A O L U R  
C E C S I T I D E A D C T T B  
U A N H T T A L H I R H E L E  
L S M G I R E N G I O A A L G  
A O T D T M U Y C R I U G S L  
T N D C E H E C M E Q N L N A  
I A I N T S O D T E A A I E S  
O N T D E M E E E I L R N H R  
N S I L P G A M R S O O E T O  
S W G A R C I T A L F N T A R  
Y N S E H R N O T I O N S P R  
A S E O P T I C I H P A R G I  
R S C I E N T I F I C I S U M

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Addition, Algebra, Angles, Archimedes, Area, Athens, Author, Axioms, Calculations, Circle, Compass, Constructions, Degrees, Distance, Elements, Equal, Finite, Flat, Founder, Graphic, Length, Line, Mirrors, Music, Notions, Optic, Prime, Prodigy, Ptolemy, Radius, Rays, Reason, Scientific, Shape, Surfaces, Teach, Triangle, Width  
**Yesterday's Answer: Raw**  
Treasury 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 or 24 can be purchased online at www.WonderWordBooks.com.

**Wishing Well®**

8	4	5	3	6	8	6	4	5	2	5	4	3
S	D	T	A	S	U	P	A	A	B	K	R	T
2	6	5	8	5	7	5	6	8	5	4	5	6
E	R	E	R	F	A	I	E	P	R	I	M	A
8	5	6	8	2	3	2	3	2	7	2	4	2
R	S	D	I	A	E	W	N	A	C	R	N	E
4	8	5	7	4	2	3	6	2	5	7	3	8
G	S	T	T	T	O	D	C	F	A	B	E	E
3	5	6	8	4	5	8	7	3	8	6	3	4
R	N	H	G	H	D	U	O	G	E	A	E	O
8	2	3	4	8	6	2	4	3	7	2	4	3
S	O	S	U	T	R	T	G	T	L	H	H	U
6	4	3	2	8	3	2	7	6	2	6	7	7
I	T	R	E	S	E	R	D	T	S	Y	L	Y

Here is a pleasant little game that will give you a message every day. It's a numerical puzzle designed to spell out your fortune. Count the letters in your first name. If the number of letters is 6 or more, subtract 4. If the number is less than 6, add 3. The result is your key number. Start at the upper left-hand corner and check one of your key numbers, left to right. Then read the message the letters under the checked figures give you. © King Features Syndicate Inc. 2016 Worldrights reserved.

STATE OF NEW YORK  
NIAGARA COUNTY, } SS, \_\_\_\_\_

Janet M. Slipko, of said county, being duly sworn, deposes and says that she is now and during the whole time hereinafter mentioned was the Clerk of

NIAGARA GAZETTE

A newspaper published in the County and State aforesaid,  
and that the annexed printed legal # 179908  
was printed and published in said paper on the following dates:

07/13/2016

*Janet M. Slipko*  
Principal Clerk

Subscribed and sworn to before me this  
7-13-16

*Allyson A. Millette*

Allyson A. Millette      05/14/2019

-----  
Notary Public                  Expiration Date

ALLYSON A. MILLETTE  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01MI6165762  
Qualified in Niagara County  
My Commission Expires May 14, 2019

**New York State Department of Environmental Conservation  
Notice of Complete Application**

**Date:** 07/08/2016

**Applicant:** CWM CHEMICAL SERVICES LLC

1550 BALMER RD  
MODEL CITY, NY 14107

**Facility:** CWM CHEMICAL SERVICES - MODEL CITY SITE

1550 BALMER RD  
MODEL CITY, NY 14107

**Application JD:** 9-2934-00022/00233

**Permits(s) Applied for:** 1 - Article 19 Air State Facility

**Project is located:** in PORTER in NIAGARA COUNTY

**Project Description:**

CWM Chemical Services, L.L.C. ("CWM") proposes a modification to its current Air State Facility permit, No. 9-2934-00022/00233, for the Model City Facility, located at 1550 Balmer Road, in the Towns of Porter and Lewiston, to address air emissions from the construction and operation of a proposed hazardous waste landfill, referred to as the Residual Management Unit -Two (RMU-2).

The Department has prepared a draft permit modification and made a tentative determination to issue a modified Air State Facility permit pursuant to Article 19 of the Environmental Conservation Law and Part 201-5 of Title 6 of the New York Codes Rules and Regulations ("draft ASP Permit Modification"). The Department has determined CWM is not a major source of criteria or hazardous air pollutants, and thus, is not subject to major source Title V air permitting nor the National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations - 40 CPR 63 Subpart DD.

The draft ASP Permit Modification references the operating and monitoring requirements in the draft RMU-2 Hazardous Waste Management Part 373 permit modification ("draft Part 373 Permit Modification") pertaining to certain pollution control requirements for air emission sources associated with hazardous waste management. Modifications are also being proposed to the draft Part 373 Permit Modification for CWM's proposed RMU-2 landfill. Specifically, proposed modifications are being made to the "Fugitive Dust Control Plan" (Attachment L of the draft Part 373 Permit Modification) and the "Air & Meteorological Monitoring Plan" (Attachment N of the draft Part 373 Permit Modification) to impose additional and more stringent requirements with respect to dust control and air monitoring associated with the construction and operation of the proposed RMU-2 landfill. These modified Attachments are intended to replace, in their entirety, the versions of Attachments L & N originally presented in the draft Part 373 Permit Modification for CWM's proposed RMU-2 landfill.

Please note that two versions of the Fugitive Dust Control Plan (Attachment L of the draft Part 373 Permit Modification) and the Air & Meteorological Monitoring Plan (Attachment N of the draft Part 373 Permit Modification) are available for review at the document repositories. One version of each plan is marked to show the changes that were made to it. The other version of each plan is unmarked.

Persons wishing to inspect the subject draft ASF Permit Modification and draft Part 373 Permit Modification files, including the application with all relevant supporting materials, the draft permit, and other materials available to the DEC that are relevant to this permitting decision should contact the DEC representative listed below. The Draft ASF Permit may be viewed and printed from the Department web site at: [http://www.dee.ny.gov/dardata/boss/afs/draft\\_asf.html](http://www.dee.ny.gov/dardata/boss/afs/draft_asf.html)

**Availability of Application Documents:**

Filed application documents, and Department draft permits where applicable, are available for inspection during normal business hours at the address of the contact person. To ensure timely service at the time of inspection, it is recommended that an appointment be made with the contact person.

**State Environmental Quality Review (SEQR) Determination**

A draft environmental impact statement has been prepared on this project and is on file.

**SEQR Lead Agency NYS Department of Environmental Conservation**

**State Historic Preservation Act (SHPA) Determination**

The proposed activity is not subject to review in accordance with SHPA. The application type is exempt and/or the project involves the continuation of an existing operational activity.

**DEC Commissioner Policy 29, Environmental Justice and Permitting (CP-29)**

It has been determined that the proposed action is not subject to CP-29.

**Availability For Public Comment**

Comments on this project must be submitted in writing to the Contact Person no later than 08/12/2016 or 30 days after the publication date of this notice, whichever is later.

**Contact Person**

MARK F PASSUITE  
NYSDEC  
270 Michigan Ave  
Buffalo, NY 14203-2915  
(716) 851-7165

#N179908

7/13/2016