

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DEC PERMIT NUMBER

9-2934-00022/00097

FACILITY/PROGRAM NUMBER(S)

EPA ID No. NYD049836679



PERMIT

Under the Environmental Conservation Law

EXPIRATION DATE

August 5, 2010

RENEWAL

TYPE OF PERMIT: Article 27, Title 9: 6NYCRR Part 373, Hazardous Waste Management

PERMIT ISSUED TO CWM Chemical Services, L.L.C.		TELEPHONE NUMBER (716) 754-8231	
ADDRESS OF PERMITTEE 1550 Balmer Road Model City, New York 14107			
CONTACT PERSON FOR PERMITTED WORK Richard Sturges, District Manager		TELEPHONE NUMBER (716) 754-8231	
NAME AND ADDRESS OF PROJECT/FACILITY CWM Model City Facility 1550 Balmer Road, Model City, New York 14107			
LOCATION OF PROJECT/FACILITY 1550 Balmer Road Model City, New York 14107			
COUNTY Niagara	TOWN Porter	REGULATED SITE RESOURCE	NYTM COORDINATES E 1771.1 N 4793.1

DESCRIPTION OF AUTHORIZED ACTIVITY

1. Storage of Solid & Liquid, Hazardous & Non-Hazardous Waste in Containers;
2. Storage of Liquid Hazardous & Non-Hazardous Waste in Tanks;
3. Treatment of Liquid Hazardous & Non-Hazardous Waste in Tanks;
4. Treatment (Stabilization, Immobilization & Encapsulation) of Solid Hazardous & Non-Hazardous Waste in Tanks;
5. Storage of Liquid Hazardous & Non-Hazardous Waste (Post-Treatment) in Surface Impoundments;
6. Disposal of Solid Hazardous & Non-Hazardous Waste in a Landfill (Residual Management Unit - One (RMU-1));
7. Commingling of Liquid Hazardous Waste and Repackaging of Laboratory Chemical Waste for Shipment;
8. Implementation of Final Corrective Action Remedies for Site-Wide Contamination; and
9. Groundwater Monitoring and Perpetual Post-Closure Care at All On-Site Land Disposal Units.

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the N.Y.S. Environmental Conservation Law (ECL), all applicable regulations, the General Conditions specified (see page 2) and any Special Conditions included as part of this permit.

REGIONAL PERMIT ADMINISTRATOR Steven J. Doleski	DIVISION OF ENVIRONMENTAL PERMITS, 270 MICHIGAN AVENUE BUFFALO, NY 14203-2999, (716) 851-7165	
AUTHORIZED SIGNATURE <i>Steven J. Doleski</i>	DATE OF ISSUANCE 8/5/2005	PAGE 1 OF 3

GENERAL CONDITIONS



Inspections

1. The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3). A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

Permit Changes and Renewals

2. The Department reserves the right to modify, suspend or revoke this permit when:
 - a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
 - b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
 - c) new material information is discovered; or
 - d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.
3. The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms, fees or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.
4. The permittee must submit a renewal application at least:
 - a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
 - b) 30 days before expiration of all other permit types.
5. Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

Other Legal Obligations of Permittee

6. The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, agents and assigns for all claims, suits, actions, damages and costs of every name and description, arising out of or resulting from the permittee's undertaking of activities or operation and maintenance of the facility or facilities authorized by the permit in compliance or non-compliance with the terms and conditions of the permit.
7. The permittee shall require its independent contractors, employees, agents and assigns to comply with this permit, including all special conditions, and such persons shall be subject to the same sanctions for violation of the Environmental Conservation Law as those prescribed for the permittee.
8. This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.
9. The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Article 27, Title 9; 6NYCRR Part 373: Hazardous Waste Management

SPECIAL CONDITIONS

1. The Permittee must comply with all terms and conditions of this permit. This permit consists of the conditions contained herein (including those in any attachments and referenced documents) and the applicable regulations contained in 6NYCRR Parts 370 through 374 and 376 and 621 and 624, as specified in the permit. Applicable regulations are those which are in effect on the date of issuance of this permit.
2. This permit is based on the assumption that information submitted in the permit renewal application dated April 27, 2001 (as revised January 9, 2002 & June 28, 2002) is complete and that the units will be operated as specified in the application. Any inaccuracies or incompleteness found in this information may be grounds for the termination or modification of this permit and potential enforcement action. The Permittee must inform the New York State Department of Environmental Conservation (Department) of any deviation from or changes in the information in the application which would effect the Permittee's ability to comply with the applicable regulations or permit conditions.
3. The Permittee must operate the facility in strict accordance with the Modules and Attachments to this permit specified below:

a.	Module I	General Provisions
b.	Module II	Corrective Action Requirements
c.	Module III	Storage in Containers
d.	Module IV	Storage/Treatment in Tank Systems
e.	Module V	Storage/Treatment in Surface Impoundments
f.	Module VI	Disposal in Landfill (RMU-1)
g.	Module VII	Conditions Applicable to Intermediate Commercial Hazardous Waste Storage & Treatment Facilities Including Land Disposal Restrictions (LDR)
h.	Module VIII	Groundwater Monitoring Program
i.	Attachment A	Section A - Part A Application
j.	Attachment B	Section F, Sub-Sections 1.0-1.3 - Preparedness & Prevention - Security
k.	Attachment C	Section C - Waste Analysis Plan
l.	Attachment D	Section D - Containers, Surface Impoundments & Tanks
m.	Attachment E	Corrective Action for Specific Unit Groups
n.	Attachment F	Section F - Preparedness & Prevention
o.	Attachment G	Section G - Contingency Plan
p.	Attachment H	Section H - Personnel Training Plan
q.	Attachment I	Section I - Closure Plans & Post-Closure Plans
r.	Attachment J	RMU-1 Drawings, Technical Specifications & Quality Assurance Manual
s.	Attachment K	RMU-1 Response Action Plan & RMU-1 Minimum Waste Strength Curves
t.	Attachment L	Fugitive Dust Control Plan
u.	Attachment M	Surface Water Sampling and Analysis Plan
v.	Attachment N	Air & Meteorological Monitoring Plan
w.	Attachment O	Major / Minor Modifications

The Permittee must also operate the facility in strict accordance with the documents listed in Table 2.0 of Module I which are incorporated into this permit by reference.

