



CWM CHEMICAL SERVICES, LLC

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

July 26, 2010

RE: Status of Site-Wide Part 373 Permit #9-2934-00022/00097

The Site-Wide Part 373 Permit for CWM's Model City facility has an expiration date of August 5, 2010. A renewal application was submitted to the New York State Department of Environmental Conservation (NYSDEC) on February 1, 2010 in accordance with state regulations 6 NYCRR Part 621.11. CWM will continue to operate under the current permit according to subdivision (l) of Part 621.11 regulations, which states that "Pursuant to section 401(2) of the State Administrative Procedure Act, when a permittee has submitted a timely and sufficient application for renewal of a permit for an activity of a continuing nature per subdivision (a) of this section, the existing permit does not expire until the department has made a final decision on the renewal application."

A handwritten signature in cursive script that reads "Jill A. Banaszak".

Jill A. Banaszak
Technical Manager
Model City Facility

From everyday collection to environmental protection, Think Green® Think Waste Management.



February 1, 2010

Mr. Jeffrey Dietz
Permits Administration
New York State Department of
Environmental Conservation
Region 9
270 Michigan Avenue
Buffalo, New York 14203-2999

CWM CHEMICAL SERVICES, LLC

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

Re: Part 373 Permit Renewal Application

Dear Mr. Dietz:

Attached please find a renewal application for the CWM Chemical Services, LLC (CWM), Model City Facility, 6NYCRR Part 373 Permit #9-2934-00022/00097. This permit is scheduled to expire on August 5, 2010. As required by 6NYCRR 373-1.8(b), CWM is submitting this renewal application at least 180 days prior to the expiration date.

The permit renewal application requests to continue all existing operations contained in the current permit. It does not include proposed landfill Residuals Management Unit No. 2 (RMU-2) which is the subject of a separate permitting action. CWM has included several pending permit modifications into the renewal application which are needed for current operations and are not part of the existing permit, but have been previously submitted for approval to NYSDEC and are currently under review, as listed below (refer to the referenced submittal for more detail):

1. The addition of tank T-220 into the Aqueous Wastewater Treatment System (AWTS). Tank T-220 is a 30,000 gallon Fiberglass Reinforced Plastic (FRP) tank which would be used to blend aqueous waste, such as leachate, site waters and gate receipts, prior to treatment. The tank is intended to replace previous tank T-220 which was removed in 1999 and deleted from the permit. This tank would be used to supplement the capacity of existing permitted tanks T-210 and T-230, which are used for the same purpose, in order to improve treatment flexibility and efficiency for the current demand (permit modification request submitted January 14, 2005, revised November 11, 2005, August 10, 2007, and May 29, 2008).
2. The installation of steel containment pans for storage of liquid drums and other small containers in the PCB Warehouse. The current permit allows these containers to be stored directly on a coated concrete floor. Use of the proposed containment pans will provide improved safeguards in the case of a container leak. With the installation of the containment pans, the number of allowable drums to be stored in this building will be decreased (permit modification request submitted March 14, 2008, revised June 27, 2008).

From everyday collection to environmental protection, Think Green® Think Waste Management.

February 1, 2010

Mr. Jeffrey Dietz

NYSDEC

Re: Part 373 Permit Renewal Application

Page - 2 -

3. Deletion of the Stabilization drum shredder. The drum shredder was previously used to reduce the size of the drums prior to landfilling. This equipment has not been used in several years and has been removed from the facility (permit modification request submitted May 6, 2009).
4. Deletion of AWTS tank T-910 from hazardous waste service. This tank is currently permitted for waste sulfuric acid for use in the aqueous treatment process. CWM will no longer be able to store waste acid in this tank, but only use it to store reagent grade sulfuric acid (permit modification request submitted June 22, 2009).
5. Revise the Tank Assessment table. Tank assessments are currently required to inspect and evaluate the condition of all permitted tanks at the facility. The table has been revised to add tank T-220, remove tank T-910 and alter the table format to improve its readability without changing the assessment requirements (permit modification request submitted January 28, 2008).
6. Clarify the use of existing permitted bulk container storage areas. The permit currently lists rolloffs, flat beds and box trailers as stored in these areas. Other bulk containers, such as tanker trucks, dump trailers, etc., may be stored in these areas providing they do not exceed the maximum allowable quantities and secondary containment provisions (permit modification request submitted October 19, 2005).
7. Delete the minimum thickness requirement for High Density Polyethylene (HDPE) Stabilization macroencapsulation boxes. Previously, these boxes were provided with a 500 mil thickness from the supplier. Recent improvements in manufacturing technology, materials of construction and operating procedures have enabled the use of a reduced thickness while not sacrificing the structural integrity. The minimum thickness has been replaced with performance based requirements (permit modification request submitted April 4, 2007, revised January 13, 2010).
8. Revisions to the CWM Contingency Plan which includes procedures to deal with emergence situations. The listed personnel and phone numbers have been updated where needed (permit modification request submitted October 12, 2009).
9. Incorporate new statistical evaluation procedures for existing SLF 12 groundwater monitoring well W1207S. This change is needed to be consistent with the approved CWM Groundwater Sampling and Analysis Plan (permit modification request submitted June 30, 2009).