- c: Mr. Jeffery Dietz / Mr. Bidjan Roostami, Region 9 Division of Solid & Hazardous Materials
Mr. James Sacco / Mr. Richard Stroh, Site Monitors, Region 9 Division of Solid & Hazardous Materials
Mr. Edwin Dassatti / Mr. Matthew Mortefolio, Division of Solid & Hazardous Materials, Albany

FOOTNOTE 1: CAS Number given for parent compound only.

(e) Wastes containing polychlorinated biphenyls (PCBs).

(1) All solid wastes containing 50 parts per million (ppm) by weight (on a dry weight basis for other than liquid wastes) or greater of polychlorinated biphenyls (PCBs) are listed hazardous wastes, excluding small capacitors as defined in paragraph (3) of this subdivision and PCB Articles drained in accordance with subparagraphs (2)(ii) and (iii) of this subdivision. PCB Articles that contain less than 50 ppm PCBs are not regulated as hazardous waste. Oils in or from electrical equipment whose PCB concentration is unknown, except circuit breakers, reclosers, and cable must be assumed to contain between 50 and 500 ppm PCB and are listed hazardous waste. "PCB" and "PCBs" means any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees. Any chemical waste, combination of waste, or environmental media that contains less than 50 ppm PCBs are listed hazardous wastes only as specifically provided in paragraph (2) of this subdivision. Wastes that may contain PCBs include dielectric fluids, contaminated solvents, waste oil, heat transfer fluids, hydraulic fluids, dredge spoils, and material contaminated as a result of spills. The Hazardous Code for these PCB wastes shall be Toxic Waste (T).

"Environmental media" means naturally occurring, non-living substances, including soil, sediment, rock, groundwater, surface water, surface runoff, air, and only such animal and vegetable matter as may be incidentally contained therein (e.g., soil and water bacteria, underground roots, skeletal remains, etc.).

→ These wastes shall have Hazardous Waste Numbers assigned as follows: .DEC Hazardous Waste Number Waste

B001 PCB Oil (concentrated) from transformers, capacitors, etc.

B002 Petroleum oil or other liquid containing 50 ppm or greater of PCBs, but less than 500 ppm PCBs. This includes oil from electrical equipment whose PCB concentration is unknown, except for circuit breakers, reclosers and cable.

B003 Petroleum oil or other liquid containing 500 ppm or greater of PCBs.

B004 PCB Articles containing 50 ppm or greater of PCBs, but less than 500 ppm PCBs, excluding small capacitors. This includes oil-filled electrical equipment whose PCB concentration is unknown, except for circuit breakers, reclosers, and cable.

B005 PCB Articles, other than transformers, that contain 500 ppm or greater of PCBs, excluding small capacitors.

B006 PCB Transformers. "PCB Transformers" means any transformer that contains 500 ppm PCB or greater.

B007 Other PCB Wastes including contaminated soil, solids, sludges, clothing, rags and dredge material.

(Note: PCBs are also regulated by 40 CFR Part 761. A person must comply with both this Part and 40 CFR Part 761 (see subdivision 370.1(e)).

(2) Drained PCB Articles.

(i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, drained PCB Articles containing at least 50 ppm PCBs are regulated as hazardous waste.

(ii) PCB Articles, except capacitors, that contain between 50 and 500 ppm PCB, are no longer regulated as PCB listed hazardous waste provided that all free flowing liquid has been drained from the article. The drained liquid is a listed hazardous waste, as is any solvent used for flushing.

(iii) ('a') Hydraulic machines containing less than 1000 ppm PCB are no longer regulated as PCB listed hazardous waste provided that all free flowing liquid has been drained from the hydraulic machine. The drained liquid is a listed hazardous waste, as is any solvent used for flushing.

('b') Hydraulic machines containing 1000 ppm PCB or greater are no longer regulated as PCB listed hazardous waste provided that all free flowing liquid has been drained from the hydraulic machine, and the drained hydraulic machine is flushed with a solvent in which PCBs are readily soluble. The solvent to be used for flushing must contain less than 50 ppm PCB. The drained liquid and the solvent used for flushing are listed hazardous wastes.

(3) Definitions.

(i) "PCB Article" means any manufactured article, other than a PCB container, that contains PCBs and whose surface(s) has been in direct contact with PCBs. "PCB Article" includes capacitors, transformers, electric motors, circuit breakers, reclosers, voltage regulators, switches (including sectionalizers and motor starters), electromagnets, cable, hydraulic machines, pumps, pipes, and any other manufactured item which is formed to a specific shape or design during manufacture, has end use function(s) dependent in whole or in part upon its shape or design during end use, and has either no change of chemical composition during its end use or only those changes of composition which have no commercial purpose separate from that of the PCB Article.