February 1, 2010
Mr. Jeffrey Dietz
NYSDEC
Re: Part 373 Permit Renewal Application

Page - 3 -

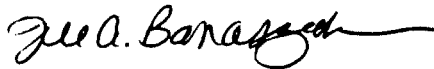
Please note that by including the above permit modification requests into the attached permit renewal application, it is not CWM's intent to preclude normal NYSDEC review and processing of the modification requests. CWM continues to desire approval for these modifications at your earliest convenience.

In addition to the above revisions, the attached permit renewal application includes various minor language changes and clarifications to the pages in the same documents which are included in the current permit as attachments. The Part A Application in Section A has been updated to more accurately indicate the maximum processing rate in the stabilization mixing pits and the allowable storage, treatment and disposal options for each waste code. Newly promulgated waste codes K174 through K178 have been added to the Part A Application and the Waste Analysis Plan (Section C). CWM understands that the adoption of these waste codes into the NYSDEC regulations is pending.

Please contact Mr. John Hino at (716) 286-0278 or myself at (716) 286-0246 if you have any questions or comments.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with 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."

Sincerely,
CWM CHEMICAL SERVICES, LLC



Jill A. Banaszak
Technical Manager
Model City Facility

JBH/JAB/jbh
Attachment

February 1, 2010
Mr. Jeffrey Dietz
NYSDEC

Re: Part 373 Permit Renewal Application

Page - 4 -

cc:	J. Strickland	- NYSDEC/Region 9	- W/O Attachment
	B. Rostami	- NYSDEC/Region 9	- W/Attachment
	P. Reuben	- NYSDEC/On-site Monitor	- W/Attachment
	R. Phaneuf	- NYSDEC/Albany, NY	- W/O Attachment
	M. Mortefolio	- NYSDEC/Albany, NY	- W/Attachment
	J. Reidy	- USEPA/Region II	- W/O Attachment
	J. Devald	- NCHD/Lockport, NY	- W/Attachment
	M. Mahar	- CWM/Model City, NY	- W/O Attachment
	J. Hino	- CWM/Model City, NY	- W/Attachment
	D. Darragh	- C&G/Pittsburgh, Pa	- W/O Attachment
	EMD Subject File		
	Q & A		

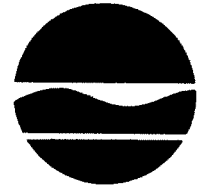
New York State Department of Environmental Conservation

Division of Environmental Permits, Region 9

270 Michigan Avenue, Buffalo, New York, 14203-2999

Phone: (716) 851-7165 • FAX: (716) 851-7168

Website: www.dec.state.ny.us



Denise M. Sheehan
Acting Commissioner

August 5, 2005

Mr. Richard Sturges
District Manager
CWM Chemical Services, LLC
1550 Balmer Road
PO Box 200
Model City, New York 14107

Dear Mr. Sturges:

**PART 373 PERMIT RENEWAL
OVERALL SITE/RMU-1 PERMIT
TOWNS OF PORTER AND LEWISTON
NIAGARA COUNTY
DEC ID 9-2934-00022/00097
EPA ID NYD049836679**

This letter serves as the official notification of the New York State Department of Environmental Conservation's (NYSDEC's) decision to issue a renewal of the 6 NYCRR Part 373 (Hazardous Waste Management) Permit for the CWM Chemical Services, LLC (CWM) Model City, New York Facility.

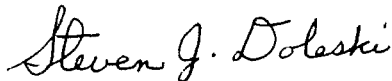
A Notice of Complete Application for the permit renewal was published in the Environmental Notice Bulletin on January 14, 2003 and in the Niagara Gazette on January 15, 2003. A radio announcement regarding the proposed permit renewal was also broadcast on WJL-AM at 8:07 AM and 4:18 PM on January 15, 2003. A Public Availability Session was held on February 4, 2003 to respond to public questions regarding the proposed permit renewal, and a Legislative Public Hearing was held on April 8, 2003 in response to public requests. The comment period on the proposed permit renewal began on January 17, 2003 and expired on April 17, 2003.

During the above comment period, NYSDEC received a total of 100 comment documents from the public and transcripts of comments made during the April 8, 2003 Legislative Public Hearing, regarding the CWM renewal application and the NYSDEC Draft Part 373 Permit. During this same period, NYSDEC also received 332 comments from CWM on the NYSDEC Draft Part 373 Permit. Therefore, in accordance with 6 NYCRR Part 621.9(e), NYSDEC is hereby issuing a Responsiveness Summary with regard to the comments received from both the public and CWM. Enclosed is the complete two (2) volume set of this Responsiveness Summary. This Responsiveness Summary contains Section I which addresses all public comments and includes transcripts from the April 8, 2003 Hearing, and Section II which addresses all CWM comments. For each paraphrased public comment and each individual CWM comment, a NYSDEC response has been provided. In the case of some comment responses, NYSDEC has also indicated specific revisions made to the Draft Part 373 Permit prior to issuance. These specific revisions appear in red highlight and ~~strikeout~~ text.

NYSDEC has reviewed all public and CWM comments, including those made during the Legislative Public Hearing and has not identified any substantive and significant issues specifically related to the CWM Permit renewal application. Therefore, NYSDEC has determined in accordance with NYS Uniform Procedures Regulations in Part 621 of 6 NYCRR, that an issues conference is not warranted with respect to this particular application, and has decided to issue a renewal of CWM's Part 373 Hazardous Waste Management Permit. The renewed Part 373 Permit which is being issued to CWM is a revised version of the Draft Part 373 Permit. Such revisions were made as a result of the comments received by NYSDEC from the public and CWM. These revisions have been incorporated into the enclosed four (4) volumes of the Part 373 Permit. The enclosed volumes and the incorporated documents listed in Volume 1, Module I, Table 2.0, constitute the renewed CWM Part 373 Permit and replaces the previous Part 373 Permits (Site-Wide, SLF 12 & RMU-1 Permits) in their entirety.

This permit is effective as of **August 5, 2005**, including the compliance schedule in Module I of the permit. Please note the notification requirements under 6 NYCRR 621.9(a). If you have any questions concerning procedural matters relating to this permit, please contact Mr. Jeffrey Dietz or me at (716) 851-7165. Technical questions relating to requirements of this permit should be directed to Mr. Bidjan Rostami at (716) 851-7220 or Mr. Matthew Mortefolio at (518) 402-8594.

Respectfully,



Steven J. Doleski
Regional Permit Administrator

Enclosures

- cc: w/enc. - Mr. Jeffrey Dietz, Region 9, Division of Environmental Permits
Mr. Bidjan Rostami, Region 9 Division of Solid and Hazardous Materials
NYSDEC On-Site Environmental Monitors
Mr. Matthew Mortefolio, Division of Hazardous and Solid Materials
- cc: wo/enc. - Mr. Daniel David, Region 9 Regional Engineer
Mr. James Strickland, Region 9 Division of Solid and Hazardous Materials
Mr. Ed Dassatti, Division of Hazardous and Solid Materials
Mr. Kent Johnson, Division of Hazardous and Solid Materials
Ms. Carol Stein, USEPA Region II
Mr. James Devald, Niagara County Health Department

**NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION**



**6NYCRR PART 373
HAZARDOUS WASTE MANAGEMENT
PERMIT**

ISSUED TO:

**CWM CHEMICAL SERVICES L.L.C.
MODEL CITY FACILITY
NIAGARA COUNTY**

DEC PERMIT NO. 9-2934-00022/00097

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 <ol style="list-style-type: none"> 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
4. 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.

cc: Mr. Jeffery Dietz / Mr. Bidjan Rostami, 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